

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

The Ramsey City Council conducted a City Council Work Session on Tuesday, May 11, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Mark Kuzma
Councilmember Ryan Heineman – attended remotely
Councilmember Chelsea Howell
Councilmember Debra Musgrove
Councilmember Chris Riley – attended remotely
Councilmember Dan Specht
Councilmember Matt Woestehoff

Also Present: City Administrator Kurtis Ulrich
Parks and Assistant Public Works Superintendent Mark Riverblood
Public Works Superintendent Grant Riemer
Administrative Services Director Colleen Lasher
Deputy City Administrator Timothy Gladhill
City Engineer Bruce Westby
Senior Planner Chloe McGuire Brigl
City Planner Chris Anderson

1. CALL TO ORDER

Mayor Kuzma called the City Council Work Session to order at 5:30 p.m.

2. TOPICS FOR DISCUSSION

2.01: Review Proposed Updates to City Landscaping Code for New Commercial and Industrial Projects

Deputy City Administrator Gladhill reviewed the staff report.

Councilmember Musgrove thanked the Environmental Policy Board (EPB) for hearing the concerns of the developer and making necessary tweaks to that property and reviewing the Code itself to make more appropriate changes. She asked if it would be possible to provide a link within the different sections of the Code to reach the landscaping section. She also stated that she likes the removal of the stormwater area from the calculation. She asked if there would be grandfathered properties for those completed prior to the amendment of Code.

Deputy City Administrator Gladhill confirmed that once adopted the Code would become effective and apply to new applications moving forward. He clarified that this is a reduction to the requirements.

Councilmember Musgrove referenced the buffering and transitioning standards and asked if that would be part of an additional conversation or whether she would bring those concerns forward now.

Deputy City Administrator Gladhill noted those comments could be addressed tonight.

Councilmember Musgrove referenced the language within the case related to buffering and density transitioning standards and asked for clarification.

City Planner Anderson commented that the buffering standards between commercial/industrial properties and residential districts would be added into the one or two districts where it currently does not exist. He explained that buffering standards act similarly to density transitioning but explained that buffering is between the industrial/commercial districts that abut residential whereas density transitioning is more specific between residential districts of different density.

Deputy City Administrator Gladhill stated that the ordinance was included as part of the packet, whereas that information was summarized within the case to provide clarity to the proposed changes. He stated that if acceptable to the Council this would move forward to the ordinance introduction and adoption process.

The consensus of the Council was to move forward on the ordinance introduction and adoption process as presented.

2.02: Receive Update on Upcoming Ramsey Gateway Virtual Open House

Deputy City Administrator Gladhill reviewed the staff report.

Mayor Kuzma asked the length of the video.

Deputy City Administrator Gladhill replied that the video is about eight or nine minutes long.

Councilmember Specht commented that he watched the video and found it to be good. He asked the marketing that would be done for this open house meeting and whether direct mailing or communication would be done to highway businesses.

Deputy City Administrator Gladhill noted that staff will use a robust social media campaign and can reach out to the business list. He stated that Oak Terrace Estates would receive hand delivered invites, with translation into Spanish as that has been successful. He noted that he would follow up with Anoka County staff to determine if direct mailings would be done as well.

Councilmember Howell asked if website comments received are anonymous.

Deputy City Administrator Gladhill stated that there are required name and address fields and optional email and phone number fields.

City Engineer Westby reviewed his staff report that was included in the case.

Councilmember Specht commented that he would be happy to be involved as part of that process.

Mayor Kuzma referenced the Jarvis intersection noting that previously a J hook was mentioned, but that has not been well received on 65 where it was constructed. He asked if that is still included in the plan or could be changed.

City Engineer Westby replied that they are currently looking at several alternatives in that area. He noted that there are three intersections close together in that section and they are reviewing which at grade improvement would be best for that area.

Mayor Kuzma commented that he does not support the J hook intersection.

2.03: Discuss Potential Ordinance to Clarify Rooster Restrictions

Deputy City Administrator Gladhill reviewed the staff report.

Councilmember Howell stated that she likes hobby farms and that type of activity. She stated that roosters are noisy and therefore one acre would seem small. She asked if there is a reason geese and ducks are not allowed in the same manner chickens are allowed. She asked if one goat could be allowed per half acre.

Deputy City Administrator Gladhill commented that the City has not received requests for ducks or geese. He stated that the City has received requests for racing pigeons but that generates a lot of complaints.

