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

The Ramsey City Council conducted a regular meeting on Tuesday, January 12, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Mark Kuzma
Councilmember Chelsea Howell
Councilmember Debra Musgrove
Councilmember Chris Riley
Councilmember Dan Specht
Councilmember Matt Woestehoff

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Police Chief Jeff Katers
Administrative Services Director Colleen Lasher
Deputy City Administrator Timothy Gladhill
City Engineer Bruce Westby – attended remotely
Senior Planner Chloe McGuire Brigl

1. CALL TO ORDER

Mayor Kuzma 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 Kuzma.

City Administrator Ulrich read a statement related to the COVID-19 pandemic and local state of emergency. In declaring this Local State of Emergency, the City of Ramsey has determined that it is not practical or prudent for all members to attend meetings in person under Minnesota Statutes Section 13D.02 because of the declared health pandemic emergency.

2. PRESENTATION

2.01: Swearing In Ceremony for the Mayor and Councilmembers

Mayor Kuzma asked each of the members of the Council to introduce themselves. All members introduced themselves and advised of the ward they represent. Mayor Kuzma also recognized that County Commissioner Matt Look was in attendance.

Administrative Services Director Lasher stated that in the November 2020 election, Mark Kuzma was elected as Mayor, Chelsea Howell was elected as Councilmember At Large, Matt Woestehoff was elected as Councilmember Ward 2, and Debra Musgrove was elected as

Councilmember Ward 4. Each Councilmember has been officially sworn in prior to the meeting to allow them to begin their duties as Councilmembers.

The ceremonial swearing in was completed for Mayor Kuzma and Councilmembers Howell, Musgrove and Woestehoff.

3. CITIZEN INPUT

Jodelle Semen, 7349 168th Circle NW, stated that she has had the opportunity to meet with many of the Councilmembers at their home in their yard. She stated that she received a bill from the City dated November 30th, which she received on December 31st. She stated that she left a message for Deputy City Administrator Gladhill and has not received a call back from him. She asked if the Council is fully aware of the information and process that has occurred related to her backyard. She stated that in speaking with staff, she has been told that the City would share cost for the issue. She stated that she has multiple emails beginning August 7, 2020 in which staff states that the City would share costs and identifies those costs. She stated that she has paid \$1,750 on top of fixing the safety issues in their backyard. She stated that she has been told multiple times that they would not be charged any more money and again referenced written communication she has from City staff. She stated that the bill she received has a breakdown of different charges including civil engineering services, even though she has emails from the City stating that they would handle the engineering. She stated that she is willing to work with the City, which is why they fixed the problem because of the safety issues and have paid \$1,750. She stated that she has not heard from staff since November 24th and then received a bill for \$1,600 more. She asked if the City is really working with them. She stated that they have been willing and cooperative but does not feel that they are getting the same in return. She stated that they fixed a problem that the City was concerned about, noting comments that were made at a previous meeting from other residents in the area. She stated that the bill she received stated that they may have additional costs and services that will need to be paid and that is not what they agreed to.

Mayor Kuzma stated that he will speak with staff in order to follow up and provide a response.

Mrs. Semen commented that she is willing to share the documentation that she has with the Council.

Deputy City Administrator Gladhill stated that staff had said that they would cover the cost for engineering services and confirmed that he would review the information. He stated that the piece that needs to be recovered is the cost for the vacation of the conservation easement, noting that staff is still looking into that process. He committed to continue to work on the issue.

Councilmember Riley asked that the Council continue to be updated on this process to ensure that it is handled according to the previous agreement.

Councilmember Specht thanked the residents for speaking tonight. He asked that if a resolution cannot be reached that satisfies both sides, that it come back before the Council.

County Commissioner Matt Look congratulated the new members of the Council and election of the Mayor. He stated that an evaluation study was recently completed on Highway 10 in order to develop cost saving alternatives. He stated that additional funding was able to be secured and hoped that the evaluation study would help to close the gap and gain additional funding. He hoped that the findings in the plan would be acceptable to the City. He referenced the Semen issue that was just brought up, noting that he had the opportunity to meet the family. He commented that the family had a drainage problem that was sloughing dirt from the property onto the path and into the wetland. He stated that the property owners attempted to resolve that erosion issue which created problems with the easement. He stated that the constituents reached out to him, which is not uncommon. He stated that he reached out to City staff in attempt to find a quick and inexpensive resolution, but the situation has only become more expensive and lengthier. He stated that he is disappointed to hear that his involvement was a disadvantage to the residents. He stated that he hopes that this issue could be resolved quickly, and that common ground could be gained without costing the residents additional funds.

