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**CITY COUNCIL
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey City Council conducted a regular meeting on Tuesday, May 28, 2019, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor John LeTourneau
Councilmember Nadine Heinrich
Councilmember Mark Kuzma
Councilmember Debra Musgrove
Councilmember Chris Riley

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Finance Director Diana Lund
Police Chief Jeff Katers
Public Works Superintendent Grant Riemer
Administrative Services Director Colleen Lasher
Community Development Director Timothy Gladhill
City Engineer Bruce Westby

1. CALL TO ORDER

Mayor LeTourneau called the regular meeting of the Ramsey City Council to order at 7:03 p.m., followed by the Pledge of Allegiance led by Mayor LeTourneau.

2. PRESENTATION

2.01: Proclamation Declaring May as Building Safety Month

Mayor LeTourneau stated that Building Safety Month is a public awareness campaign to help individuals, families and businesses understand what it takes to create safe and sustainable structures. The campaign reinforces the need for adoption of modern, model building codes, a strong and efficient system of code enforcement and a well-trained, professional workforce to maintain the system.

Community Development Director Gladhill recognized Ms. Ellen Krueger, a Lead Permit Technician that is present tonight and is a crucial part of the permit process.

Mayor LeTourneau read the proclamation aloud.

3. CITIZEN INPUT

Karen George, Executive Director of QCTV, acknowledged Mayor LeTourneau's participation on the Quad Cities Cable Communication Commission for the past four years. She presented Mayor LeTourneau with a plaque of recognition for his service and thanked him for his guidance during his time on the Commission.

4. CONSENT AGENDA

Mayor LeTourneau requested to move cases 4.08 and 4.12 to the regular agenda.

Motion by Councilmember Heinrich, seconded by Councilmember Kuzma, to approve the following items on the Consent Agenda as revised to remove Items 4.08 and 4.12:

- 4.01: Receive April 2019 Financial Reports – General Fund and Enterprise Funds
- 4.02: Approve the following Meeting Minutes:
 - 1) City Council Work Session dated May 14, 2019
 - 2) City Council Regular dated May 14, 2019
- 4.03: Approve Licenses
- 4.04: Adopt Resolution #19-124 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing During the Period of May 9, 2019 through May 22, 2019
- 4.05: Adopt Resolution #19-108 Authorizing Final Payment to North Valley, Inc. for Improvement Project #18-07, Sunfish Lake Park Parking Lot Improvements
- 4.06: Adopt Resolution #19-119 Authorizing Partial Payment to Kuechle Underground, Inc. for Improvement Project #18-14, Riverdale Drive Trunk Utility Improvement
- 4.07: Adopt Resolution #19-120 Approving Final Plat and Development Agreement for Riverstone 3rd Addition as well as Granting a One Year Extension for the Riverstone Preliminary Plat (Project #19-103); Case of Capstone Homes
- ~~4.08: Adopt Resolution #19-121 Approving Code Enforcement Action Plan for 17646 St. Francis Boulevard NW This item was removed from the Consent Agenda and considered as Item 7.01~~
- 4.09: Adopt Resolution #19-127 Approving Premise Permit for Anoka Ramsey Athletic Association for Lawful Gambling at The Kitchen Table
- 4.10: Adopt Resolution #19-130 Approving a Change of Work Assignment of an Administrative Assistant from Engineering and Community Development Department to Full-Time Engineering
- 4.11: Adopt Resolution #19-129 to Rescind a Previous Motion and Approve a Revised Settlement Agreement
- ~~4.12: Adopt Resolution #19-096 Establishing the Code Enforcement Action Plan for 15415 St. Francis Boulevard NW (Case of Kens Repair and Sales) This item was removed from the Consent Agenda and considered as Item 7.02~~

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Heinrich, Kuzma, Musgrove, and Riley. Voting No: None.

5. APPROVE AGENDA

Mayor LeTourneau requested to consider Item 4.08 as case 7.01 and Item 4.12 as case 7.02, shifting the remaining cases down on the agenda.

Motion by Councilmember Riley, seconded by Councilmember Musgrove, to approve the agenda as amended.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Riley, Musgrove, Heinrich, and Kuzma. Voting No: None.

