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

The Ramsey City Council conducted a regular meeting on Tuesday, July 23, 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: Community Development Director Timothy Gladhill  
Police Chief Jeff Katers  
City Planner Chloe McGuire Brigl  
Economic Development Manager Sean Sullivan

**1. CALL TO ORDER**

Mayor LeTourneau called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor LeTourneau.

**2. PRESENTATION**

None.

**3. CITIZEN INPUT**

None.

**4. CONSENT AGENDA**

Motion by Councilmember Kuzma, seconded by Councilmember Musgrove, to approve the following items on the Consent Agenda:

- 4.01: Receive Cash and Investments for Period Ending June 30, 2019
- 4.02: Receive June 2019 Financial Reports – General Fund and Enterprise Funds
- 4.03: Note the Following Boards and Commissions Meeting Minutes:
  - Park and Recreation Meeting Minutes dated May 9, 2019
  - Park and Recreation Meeting Minutes dated June 13, 2019
  - Planning Commission Meeting Minutes dated June 6, 2019

- Economic Development Authority Meeting Minutes dated June 13, 2019
- 4.04: Approve the following Meeting Minutes:
    - 1) City Council Work Session dated July 9, 2019
    - 2) City Council Regular dated July 9, 2019
    - 3) City Council Special Work Session dated July 16, 2019
  - 4.05: Approve Licenses
  - 4.06: Adopt Resolution #19-175 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of July 3, 2019 through July 17, 2019
  - 4.07: Adopt Resolution #19-150 Approving Site Plan, Final Plat, and Development Agreement for Name Brand Self Storage
  - 4.08: Adopt Resolution #19-154 Approving Site Plan for Suite Living (Project #19-121); Case of Hampton Properties
  - 4.09: Adopt Resolution #19-155 Approving Site Plan, Final Plat and Conditional Use Permit for Armstrong West Retail Mall
  - 4.10: Adopt Resolution #19-157 Approving the Minor Plat for Ramsey Woods at 9020 173<sup>rd</sup> Avenue NW (Project No. 19-122); Case of Island Rentals LLC
  - 4.11: Adopt Resolution #19-159 Granting Approval of Final Plat and Site Plan for Ramsey Storage Center (Project No. 19-119); Case of Ramsey Storage Center LLC (Bob Mukulak)
  - 4.12: Adopt Resolution #19-167 Authorizing Final Payment to North Valley, Inc. for Improvement Project #17-02, Rivers Bend Street Reconstructions
  - 4.13: Adopt Resolution #19-168 Authorizing Final Payment to North Valley, Inc. for Improvement Project #18-00, Stanhope Terrace Street Reconstruction
  - 4.14: Adopt Resolution #19-169 Authorizing Final Payment to North Valley, Inc. for Improvement Project #18-03, 2018 Overlay Improvements
  - 4.15: Adopt Resolution #19-170 Authorizing Partial Payment #1 to Asphalt Surface Technologies for Improvement Project #19-01, Ford Brook Estates Street Reconstructions
  - 4.16: Adopt Resolution #19-171 Approving an Amended Development Agreement for ACE Solid Waste, Inc.'s Transfer Station Expansion (Project No. 19-171); Case of ACE Solid Waste, Inc.
  - 4.17: Adopt Resolution #19-172 Approving Amendment to Change Order #1, Approving Change Order #3, and Authorizing Partial Payment #3 to Kuechle Underground, Inc. for Improvement Project #18-14, Riverdale Drive Trunk Utility Improvements
  - 4.18: Adopt Resolution #19-177 Approving First Amendment to Purchase Agreement for Lots 1, 2, and 3, Block 1, COR TWO; Case of RGH Ramsey LLC (Portions may be closed to the public if removed from Consent Agenda)
  - 4.19: Adopt Resolution #19-178 Approving Amended Right of Re-Entry Agreement for Cottages at The COR: Case of Centra North

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

## **5. APPROVE AGENDA**

Motion by Councilmember Riley, seconded by Councilmember Heinrich, to approve the agenda as presented.

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

## **6. PUBLIC HEARING**

None.