Deputy City Administrator Gladhill stated that an update on Highway 10 will be provided to the Council at its next worksession.

4. APPROVE AGENDA

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

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Riley, Woestehoff, Howell, Musgrove, and Specht. Voting No: None.

5. CONSENT AGENDA

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to approve the following items on the Consent Agenda:

- 5.01: Receive November 2020 Financial Reports – General Fund and Enterprise Funds
- 5.02: Receive Cash and Investments for Period Ending November 30, 2020
- 5.03: Receive Cash and Investments for Period Ending December 31, 2020
- 5.04: Approve the following Meeting Minutes:
 - 1) City Council Work Session dated December 8, 2020
 - 2) City Council Regular dated December 8, 2020
 - 3) City Council Special Session dated December 15, 2020
- 5.05: Approve Amending City Council Meeting Schedule for 2021
- 5.06: Approve Business Licenses
- 5.07: Approve Rental Licenses
- 5.08: Adopt Resolution #21-013 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of December 10, 2020 through December 30, 2020

- 5.09: Adopt Resolution #21-019 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of January 1, 2021 through January 6, 2021
- 5.10: Adopt Resolution #21-002 Designating Financial Institutions as Official Depositories; Adopt Resolution #21-003 Authorizing Signatures for Financial Transactions and Adopt Resolution #21-004 Designating Bank of the West as the Official Financial Institution for the City of Ramsey Banking Services for the Year of 2021
- 5.11: Adopt Resolution #21-005 Approving the City of Ramsey's 2022 Budget Calendar
- 5.12: Adopt Resolution #21-006 Adopting 2021 Enterprise Fund Budgets
- 5.13: Adopt Resolution ~~#20-284~~ #21-036 Approving an Interim Use Permit for Storage Containers for Ve-Ve Inc. (Project No. 20-136); Case of John Vevea on behalf of Ve-Ve Inc.
- 5.14: Adopt Resolution #21-009 Ordering Plans and Specifications for Improvement Project #21-02, Tiger Street Reconstruction
- 5.15: Adopt Resolution #21-010 Ordering Plans and Specifications for Improvement Project #21-03, Business Park 95 Street Reconstruction
- 5.16: Adopt Resolution #21-011 Ordering Plans and Specifications for Improvement Project #21-04, 2021 Neighborhood Pavement Overlay Improvements
- 5.17: Adopt Resolution #21-012 Ordering Plans and Specification for Improvement Project #21-05, 2021 MSA Pavement Overlay Improvements
- 5.18: Adopt Resolution #21-016 Appointing Election Judges for the Special Election on February 9, 2021

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Riley, Woestehoff, Howell, Musgrove, and Specht. Voting No: None.

6. PUBLIC HEARING

6.01: Public Hearing: Introduce Ordinance #21-05 Vacating Easement and Resolution #21-017 Approving Development Agreement for Riverstone 5th Addition

Presentation

Deputy City Administrator Gladhill reviewed the staff report and recommendation to introduce Ordinance #21-05 vacating a 60-foot drainage and utility easement related to Riverstone Addition. And adopt Resolution #21-07 approving the Development Agreement for Riverstone 5th Addition.

Public Hearing

Mayor Kuzma called the public hearing to order at 7:25 p.m.

Citizen Input

There was none.

Motion by Councilmember Riley, seconded by Councilmember Musgrove, to close the public hearing.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Riley, Musgrove, Howell, Specht, and Woestehoff. Voting No: None.

The public hearing was closed at 7:26 p.m.

Council Business

Motion by Councilmember Woestehoff, seconded by Councilmember Specht, to introduce Ordinance #21-05 Vacating 60 Foot Easement Related to Riverstone 4th Addition and adopt Resolution #21-017 Approving Development Agreement for Riverstone 5th Addition.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Woestehoff, Specht, Howell, Musgrove, and Riley. Voting No: None.

7. COUNCIL BUSINESS

7.01: Adopt Resolution #21-001 Approving the 2021 Council Organization

City Administrator Ulrich reviewed the staff report and recommendation to adopt the resolution approving the 2021 Council organization.

Motion by Councilmember Riley, seconded by Councilmember Howell, to Adopt Resolution #21-001 for 2021 Council Organization.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Riley, Howell, Musgrove, Specht, and Woestehoff. Voting No: None.