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Adopt Resolution #19-121 Approving Code Enforcement Action Plan for 17646 St. Francis Boulevard NW

Community Development Director Gladhill reviewed the staff report and recommendation to adopt resolution #19-121 approving Code Enforcement Action Plan for 17646 St. Francis Boulevard NW.

Councilmember Heinrich asked for details on the architectural regulations and when they went into effect.

Community Development Director Gladhill provided additional details, noting that the regulation has been in existence for decades and predates the structures erected on the site.

Mayor LeTourneau noted that there are seven items listed in the process in the case and asked if those items would be completed in order to achieve the desired resolution.

Community Development Director Gladhill confirmed that those steps would be taken in order.

Mayor LeTourneau asked and received confirmation that not all steps in the process may need to be taken.

Charles and Angela Lattery, 17646 St. Francis Boulevard, stated that the communication on this matter has been scattered, noting that the last communication he received was on October 15, 2018. He stated that he responded on October 22nd with questions via email, noting that his questions were not answered. He stated that he had a hip replacement in early January and then received a letter from the City Attorney, which stated that the hoop tents needed to be removed before a certain length of time. He stated that it appears the hoop tents are the coverings that he uses to cover his boat and inoperable vehicles. He noted that it appears that he could remove the metal poles and the tarps could remain for vehicle coverage. He expressed concern that his

questions are not being answered and the Council is taking action, which appears to authorize a fishing expedition for violations on his property.

Community Development Director Gladhill replied that he has been copied on many of the circumstances with the case manager and noted that the case was ultimately turned over to the City Attorney. He stated that inoperable vehicles are not allowed even with a covering and that is not dependent on metal poles. He stated that the structures are not allowed.

Mr. Lattery asked if the definition of hoop buildings would apply across all types of uses, residential and agricultural.

Community Development Director Gladhill stated that the definition is applied equally across all residential properties. He stated that exterior design standards differ between residential and commercial properties.

Mr. Lattery stated that the City uses the same structure covering the salt pile at the public works facility.

Community Development Director Gladhill replied that type of structure is allowed in certain zoning districts but is not allowed for residential properties.

Mr. Lattery stated that once he received his letter, he cleaned up his property substantially. He stated that he has continued to receive complaints from his neighbor to the north, who has harassed him for the past 16 years. He stated that he obtained the coverings for his boat and vehicle in an attempt to solve the problem and was not aware that the coverings were against City ordinance. He stated that when he drives around Ramsey there are more than 50 of these similar coverings. He noted that driving from City Hall to his home he passed by seven coverings.

Mrs. Lattery stated that in 2009 they were advised by the previous Police Chief to use these coverings.

Mr. Lattery stated that if this action continues, he will have to pursue harassment litigation. He stated that when staff last visited his property, he submitted a formal complaint that if he is required to remove his hoop buildings, everyone in the City should be required to do so as well.

Mayor LeTourneau commended Mr. Lattery for his efforts to comply with the code thus far.

Councilmember Riley stated that within the case there are eight documented communications from City staff. He noted that there are documented cases spanning 11 years and therefore this is a problem property and not a property that is being picked on. He stated that the case identifies a process and noted that many of the steps, with the cooperation of the property owner, would end the process. He stated that he is supportive of approving the process to move forward.

Mr. Lattery stated that he acknowledges that there was a problem and that he has cleaned up. He noted that he owns his property and has a right to privacy. He noted that the Council is

composed of elected officials and if this moves forward, this could spark controversy in the community. He stated that he has worked with staff and the only thing he will not do is remove the coverings. He is opposed to allowing a fishing expedition looking for violations.

Councilmember Heinrich asked if there is a process in place that would allow the hoop building.

Community Development Director Gladhill stated that there is not a process to allow those structures in residential districts, outside of amending the allowed structures within the rules and regulations. He noted that the last discussion on the topic occurred ten plus years ago.

Councilmember Heinrich asked if it would be possible for the residents to obtain a temporary Conditional Use Permit for the hoop building.

Community Development Director Gladhill replied that there is not a process in place at this time for that activity.