## **7. COUNCIL BUSINESS**

### **7.01: Adopt Resolution #19-174 Approving Development Agreement for M&G Trailer at 9387 Highway 10 NW (Project No. 19-116); Case of Stone Construction Inc. and M&G Trailer**

City Planner McGuire Brigl reviewed the staff report and recommendation of the Planning Commission to adopt Resolution #19-174 approving the amended development agreement as proposed.

Councilmember Heinrich asked for additional details on the City Code, which addresses texturization and accent colors.

City Planner McGuire Brigl stated that each section of the City Code provides design materials, noting that the language is subjective in this district. She stated that there have not been comments that the regulation is too strict. She explained that the language is written broadly with the ability for the City Council to approve.

Steve Young, applicant, stated that he has been disappointed by this process. He explained that he currently has a business, which he cannot expand because of future highway expansion which forces him to move and limits the value of the property. He stated that this was the only available location in Ramsey. He stated that looking back he wishes that he would have chosen a site in Elk River rather than Ramsey. He stated that Ramsey residents and employees within the city still have to leave the community to shop and eat. He noted that staff first requested \$144,000 in surety, which has since been dropped to \$75,000. He stated that amount is still much higher than any surrounding community and explains why the City is not seeing the desired development. He stated that he is a local business owner that supports other local communities and contributes to Happy Days. He noted that most other communities allow panels and there are two other recently constructed businesses that use similar materials.

Mayor LeTourneau thanked Mr. Young for his comments. He stated that there was a specific question from the Council regarding the opportunity to provide latitude to the City Code language. He stated that City staff takes direction from the City Council and therefore the Council is responsible for the actions of City staff. He commended City staff for the great job

that they do. He stated that this is an ongoing process and the City will continue to work with Mr. Young to work in a positive direction to embrace his business in the community.

Councilmember Musgrove stated that she appreciates the feedback from the business owner. She stated that she was not aware of the fees and asked if there can be a future discussion related to those fees for builders and developers. She stated that she likes the combination of colors and proposed model and will be supporting the application.

Motion by Councilmember Riley, seconded by Councilmember Musgrove, to Adopt Resolution #19-174 Approving Development Agreement for M&G Trailer to Operate a Trailer Sales and Repair Business on the Property Generally Known as 9387 Highway 10 NW, contingent upon final review by the City Engineer and City Attorney as well as modifying the site plan to widen the driveway access.

Further discussion: Councilmember Heinrich thanked Mr. Young for his feedback and stated that she would also be interested in having further discussion on the topic of fees. Mayor LeTourneau stated that the issue around the fees is not something the City takes lightly, and the fees are reviewed on a regular basis, noting that new members Musgrove and Heinrich may have not yet had an opportunity to be part of that process. He stated that the City also receives positive feedback from businesses but noted that the Council does appreciate this feedback tonight as well.

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

**7.02: Adopt Resolution #19-180 Approving Appeal for a Denied Variance to Bufferyard Setbacks and Resolution #19-152 Approving Development Agreement; Case of Delta ModTech**

Community Development Director Gladhill reviewed the staff report and noted that the Planning Commission denied the requested variance in part due to lack of information provided by the developer. In order to address some of this concern, the developer has provided a more detailed response. Additionally, the Planning Commission felt that the developer could simply shift the site 20 feet to the east or shrink the size of the building by 20 feet. He stated that staff originally recommended approval of the variance. When looking at this area on the macro-scale, and not as one individual project, the entire site would be impacted by the change. Unlike the industrial development to the south, this site is impacted by an existing residential lot insert to the overall block. This residential site was originally recommended for rezoning to the E-3 Employment consistent with the project site. At that time, the owner of the adjacent residential site requested additional time to explore impacts. To date, the City has not received additional feedback and staff would recommend moving forward with the original zoning amendment on this parcel.

Councilmember Riley asked what the setback would be if the adjacent residential parcel were zoned E-3.

Community Development Director Gladhill replied that there would be a building setback and the buffer yard requirement would not exist as both properties would be zoned the same.

Councilmember Riley asked if the residential property owner was supportive of the variance.

Community Development Director Gladhill stated that staff understands that property owner is supportive and noted that property owner is in the audience tonight.

Kevin Groothousen, 14915 Puma Street NW, confirmed that he is supportive of the request. He stated that the developer has stated that they will plant trees that will provide screening.

