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

The Ramsey City Council conducted a regular meeting on Tuesday, September 14, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Mark Kuzma
Councilmember Ryan Heineman
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
Parks and Assistant Public Works Superintendent Mark Riverblood
Administrative Services Director Colleen Lasher
City Engineer Bruce Westby
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

2. PRESENTATION

2.01: Oath of Office – Patrol Officer

Police Chief Jeff Katers introduced new Police Officer Matt Barker. He stated Officer Barker holds a Bachelor of Science degree in Criminal Justice, and after completing field training, is currently out on patrol. He added Officer Barker, originally from the North Shore area, enjoys being out in the community and meeting people.

Administrative Services Director Colleen Lasher administered the Oath of Office to Police Officer Matt Barker.

Officer Barker's badge was pinned by his wife.

2.02: In Recognition of Military Families that have lost Family in Afghanistan

Councilmember Musgrove gave a presentation honoring the men and women of the Armed Forces who lost their lives in Afghanistan during the recent evacuation. She acknowledged all Americans who have served and sacrificed so much since 9/11/01, on the 20th anniversary of the 9/11 attacks.

Councilmember Musgrove read the names of the fallen soldiers: Marine Corps Corporal David Lee Espinoza; Marine Corps Sergeant Nicole L. Gee; Marine Corps Staff Sergeant Darin T. Hoover; Marine Corps Corporal Hunter Lopez; Marine Corps Lance Corporal Rylee J. McCollum; Marine Corps Lance Corporal Dylan R. Merola; Marine Corps Lance Corporal Kareem M. Nikoui; Marine Corporal Daegan W. Page; Marine Corps Sergeant Johanny Rosario-Pichardo; Marine Corps Corporal Humberto A. Sanchez; Marine Corps Lance Corporal Jared M. Schmitz; Navy Hospital Corpsman Maxton W. Sowiak; and Army Staff Sergeant Ryan C. Knauss.

Councilmember Heineman thanked members of the Armed Forces in Ramsey, Minnesota and surrounding areas as well as their families. He expressed the support of the Ramsey City Council and City Staff, and appreciation and honor for those who serve our country overseas.

Councilmember Heineman introduced Phillip Khalid, a resident of Ramsey and U.S. citizen who volunteered to be an interpreter during the Iraq War, joining the thousands of interpreters who helped protect U.S. Forces on the ground in Iraq. He stated those who became interpreters were often considered traitors by ISIS and the Taliban, and Mr. Khalid's life was threatened by insurgents, after which he reached out to a friend, Paul Braun, of the Minnesota National Guard, who worked tirelessly to get Mr. Khalid to America. He added Mr. Khalid was relocated and eventually joined by his family.

Phillip Khalid stated he appreciates the honor for him to participate in his community in this way. He thanked Paul Braun, whom he considers to be a brother, for saving his life many times. He expressed deepest condolences to those who lost a loved one in the 9/11 attacks, which changed his life and the world forever. He offered condolences to the families of the young men and women of the Armed Forces who were killed in Afghanistan during the evacuation.

2.03: Presentation Proclaiming September 17-23, 2021 as Constitution Week

City Administrator Kurt Ulrich read in full a Proclamation declaring September 17-23, 2021 as Constitution Week.

3. CITIZEN INPUT

An audience member stated it is very difficult to hear the Councilmembers and asked them to speak clearly.

Dawn Sieber, representing the Anoka Chapter of DAR (Daughters of the American Revolution), stated she is in attendance to receive a copy of the Constitution Week Proclamation. A copy of the Proclamation was signed by the Mayor and provided for Ms. Sieber.

Patrick Surma, 161st Avenue, stated he stands before the City Council with high regard and respect. He recited the Pledge of Allegiance, which was written in 1892 to boost patriotic spirit after the Civil War. He added the rusty flag pole in Central Park should be replaced, as it has been in the past. He noted he would put the first \$100 towards its replacement because it is very important.

4. APPROVE AGENDA

Councilmember Riley requested the following agenda change, to accommodate the applicant who was in the audience:

-Agenda Item 7.6 be moved to Agenda Item 7.0

Senior Planner McGuire Brigl stated remote participants do not have any sound and are unable to participate. She added City Staff is working to fix the problem.