~~7.02: Introduce Ordinance #21-04 Approving an Addition to Chapter 58 of the City Code: Utilities Case was removed from the agenda~~

7.03: Adopt Resolution #21-018 Providing Feedback for Bacon Property Sketch Plan; Case of Bill Boyum

Deputy City Administrator Gladhill reviewed the staff report and recommendation to adopt the resolution and provide the applicant feedback on which concept plan to move forward with and develop a formal sketch plan application.

Councilmember Musgrove asked for the potential to have a wider road to help with concerns that could arise from the length of the cul-de-sac. She asked if there is an easement on the northern portion of the property that could provide a connection to a future road.

Deputy City Administrator Gladhill replied that this concept does not include an easement for a future road, as it would be unlikely that a connection would be made because of the wetlands. He stated that staff has made the comment that the road be widened to 32 feet wide, recognizing that there are some wetland constraints.

Councilmember Musgrove commented that she agrees with a width of 32 feet. She stated that in the Commission there was a narrative for a proposal with 19 lots and asked if there is potential for that to move forward. She clarified that she does prefer the nine-lot configuration.

Deputy City Administrator Gladhill stated that the developer is only seeking input on the nine-lot configuration and is not submitting the 19-lot proposal.

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to Adopt Resolution #21-018 Providing Feedback on Proposed Subdivision on Bacon Property.

Further discussion: Councilmember Riley commented that he likes the nine-lot configuration and agreed that staff should work with the developer on the road width in order to provide the best product that everyone can support. Councilmember Musgrove asked for information on easements, recognizing that those can cause challenges. Deputy City Administrator Gladhill commented that there would not be a conservation easement or density transitioning in this case. He clarified that the process for conservation easements and density transitioning has changed to provide ownership and enforcement ability for the City.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Musgrove, Woestehoff, Howell, Riley, and Specht. Voting No: None.

7.04: Adopt Resolution #21-020 Approving a Home Occupation Permit for Twin Cities Generator at 17040 Baugh St NW (Project No. 20-132); Case of Twin Cities Generator

Senior Planner McGuire Brigl reviewed the staff report and recommendation of the Planning Commission to approve Resolution #21-020 granting a Home Occupation Permit on the subject property.

Councilmember Musgrove provided some grammatical changes on the permit. She asked if there were violations or complaints that occurred on this site.

Senior Planner McGuire Brigl stated that this did come before staff as a violation as the appropriate home occupation permit was not obtained. She stated that there were no violations from noise or outdoor storage.

Councilmember Musgrove asked if the item should be worded differently as the language makes it appear that there were violations, but they were only complaints.

Senior Planner McGuire Brigl commented that language could be made clearer.

Councilmember Musgrove referenced the condition that customers can only visit the site once per day and commented that seems unnecessary and asked if it should be removed.

Senior Planner McGuire Brigl stated that language could be removed but noted that it is kept in order to provide enforcement should an issue arise. She noted that traffic is the main complaint

staff receives related to home businesses. She stated that the condition could be reworded but staff would like a condition related to traffic in order to provide enforcement if an issue arises.

Councilmember Musgrove referenced the condition related to hours of operation and asked if that language is standard and whether other home businesses in the area have the same limitation on hours.

Senior Planner McGuire Brigl commented that language mirrors the language for the home occupation permit for the neighboring property to ensure that the hours of operation are consistent for home-based businesses.

Councilmember Musgrove commented that her questions were to ensure that the conditions were fair and consistent with other home-based businesses. She wished the business owner success.

Councilmember Howell commented that a customer may need to stop more than once and agreed that the language for that condition should be changed to address overall traffic for the site.

Deputy City Administrator Gladhill stated that the condition should reference the Code Section related to the number of daily trips as that would provide enforcement ability should that become an issue.

Councilmember Riley asked that the applicant be provided an opportunity to speak.

Jesse Larson, applicant, attempted to speak but his internet quality was not cooperating.

Councilmember Riley asked if staff is aware as to whether the applicant agrees with the conditions as proposed.

Senior Planner McGuire Brigl commented that staff has been working with the applicant for the past few months and he has seen the draft and is comfortable with the parameters.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to Adopt Resolution #21-020 Approving the Request for a Home Occupation Permit to Operate a Generator Business on the Property Located at 17040 Baugh Street NW.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Musgrove, Howell, Riley, Specht, and Woestehoff. Voting No: None.