Councilmember Musgrove stated that a 14-day timeline is identified beginning in step three and asked if there would be flexibility allowed to ensure sufficient time to become compliant.

Community Development Director Gladhill confirmed that there are extensions available; noting that almost every case worked on receives extensions. He noted that this case has received multiple extensions in the past. He stated that the Council revised the policy the previous year and reviewed the type of extensions that would be allowed by staff and then by the City Council, if necessary.

Councilmember Musgrove stated that it seems the biggest concern is the hoop building.

Community Development Director Gladhill confirmed that the hoop buildings are the biggest issue. He noted that the City has been made aware of outside storage items that they would want resolved as well. He acknowledged that the property owner has been willing to work with staff and has made significant improvements. He hoped that they could continue to resolve the last two issues.

Councilmember Heinrich asked if the property owners are opposed to staff coming onto the property to observe the two issues.

Mr. Lattery stated that he has not had communication or answers to his questions with City staff since October. He stated that he would not have been opposed to the inspection if staff had talked to him. He confirmed that he would not be opposed to inspection of his property. He asked why staff would want to inspect.

Mayor LeTourneau stated that the two issues were noted and those issues may be resolved upon inspection.

Mrs. Lattery asked the process for reporting complaints.

Community Development Director Gladhill reviewed the process for code enforcement. He noted that notice of violations was provided for this case in 2018 and this is a continuation of that coming before the City Council tonight.

Mayor LeTourneau asked if it is the City policy to not actively engage over the winter months or whether that is case specific.

Community Development Director Gladhill stated that typically, the City does not make people remove structures in the winter and that is why the case has come forward now. He explained that because this case started earlier in 2018, there was formal action with the City Attorney because of lack of communication.

Mayor LeTourneau explained the changes that have been made to the policy in the past year and have now been implemented.

Mr. Lattery stated that he would like to build a bigger garage that would allow him to keep all those things inside. He stated that he is currently overwhelmed with medical bills and cannot build the garage at this time.

Mrs. Lattery stated that if calls are received in the future, she would appreciate communication from staff so that they can resolve the issue.

Councilmember Riley stated that a letter was sent out addressing the hoop buildings on September 20 and the January letter would have been a reminder. He stated that the case identifies a process that the property owner is aware of. He noted that the process can be stopped through compliance.

Motion by Councilmember Riley, seconded by Councilmember Musgrove, to Adopt Resolution #19-121 Approving Code Enforcement Action Plan for 17646 St. Francis Boulevard NW in the City of Ramsey, Minnesota.

Further discussion: Mayor LeTourneau stated that he would like to have a future discussion on the compliant based system versus a proactive system for complaints. He noted that he would also like to have a future discussion on the allowed structures within the residential district.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Riley, Musgrove, Heinrich, and Kuzma. Voting No: None.

7.02: Adopt Resolution #19-096 Establishing the Code Enforcement Action Plan for 15415 St. Francis Boulevard NW (Case of Ken's Repair and Sales)

Community Development Director Gladhill reviewed the staff report and recommendation to adopt Resolution #19-096 establishing the Code Enforcement Action Plan for 15415 St. Francis Boulevard NW.

Councilmember Riley stated that there is a process listed in the case, similar to the last case, noting that at any point the process would be stopped should compliance be reached. He stated that step one would be to get on the property for inspection, whether that is done through property owner consent or an administrative search warrant.

Dave Niles, 15415 St. Francis Boulevard NW, stated that his mom was not comfortable with staff coming onto the property, but they have talked about the issue and they would agree to let staff come onto the property.

Mayor LeTourneau stated that he was encouraged by the discussion in a previous worksession and hoped that the City and property owner could work together to resolve the situation.

Mr. Niles stated that his brother also lives on the property and uses the RV to have additional space to smoke and have privacy but noted that he does live within the home.

Councilmember Riley appreciated that the property owner is willing to work with the City, as was agreed upon a month prior. He stated that if that does not work, there is a process outlined in the case that would be followed.

Mr. Niles noted that they continue to make improvements, while also operating their business.