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

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

5. CONSENT AGENDA

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

- 5.01: Receive July 2021 Financial Reports – General Fund and Enterprise Funds
- 5.02: Receive Cash & Investments for Period Ending August 31, 2021
- 5.03: Approve the following Meeting Minutes:
 - 1) City Council Work Session dated August 24, 2021
 - 2) City Council Regular Session dated August 24, 2021
- 5.04: Approve Rental Licenses
- 5.05: Authorization to participate in the Minnesota Law Enforcement Support Office (LESO) 1033 program.
- 5.06: Authorize Hiring Paid-on-call Firefighters
- 5.07: Authorize Hiring a Planning Intern
- 5.08: Adopt Resolution #21-256 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 19, 2021 through September 8, 2021.
- 5.09: Adopt Resolution #21-232 Approving G-Will Liquors Site Plan and Final Plat
- 5.10: Adopt Resolution #21-238 Proclaiming September 17-23, 2021 as Constitution Week
- 5.11: Adopt Resolution #21-254 Approving Snow Storage Agreement on City Owned Land
- 5.12: Adopt Resolution #21-257 Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Assessment for Past-Due Charges on Municipal Utility Bills (which may include water, sewer, street lighting, recycling, storm water charges and penalties incurred) and Current Services Rendered.

- 5.13: Adopt Resolution #21-261 Approving Amendment No. 2 to Development Agreement for COR Sapphire Addition; Case of PSD, LLC
- 5.14: Adopt Resolution #21-262 to Approve Acceptance of a Grant for Dedicated DWI Enforcement
- 5.15: Adopt Resolution #21-264 Approving Distribution of Environmental Assessment Worksheet (EAW) for Trott Brook North; Case of Sotarra.
- 5.16: Adopt Resolution #21-267 Accepting Local Partnership Program Funding for Riverdale Drive Extension – Llama Street to Bowers Drive, Improvement Project #20-05.

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

6. PUBLIC HEARING

-None.

7. COUNCIL BUSINESS

7.00: Adopt Resolution #21-175 Approving a Home Occupation Permit for 8351 160th Avenue NW (Project 21-119); Case of Jacob Johnson.

Senior Planner McGuire Brigl reviewed a request for a home occupation permit, which came forward through the Code Enforcement Program due to commercial vehicles that are stored on the property at 8351 160th Avenue NW. The Planning Commission recommended approval of the permit, including use of the garage for storage and mechanical work, and for 16 trips for employees to and from the site, and onsite storage. The applicant indicated a desire to expand the business on site as his business grows. The home occupation permit would run with the applicant and not the property, until Mr. Johnson leaves the property.

Senior Planner McGuire Brigl stated a significant number of neighbors came out in support of the applicant, and the Planning Commission recommended City Council approval of the permit.

Councilmember Riley asked whether all resident complaints have been resolved.

Senior Planner McGuire Brigl stated the applicant has cleaned up the subject property, and all parking has been moved onsite. She added there has been general improvement on the applicant's part. She noted the permit is only for the landscaping equipment.

Jim Nelson, 8324 159th Lane NW, a 35-year resident of Ramsey, stated he owns the property south of Mr. Johnson's property. He added he commends Mr. Johnson for starting a business in Ramsey and employing people. He noted he has several concerns about bringing a business like this into a residential neighborhood.

Mr. Nelson stated businesses should not be allowed on a parcel of land in a residential neighborhood, even though this parcel is 1.67 acres. He added there are small children in the neighborhood, and there is truck traffic going to and from the property twice a day. He expressed

concern that the applicant wants to build bunkers for landscaping materials, as well as the noise from skid loaders and trucks. He noted right now he hears trucks coming and going all day, and there has been mess left on the street, which is paid for by everyone's taxes.

Mr. Nelson stated he believes the business is too much for a small area and a residential neighborhood. He expressed concern that the commercial business will diminish his property value. He added his neighborhood deals with noise and traffic from the Game Fair as well. He expressed his opposition to the business use which should be located on acreage that is not in a residential neighborhood in Ramsey.

Councilmember Howell asked City Staff whether the Planning Commission addressed Mr. Nelson's concerns, and hours of operation.

Senior Planner McGuire Brigl stated the Planning Commission recommended approval of the home occupation permit with hours of operation from 7:00 am – 5:00pm, Monday-Friday. She added all operations will be required to take place on the property and not in the roadway.

Councilmember Howell stated the amount of traffic should be limited if the business is restricted to 4 employees. She added she is concerned about #6 on page 4, which states that the permit will terminate when the applicant is no longer there, without notice to the Zoning Administrator and City Council. She noted she would not want to place a burden on the applicant's family. She noted she would support striking that language out of #6.

Councilmember Specht stated he supports that recommendation.

Councilmember Woestehoff stated the home occupation permit goes with the person. He added, if it were to be moved to the property, the next occupant could take over the business with no review or approvals. He noted he is not in favor of removing #6.

Councilmember Howell stated she is recommending removal of only the second half of #6.

Councilmember Woestehoff stated the occupant should still be required to inform the City regarding use of the property.

Councilmember Howell stated the amount of traffic should be limited by the number of employees, which is 4 employees. She added she is hesitant to build in a restriction on the number of trips. She asked whether City Staff would be able to monitor that. She noted residents are allowed to park their cars on the street, and it is unreasonable to require the applicant's workers to park off-street.