7.05: Adopt Resolution #21-021 Approving REVISED Sanitary Sewer Maintenance and Rain Garden Agreement for River Walk Village; Case of N&D Management, LLC

Deputy City Administrator Gladhill reviewed the staff report and recommendation to approve the revised agreement.

Councilmember Musgrove stated that she is concerned that the information will not be disclosed at the time of sale and asked for details on when that information would be disclosed to the

homeowners. She recognized that the City agreed to complete repairs under the street and asked if there was any change in the responsibility of repairs from the pipe to the homes.

Deputy City Administrator Gladhill replied that the developer has agreed to revise the articles of incorporation for the HOA to reference this agreement. He stated that there have been additional conversations that staff would like confirmation that this information is shared with at least the first buyers of the homes. He stated that in working with the City Attorney, staff is comfortable with the approach. He stated that the policy direction from the Council has not changed and is referenced in the agreement.

Councilmember Musgrove stated that when she signs an HOA agreement she looks most at cost and not the other elements. She noted that she wants to ensure that homeowners are aware of this responsibility and does not want it to come back on the City.

Deputy City Administrator Gladhill stated that even with a separate agreement, it is glazed over by purchasers in the title work. He stated that there is final protection through the 429 assessment process, should that tool need to be utilized for emergency repairs.

Councilmember Specht referenced an email previously received by Judy Larson, who mentioned that she would be available on the meeting virtually and asked if she had any comments to share.

Deputy City Administrator Gladhill commented that Ms. Larson is on the call. He felt that it would be most important for that conversation to occur at Public Works.

Councilmember Specht asked if Ms. Larson is comfortable beginning at Public Works.

Ms. Larson confirmed that she is comfortable starting at Public Works.

Councilmember Riley commented that the first lot was sold without the agreement attached and asked if the agreement would be attached to future lots.

Deputy City Administrator Gladhill stated that the agreement will be with the HOA and on the HOA lots. He stated that the lots that originally received a certificate of occupancy were not and will not be on this force main system.

Councilmember Riley stated that he is a little concerned with some of the maintenance definitions and provided examples of his concern.

Deputy City Administrator Gladhill provided background information, noting that if excavation of the road is required that would fall to the City. He stated that the City still has the ability to assess that cost to the properties if desired.

Mayor Kuzma commented that when the Council previously discussed this it was mentioned that there were grinders before the material reached the street. He referenced the comment that the resident would go to Public Works and asked if action should still occur on this item tonight.

Deputy City Administrator Gladhill clarified that this item should have action tonight and noted that the discussion for Public Works would be related to the policy moving forward.

Councilmember Riley commented that it has been proven that HOAs cannot maintain landscaping and asked if there are concerns that the HOA would not maintain the rain gardens.

Deputy City Administrator Gladhill commented that a contractor has been identified and the City would have the option of the assessment process, should that be necessary. He stated that this situation is unique, and the future policy discussion will ensure that this situation does not occur again in the future.

Councilmember Musgrove stated that someone will end up paying, whether that be the developer up front or the homeowner later on. She referenced the language in the second provision and asked if that would apply from the home to the street or from the property line to the system.

Deputy City Administrator Gladhill replied that the City is never responsible for the line to the home. He stated that language would apply to the mainline in the street, not the individual service lines to the homes.

Councilmember Musgrove referenced the language related to the sewer line and the City's responsibility.

Deputy City Administrator Gladhill noted that the City Attorney could clarify that language if desired but again noted that the City is never responsible for the individual home lines.

Councilmember Musgrove commented that she would prefer for that language to be clarified as she would interpret private lines differently.

Deputy City Administrator Gladhill confirmed that consensus to clarify that language with the attorneys.

Motion by Councilmember Musgrove, seconded by Councilmember Specht, to Adopt Resolution #21-021 Approving Revised Sanitary Sewer and Rain Garden Maintenance Agreement for River Walk Village, subject to review and approval by the City Attorney.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Musgrove, Specht, Riley, and Woestehoff. Voting No: Councilmember Howell.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced upcoming meetings and events.

Councilmember Musgrove thanked the constituents that voted for her in the recent election and encouraged residents to reach out with any issues they have.

Mayor Kuzma welcomed the newly elected Councilmembers, noting that he looks forward to working with them.

9. ADJOURNMENT

Motion by Councilmember Riley, 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,

Kurtis G. Ulrich
City Administrator

ATTEST:

Katie M. Schmidt
Deputy City Clerk

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

A recording of this meeting is available for viewing online at www.qctv.org
<<http://www.qctv.org>>. Recordings are available for 36 months after the date of the meeting.