Community Development Director Gladhill stated that if the owner is willing to do a voluntary inspection within 14 days, that can be added as step one. He noted that if that is not successful, staff would then proceed to obtain an administrative search warrant. He stated that he would not want to come back before the Council for that approval should the voluntary inspection not be allowed.

Motion by Councilmember Kuzma, seconded by Councilmember Riley, to Adopt Resolution #19-096 Approving Code Enforcement Action Plan for 15415 St. Francis Boulevard NW Commonly Known as Ken's Repair and Sales, adding the first step as completing a voluntary inspection within 14 days.

Further discussion: Councilmember Musgrove thanked the property owner for attending tonight and for his cooperative attitude. Councilmember Heinrich also thanked the property owner for reconsidering the voluntary inspection. She stated that she could also attend the inspection, should that be desired, as this property is within her ward. Mayor LeTourneau thanked the residents for attending and for being a longstanding Ramsey business that predates the City Code. He stated that the City would like the business to continue to operate but it must be done within the allowable measures.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Kuzma, Riley, Heinrich, and Musgrove. Voting No: None.

7.03: Consider Second Amendment to Purchase Agreement for Greenway Terrace 2; Case of AEON Ramsey 2 LLC (Portions may be closed to the public)

Community Development Director Gladhill reviewed the staff report and recommendation from the EDA to approve the Second Amendment to the Purchase Agreement with AEON Ramsey 2, LLC to extend the closing date until January 13, 2020, including an additional \$10,000 in non-refundable earnest money. All other terms, including the purchase price are to remain the same.

Councilmember Musgrove asked the total amount of earnest money thus far for this purchase agreement.

Community Development Director Gladhill replied that the City has collected \$20,000 thus far and this would be an additional \$10,000 for a total of \$30,000.

Councilmember Riley stated that the EDA supported the staff recommendation.

Motion by Councilmember Riley, seconded by Councilmember Kuzma, to approve the Second Amendment to the Purchase Agreement with AEON Ramsey 2, LLC, subject to approval by the City Attorney as to legal form.

Further discussion: Councilmember Kuzma stated that should the extension go beyond this approved date he would want to see a renegotiation on the purchase price. Councilmember Riley noted that the EDA and staff also supported renegotiation of the purchase price if AEON seeks additional extensions after this approved date.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Riley, Kuzma, Heinrich, and Musgrove. Voting No: None.

7.04: Adopt Resolution #19-131 Acknowledging Receptivity to Livable Communities Funding for Greenway Terrace 2nd Addition; Case of AEON

Community Development Director Gladhill reviewed the staff report and recommendation to submit receptivity to the Metropolitan Livable Communities Grant on behalf of AEON for Greenway Terrace 2nd Addition. Although indirectly related and not specifically requested for recommendation on the grant itself, the EDA did recommend approval of the Purchase Agreement related to this project. Additionally, the Planning Commission previously recommended approval of the overall concept plan for both phases of Greenway Terrace.

Councilmember Riley asked if there would be adequate parking provided.

Community Development Director Gladhill stated that the minimum parking standards would need to be met and would be walked through as part of the site plan process.

Councilmember Riley stated that although there is mention of a City match of funds, the difference in the sale price would appear to meet the requirement for that match.

Mayor LeTourneau stated that it is his understanding that decision is not being made tonight.

Community Development Director Gladhill confirmed that if the grant is awarded, those details would be worked out in the future.

Councilmember Musgrove asked and received confirmation that the action tonight would not commit the City to contributing matching funds.

Motion by Councilmember Kuzma, seconded by Councilmember Musgrove, to Adopt Resolution #19-131 Acknowledging Receptivity to Metropolitan Council Livable Communities Grant Funding for Greenway Terrace 2nd Addition.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Kuzma, Musgrove, Heinrich, and Riley. Voting No: None.

7.05: Adopt Resolution #19-125 Authorizing BUILD Grant Application for Highway 10 Ramsey Gateway Improvements

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #19-125 authorizing staff to utilize Bolton & Menk at a cost not to exceed \$15,000 to prepare an application for funding in the maximum amount of \$25,000,000 through the BUILD grant program for the proposed Ramsey Gateway improvements.