Councilmember Riley commented that he does not support roosters at this time as it would generate complaints. He stated that residents have supported the chicken ordinance and has not heard anyone complain that they could not have roosters. He stated that he supports the three-acre threshold.

Councilmember Woestehoff asked if it would make more sense to only allow these activities on rural developing zoned property, which begins at 2.5 acres, to simplify the language.

Deputy City Administrator Gladhill commented that could be done but there are parcels within that zoning district that are only one acre in size. He stated that could be done but more detailed thought would go into that review.

Councilmember Woestehoff stated that he would imagine there are more 2.5 acre lots compared to lots over three acres.

Deputy City Administrator Gladhill commented that the current lot minimum within the rural developing district is 2.5 acres but noted that there are thousands of lots within that district that were created before that minimum was set and therefore are one acre in size.

Councilmember Specht stated that he liked the idea of expanding this, with the general intent to be allow unless there is a reason not to. He stated that he understands the noise level of roosters and perhaps larger lot sizes could be specified for that use. He stated that he would also support allowing additional animals regulated to lot size. He stated that he would prefer staff have the ability to approve or disapprove a request, such as goats, without coming to the Council unless there is an issue of escalation.

Deputy City Administrator Gladhill noted that there would need to be specific language as to what would cause an escalation. He stated that the process would also need to be clear as it would not be appropriate for staff to approve something and then have the Council question why it was approved. He stated that the process has evolved over the years to streamline it. He noted that a public comment period would still be recommended, and if there are no comments and the request meets the criteria perhaps it could be approved by staff but if there are comments against the request, it should still follow the path to the Council.

Councilmember Musgrove commented that she advocated for a resident that lives on five acres of land who was informed that he could not have a rooster, but that was not clearly defined within City Code. She believed that this language would clarify the confusion. She stated that she would advocate to allow roosters on properties of five acres or more, perhaps through the CUP process. She stated that if this does move to an administrative approval process, she would want language included that allows a resident to request appeal to the Council. She recognized that a rooster makes noise, but so do vehicles and other things within the community.

Councilmember Heineman agreed that five acres would be a reasonable benchmark for roosters. He commented that roosters can be seen as a nuisance and therefore would not support the keeping of roosters on lots under five acres. He asked if there would be a reasonable limit on the number of roosters that could be kept.

Deputy City Administrator Gladhill commented that he is not a rooster expert and therefore staff would need to look into that. He stated that sometimes there is good intention when drafting an ordinance but there is then difficulty in enforcement and implementation. He stated that perhaps the language is kept at one rooster to begin with for parcels five acres or larger.

Councilmember Woestehoff commented that he believes that a request for roosters should include where the rooster will be located in order to minimize impacts to adjacent properties.

Councilmember Musgrove stated that she reviewed the ordinance used by Nowthen related to the keeping of chickens and roosters and read portions aloud.

Deputy City Administrator Gladhill commented that it seems there is majority consensus to allow roosters on parcels of five acres or more with additional language specifying location of the rooster enclosure on the lot.

Councilmember Howell commented that she would like to see ducks, geese, goats, and pigs allowed one per half acre for lots three acres or larger.

Deputy City Administrator Gladhill stated that staff can also bring forward a suggestion for an administrative approval process with the option to appeal to the Council.

The consensus of the Council was to direct staff to create a process for administrative approval as well and bring the proposed changes back to the Council for review.

Deputy City Administrator Gladhill commented that staff will draft a policy framework for the Council to review and if there were consensus, staff would draft an ordinance amendment.

2.04: Discuss Final Settlement Agreement for Retaining Wall Encroachment in Trott Brook Greenway Conservation and Trail Easement at 7349 18th Circle NW and Potentially Discuss a Broader Corridor Solution; Case of John and Jodell Seaman

Deputy City Administrator Gladhill reviewed the staff report.

Councilmember Musgrove thanked staff for their work on this case. She stated, “For the record I wanted to show that I specifically asked for this case to come and initially another case came which is a very needed conversation that we need to have about the broader corridor, but I’m glad that we have gotten to this point where the case is here before us. In the summer of 2020 I brought some concerns about this trail to Tim.” She noted that she photographed a rusty barrel located on the water side of the trail, which is still in that location. She asked who is responsible for monitoring the conditions of the trail.