Councilmember Kuzma asked if the issue would be resolved by rezoning the adjacent parcel to E-3.

Community Development Director Gladhill confirmed that would be true but noted that process would take 60 to 90 days and this was seen as a compromise.

Councilmember Kuzma asked if the residential property owner would be willing to change the zoning of their property.

Mary Groothousen, 14915 Puma Street NW, stated that they would like their parcel to remain residential as previously discussed.

Councilmember Kuzma stated that there are ordinances in place, and he will continue to support the position of the Planning Commission.

Mayor LeTourneau stated that tonight's discussion is about the variance in the setback and not the change in zoning for the residential property. He noted that the homeowner has stated that they are comfortable with the variance.

Councilmember Kuzma stated that he supports the decision of the Planning Commission.

Councilmember Musgrove stated that this is a unique situation with one residential property in the area. She stated that the residential property owner is comfortable with the proposed setback and screening so she would then support the variance. She stated that this business will bring additional jobs to the community.

Mayor LeTourneau asked for clarification on the action tonight.

Community Development Director Gladhill explained that the Council can grant the appeal, which would approve the variance, should that be desired.

Councilmember Riley stated that the residential parcel zoning is not up for discussion tonight, this is simply a discussion of the buffer yard variance for the neighboring commercial property. He asked the reasons the Planning Commission denied the request.

Planning Commission Chair Randy Bauer stated that in full transparency he is a neighboring property owner that received notification of the request. He stated that when he received the notification, he believed it to be a reasonable request. He stated that during the public hearing the applicant spoke and two members of the public. He noted that one resident spoke about the necessity to follow an ordinance as variations can set precedent for future requests. He stated that the other property owner was a commercial developer that had requested a similar variance and had to stick with the required setback. He reviewed the ordinance and variance language and noted that the applicant provided an economic reason for wanting the variance.

Councilmember Riley asked staff for additional information on whether this request would qualify for a variance.

Community Development Director Gladhill stated that it would come down to the physical conditions, noting that this is a unique shaped lot with stormwater pond locations. He stated that there are unique situations in this request that may not apply in other requests.

Councilmember Heinrich asked for information on the maneuverability mentioned in the staff report.

Community Development Director Gladhill stated that the maneuverability of trucks was mentioned in the staff report and explained how large trucks would access and flow through the site to the loading dock area. He explained that if 20 feet were lost it would be difficult or impossible to make the move into the loading dock area.

Councilmember Kuzma stated that it appears that more information has been shared tonight compared to the Planning Commission review and therefore would suggest that this be sent back to the Planning Commission for further review.

Mayor LeTourneau stated that perhaps the representative from the business come forward to provide input.

Dan Schleck, attorney representing the applicant, stated that he has worked in zoning and land use issues for the past 20 years and previously worked as a City Attorney for another community. He stated that there has been a lot of discussion and case law surrounding the ability of cities to grant variances. He stated that in 2011 the legislature changed the undue hardship test to the current practical difficulties test that exists in ordinances now. He noted that he was not at the Planning Commission meeting and was caught off guard with the comments made. He advised that staff recommend approval of the variance at that meeting and still recommends approval tonight. He stated that there are three prongs that recommend when a variance should be granted. He noted that a decision regarding a variance does not create precedent, as every piece of property is unique and must come forward on its own merit. He stated that this site does have practical difficulties associated with development, noting that previous zoning decisions in respect to the property to the west is a practical difficulty. He stated that stormwater ponding, access and curb cuts have already been established and because the design is not the previously proposed use of the site, that also creates practical difficulty. He noted that there are also topographical issues associated with the property between the property and Bunker Lake

Boulevard and between the property and the property to the west. He noted that these items were not created by the applicant but are challenges that exist in developing the property. He advised that he also submitted a letter, which states why it would be appropriate to grant a variance. He noted that staff has done a great job listing these facts in the proposed resolution as well. He noted that this use and setback supports the intent of the Comprehensive Plan and will help to improve the tax base of the community. He asked the Council to approve the variance for the reasons discussed tonight, as it will not affect the essential character of the neighborhood or future uses of the property around it.