Councilmember Riley asked if Bolton & Menk helped Anoka or Elk River to submit grant applications and receive funds.

City Engineer Westby confirmed that Bolton & Menk helped Anoka in submitting grant applications and receiving funds.

Councilmember Heinrich stated that it is her understanding that the Congressman representing Ramsey could use the grant application and possible receipt of the grant to then advocate for additional funding.

City Engineer Westby confirmed that obtaining the first source of funding acts as a springboard in obtaining additional funding. He stated that staff is also working with MnDOT and Anoka County to develop a funding plan.

Councilmember Musgrove referenced the rate charged by the consultant and asked for additional details, specifically whether that is a reasonable rate.

City Engineer Westby confirmed that the consultant is charging a reasonable rate, noting that these type of grant applications require a fair amount of work to complete.

Motion by Councilmember Heinrich, seconded by Councilmember Musgrove, to Adopt Resolution #19-125 Authorizing BUILD Grant Application for Highway 10 Ramsey Gateway Improvements.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Heinrich, Musgrove, Kuzma, and Riley. Voting No: None.

7.06: Adopt City Strategic Plan

City Administrator Ulrich reviewed the staff report and recommendation to adopt the City Strategic Plan.

Councilmember Heinrich thanked staff for bringing this forth and for the engaging process. She stated that she is hopeful that her proposed revisions would better reflect the input she has received from residents.

Councilmember Riley stated that even though water issues are identified in the plan, he believed that the new water levels of manganese should be addressed and moved to the top of the list. He stated that 47 and CR 5 have been on strategic plans for years and was not aware that those items would be removed, although acknowledged that there are some higher priorities at this time.

Mayor LeTourneau stated that there have been aspects of activities on both corridors but agreed that there are remaining activities needed on both corridors.

Councilmember Kuzma stated that going through this process helped to bring the new Councilmembers up to speed and he appreciated that process.

Mayor LeTourneau expressed appreciation for the group and staff that went through this productive process and allowed for everyone to come to a place of agreement. He reminded the group how the meetings were convened, making a decision in advance using the information at the time. He believed that the plan is solid as presented and encouraged the Council to adopt the plan. He stated that he would also like to be sensitive to what was not known at the time and would like the opportunity to review these two issues at a worksession in the near future. He recognized that some items may raise in priority while others fall, understanding the need to prioritize in order to make the plan better and accomplish actions.

City Administrator Ulrich stated that there was new information regarding water and stated that one of the action items could easily be amended to include that action.

Mayor LeTourneau agreed that decision could be made at a future worksession.

Councilmember Heinrich stated that it was her understanding that the work at the previous meetings regarding the worksessions were at higher levels and did not review the specific action items in detail. She believed that there would be another meeting to provide input on the action items before this moved forward.

City Administrator Ulrich stated that the last worksession did go down to the action item level with the understanding that the plan would come to the Council for approval and adoption at this Council meeting. He believed that the document incorporates the discussion at the worksession.

He used the example of the corridors noting that the consensus was to focus on Highway 10 at this time.

Councilmember Heinrich confirmed that the action items were reviewed at the last worksession. She understood that Highway 10 is the priority right now but does not want to remove 47 or CR 5.

Mayor LeTourneau stated that a discussion could occur on the individual nuances of each action item. He stated that the plan is intended to be fluid. He noted that the action tonight is to adopt the plan and make it actionable. He noted that he would support reviewing the points brought forward tonight but would want this opportunity to put the plan in place.

Motion by Councilmember Kuzma to adopt the City Strategic Plan.

The motion failed for lack of a second.

Councilmember Riley stated that he would like to see the additional items added.

Motion by Councilmember Riley, seconded by Councilmember Heinrich, to adopt the City Strategic Plan adding the additional items discussed including the water study, 47 and CR 5.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Riley, Heinrich, Kuzma, and Musgrove. Voting No: None.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced upcoming meetings and events.

9. ADJOURNMENT

Motion by Councilmember Musgrove, seconded by Councilmember Riley, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 8:50 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Katie M. Schmidt
Administrative Assistant

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.