Deputy City Administrator Gladhill replied that this has been a learning experience. He stated that because of the grant funding, each year the City is audited and provided details on that process. He stated that the code enforcement program has been tweaked to identify areas in which staff should be more proactive. He stated that if desired this could be included as one of those areas. He stated that he can follow up on the rusty barrel.

Councilmember Musgrove stated that her complaint about the barrel was ignored and more focus was put on the retaining wall. She stated that she is glad they are now at the point to say the City will assist with the cost but hoped that they could have come to this point sooner. She referenced the cost to vacate just the portion of the easement along the corridor would be between \$10,000 and \$20,000. She asked for clarification on which portion of the easement is referenced.

Deputy City Administrator Gladhill commented that would apply corridor wide on the south side of the trail as the area of contention on the properties is only on the backyard side of the trail. He explained what that cost would entail. He stated that as part of the settlement the Seaman’s paid \$1,500 as part of their CUP application. He stated that currently nothing has been charged towards that in attempt to reach a final settlement. He noted that cost would be applied to the purchase, floodplain modeling, or could be refunded.

Mayor Kuzma commented that one of the things that started this process was that the residents did not pull a permit for their retaining wall activity; therefore he does not tend to favor refunding that amount. He commented that if the City lets this go, he believes there could be additional problems to follow in the future.

Councilmember Howell asked if there are pictures of the code violations submitted from the property owner.

Deputy City Administrator Gladhill commented that the property owner mentioned some potential violations, which staff determined not all were violations. He stated that images were later provided by the property owners which he can share.

Councilmember Howell stated that she walked along the trail today and there are some obvious code violations. She stated that if you look at the pictures provided from the property owner, if there is significant soil loss and erosion, the retaining wall provided a benefit. She stated that she would have a problem singling out one property owner and not applying that evenly to all the properties. She stated, "For the record though, I would say because there seems to be significant problems with this, just with what's been going on and the complication of the case, I do not support going after all the residents along that strip for code violations. I think it's just more complicated than that, and so I'd like to see the city maybe take step back and see how we can resolve it internally rather than going after everybody else for code violations." She stated that trees continue to die along that corridor and there is a problem. She stated that she is disappointed that these residents were treated in this manner. She stated, "For the record, I did ask that 5.1 specifically be pulled and put on the work session agenda, I was very disappointed and frustrated that it was turned into a general case. We had to ask for it to be specifically this case, we need to have a discussion around this, we don't want this to be happening over and over again to residents in the community."

Councilmember Specht commented that he is happy that this is coming to an end. He stated that he has also walked the trail and supports the resolution that would resolve the problem along the corridor. He stated that it would be a good gesture to refund the \$1,500 to the Seamans because of the complexity of the case and length of time to resolve.

Councilmember Woestehoff agreed that this needs to be resolved along the corridor as there is confusion as to where the easement exists. He agrees that it would make sense to vacate the southern portion of the easement along the entire corridor. He believed this would be a better use of time than attempting to issue code violations along the corridor. He stated that he does agree that the Seamans should be allowed to finish their project. He asked if there is a fee associated for a CUP that is typically charged and whether the \$1,500 could be reduced to that amount.

Deputy City Administrator Gladhill commented that if someone wanted to place fill within a floodplain the City is required to follow a CUP process and reviewed the associated costs. He stated that the property owner has suggested \$500 be held from that \$1,500 by the City. He noted that \$1,000 is a typical cost for a CUP.

Councilmember Woestehoff asked if the easement were already vacated, would the floodplain CUP still have a cost of approximately \$1,000.

Deputy City Administrator Gladhill confirmed that he would believe the cost to be about the same regardless of the easement issue. He stated that if additional fill were proposed for the floodplain, the cost would be much higher.

Mayor Kuzma commented that his concern is that this moved so far along and believed there should have been a better handle on it. He stated that he does support attempting to solve the issue for the corridor. He suggested retaining \$1,000 and refunding \$500.

Deputy City Administrator Gladhill provided additional details on the challenges in this area of the development and how the fee title occurred.

Councilmember Heineman commented that this is a unique situation that has been a learning experience for the City. He stated that he supports moving on and refunding the money to the Seamans.

Councilmember Musgrove asked if the Seamans paid a fine for not pulling a permit.

Deputy City Administrator Gladhill commented that fines were not charged to the property.

Councilmember Musgrove asked staff to follow up on that, as she believes that \$250 was paid.