Councilmember Musgrove stated that she reviewed the minutes from the Planning Commission meeting from June and noted that there was discussion of the desired setback and the Site Plan was approved at that time. She noted that she did not see the discussion related to the variance as discussed tonight.

Mayor LeTourneau noted that the variance discussion occurred at the July Planning Commission meeting.

Councilmember Heinrich stated that with the support of the residential property owner, she does not see a reason to deny the request.

Motion by Councilmember Heinrich, seconded by Councilmember Riley, to Adopt Resolution #19-180 Approving Appeal for a Variance to Buffer Yard Setbacks for Delta ModTech.

Further discussion: Councilmember Kuzma stated that he would like to support the Planning Commission and therefore would like to see this go back to the Planning Commission. He stated that the law is applied to everyone and he would want to see it done equally. Community Development Director Gladhill stated that the review was done based on the current statute and explained that the decision was based on the information shared or lack thereof.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Heinrich, Riley, and Musgrove. Voting No: Councilmember Kuzma.

Motion by Councilmember Musgrove, seconded by Councilmember Heinrich, to Adopt Resolution #19-152 Approving Development Agreement and Releasing and Restating Associated Agreements for Delta ModTech.

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

### **7.03: Adopt Resolution #19-085 Authorizing Submission of the City's 2040 Comprehensive Plan to the Metropolitan Council**

Community Development Director Gladhill reviewed the staff report and recommendation to adopt Resolution #19-085 authorizing submission of the City's 2040 Comprehensive Plan to the Metropolitan Council.

Motion by Councilmember Kuzma, seconded by Councilmember Heinrich, to Adopt Resolution #19-085 Authorizing Submission of the City of Ramsey's 2040 Comprehensive Plan Update to the Metropolitan Council.

Further discussion: Councilmember Heinrich appreciated the additional work done by staff to implement the previous feedback of the Council. Councilmember Riley echoed the comments from Councilmember Heinrich stating that this is a document that everyone can live with.

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

#### **7.04: Adopt Resolution #19-179 Approving Manufactures Cohort 2019 Renewal**

Mayor LeTourneau stated that he is directly related to this case and therefore recused himself from the discussion.

Acting Mayor Riley took control of the case.

Economic Development Manager Sullivan reviewed the staff report and recommendation from the EDA to approve the resolution and continue to support the Anoka Area Chamber of Commerce Manufacture Cohort.

Councilmember Musgrove asked the number of years Ramsey has participated in the program and the previous contributions.

Economic Development Manager Sullivan stated that it is his understanding that Ramsey has participated in the program beginning in 2016. He assumed that the contribution has remained the same.

Community Development Director Gladhill confirmed that he believed that the contribution has been the same each year the City has participated.

Acting Mayor Riley confirmed that this would be the third year Ramsey has participated at the same level of contribution. He stated that as a member of the EDA, he was present for the presentation from Mayor LeTourneau. He explained that this cohort helps to support the local manufacturing businesses and bring together education to prepare youth in the community.

Councilmember Kuzma stated that he was also present for the presentation as a member of the EDA. He stated that the success in bringing prepared students to the workforce has been excellent and therefore he is in full support.

Motion by Councilmember Kuzma, seconded by Councilmember Heinrich, to Adopt Resolution #19-179 Approving Manufacturers Cohort 2019 Renewal.

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

Mayor LeTourneau rejoined the Council.

## **8. MAYOR, COUNCIL AND STAFF INPUT**

Community Development Director Gladhill announced upcoming meetings and events.

Councilmember Riley stated that there is a special election on Tuesday, August 13 and encouraged residents to vote on that day or any day prior for in person absentee voting.

Councilmember Kuzma reminded residents that the concert series at The Draw will occur on Thursday.

Councilmember Musgrove stated that the Lower Rum River Water Management Organization is looking for citizens to participate in the Citizens Advisory Committee and encouraged interested residents to contact City Engineer Westby.

## **9. ADJOURNMENT**

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

Motion carried.

The regular meeting of the City Council adjourned at 8:09 p.m.

Respectfully submitted,

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Kurtis G. Ulrich  
City Administrator

ATTEST:

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Katie M. Schmidt  
Administrative Assistant

Drafted by Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*