Jodell Seaman confirmed that they paid \$250 following the letter from the City.

Councilmember Musgrove commented that while the permit was not pulled, the fine was paid once it was brought to the attention of the property owner. She stated that this improvement protects the wetland. She commented that there are grass clippings and other activities occurring within the easement area that is not helping the wetland. She believed that the City needs to develop a different approach to manage this area and the residents should not be faulted for what may not have been known.

Parks and Assistant Public Works Superintendent Riverblood stated that he is not aware of grass clippings being dumped into the easement but that would not surprise him as there are grass clippings being dumped along the Mississippi. He agreed that public education of the easement, what is allowed and how it can be improved could be a part of this next phase.

Deputy City Administrator Gladhill stated that staff would like direction from the Council as to a proactive educational campaign and whether that would be desired. He thanked Council for the additional staff member devoted to code enforcement which has allowed staff to better follow up on those cases. He stated that for the past two years staff has not has sufficient resources to adequately address code enforcement. He stated that it seems there is not clear direction on whether the Council supports proactive code enforcement and education.

Councilmember Musgrove commented that she would support the educational component for the properties along this easement corridor.

Councilmember Howell stated that her concern would be that there is a broader problem that needs to be solved rather than creating a situation that would replicate what has occurred with the Seamans. She believed that the issues within the City side of the easement should be addressed prior to attempting to address issues on the resident side.

Councilmember Woestehoff stated that if the easement is vacated along those properties, and those residents are notified, perhaps that would be an opportunity to educate the property owners about the floodplain and its boundaries.

Deputy City Administrator Gladhill confirmed the consensus of the majority of the Council that the City should be responsible for the repayment of the grant, the \$1,500 should be refunded to the Seamans, education/enforcement should occur on the north side of the trail, and focus should be given to vacating the southern portion of the easement and educating property owners about the floodplain.

Mayor Kuzma commented that there are other properties along the corridor and was concerned that refunding the entire amount would cause an issue of property owners not being treated fairly as other properties would need to pay a permit fee for activity within the floodplain.

Councilmember Musgrove commented that the code has been inconsistently applied in the corridor and this resident has been through a lot. She stated that she would not be opposed to the resident paying the permit fee, if all other properties in that corridor that should have obtained a permit also pay that fee to ensure everyone is treated the same. She asked who complained about the retaining wall.

Deputy City Administrator Gladhill commented that complaints are anonymous, and staff responded. He stated that not all violations are within the floodplain. He stated that perhaps the solution could be to keep the \$1,000 which would be the typical floodplain CUP cost and refund the remaining \$500.

Councilmember Howell commented on the length of time that other violations have existed without enforcement. She stated that it would be unreasonable to place enforcement and fines upon the entire neighborhood.

Mayor Kuzma stated that he would support vacating the southern portion of the easement but noted that the retaining wall still would have required a permit and that process should remain fair.

Deputy City Administrator Gladhill noted that staff could develop findings of fact as to what made this situation unique so that it would not set precedent.

Councilmember Specht agreed that there were extenuating circumstances in this instance and therefore supported refunding the \$1,500.

City Administrator Ulrich stated that this will be thoroughly documented, the easement will be vacated on the south side of the trail, and additional education and signage can occur on the northern side of the easement. He stated that enforcement will be upheld going forward for

floodplain work on the south side of the easement. He stated that this area has been neglected for a period of time in terms of enforcement but believed that there could be a better standard going forward with the trail being the dividing factor and education as to what is required to complete work with the floodplain for property owners on the south side.

Councilmember Woestehoff asked if this item could still continue to be on the Consent Agenda tonight.

Deputy City Administrator Gladhill confirmed that could be done with the added statement that it is based on the consensus reached at the worksession.

Councilmember Musgrove asked if the Seamans would agree that it would be acceptable to refund the \$1,500 and not refund the fee of \$250.

Ms. Seaman confirmed that they would support that. She explained why they had confusion on whether a permit would be required for a retaining wall based on their previous discussion with staff.

City Administrator Ulrich confirmed the consensus of the Council to support refunding the \$1,500 and not refunding the fee of \$250.

3. TOPICS FOR FUTURE DISCUSSION

3.01: Review Future Topics/ Calendar

Noted.

4. MAYOR / COUNCIL / STAFF INPUT

None.

5. ADJOURNMENT

The Work Session of the City Council was adjourned at 7:05 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.