Councilmember Musgrove stated she agrees with Councilmember Howell that equipment should not be parked on the street, but vehicles should be allowed as long as they are not parked overnight.

Councilmember Specht stated he would like to make a motion of approval with the following changes: allowing street parking and eliminating a restriction on the number of trips.

Councilmember Woestehoff stated, for purposes of clarification, the number of trips provides a “not to exceed” limit, to reduce trips and traffic, rather than putting other barriers on them. He added he does not support removal of Line 18.

Councilmember Howell asked the applicant whether a limit on the number of trips has any effect on the number of trips to and from your business, or if it puts a burden on the applicant.

Jacob Johnson, 8351 160th Avenue NW, stated a limit on the number of trips would be a burden, because at the height of the summer he had 6 employees. He added employees do not use their personal vehicles during the day, and they can be parked off-street.

Councilmember Howell stated she would like to second Councilmember Specht’s motion.

Senior Planner McGuire Brigl reviewed the proposed amendments to the Resolution:

- Limit of 4 employees
- Remove requirement of authorization by City Council to extend the business
- Allow street parking
- Remove condition for number of trips per day
- approve hours of operation of 7:00 a.m. – 5:00 p.m., Monday – Friday with flexibility to schedule work hours on the weekends in case of inclement weather

Councilmember Specht stated the applicant indicated that he has 6 employees.

Mr. Johnson confirmed that he had 6 employees at the height of the summer season. He added right now he has 4 employees. He noted he believes that was amended at the Planning Commission meeting, and it was agreed that he could have 6 employees. He requested that the condition be changed from 4 employees to 6 employees.

Councilmember Howell stated she is concerned about the possibility of having weekend hours beginning at 7:00 a.m.

Councilmember Musgrove agreed, adding the weekend hours could be required to start at 10:00 a.m. Councilmember Howell agreed.

Councilmember Woestehoff stated he serves as Planning Commission Liaison, and when this case was presented, the Planning Commission’s consensus was to have restrictions on the business to preserve the neighborhood feel. He added these types of restrictions are not uncommon in this type of case, and are fairly common and standard language. He expressed concern that loosening up the language to this extent will mean less protection for the neighborhood. He noted, at the Planning Commission meeting, the applicant was amenable to 4 employees, and indicated he had no expectations for going beyond that without moving to a bigger space,

Councilmember Woestehoff stated he would approve this Resolution as originally drafted, but he cannot support it with all the changes that are being added.

Councilmember Musgrove asked whether the applicant could only have 3 employees if one is sick or absent, if the limit is 4 employees. She added if the applicant can have 6 employees and two are sick or absent, he can still have 4 employees.

Councilmember Woestehoff stated the proposed restriction on the number of trips to the business would be impacted if more than 4 employees are allowed. He added the approval is for 16 trips.

Councilmember Musgrove stated the applicant could potentially lose business if the number of employees is limited to 4. She asked what the intent of the numbers is.

Councilmember Heineman stated the number is a check and balance to ensure that the business does not grow into something that will negatively affect the neighborhood.

Senior Planner McGuire Brigl stated, due to the proposed amendments and for purposes of transparency, she would request that this issue go back to the Planning & Zoning Commission to be reviewed.

Councilmember Howell stated the applicant could still have 6 employees if the number of vehicles is limited to 4. She added a proposed 10:00 a.m. start time on weekends is a way to be thoughtful but still let the applicant make the best use of his space.

Councilmember Specht stated he is agreeable to the change.

Several audience members commented that they could not hear the City Council.

Mayor Kuzma stated he is not going to support this application. He added he does not feel that this type of land operation should be located inside of a residential neighborhood.

Motion by Councilmember Specht, seconded by Councilmember Howell, to Adopt Resolution #21-175 Approving a Home Occupation Permit for 8351 160th Avenue NW (Project 21-119); Case of Jacob Johnson, with the following additional conditions:

- Limit of 4 employees
- Remove requirement of authorization by City Council to extend the business
- Allow street parking
- Remove condition for number of trips per day
- approve hours of operation of 7:00 a.m. – 5:00 p.m., Monday – Friday with flexibility to schedule work hours on the weekends in case of inclement weather

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

7.01: Introduce Preliminary plat for North Brook Meadows; Case of Landform on behalf of Platinum Land, LLC (Project 21-131 – Hunt Property)

Senior Planner McGuire Brigl reviewed a request for preliminary plat for North Brook Meadows, previously called the Hunt project or Hunt addition, a 38-acre site that is proposed to have 77 single-family lots. The lots would be 80 feet wide, as approved in 2011, and would meet all City Code standards. An infrastructure study, funded by the developers and the City, has been completed showing how utilities will get to the site. Residents in the area are concerned about wetlands and flood plains on the site, and have requested sidewalks and trails, which are proposed, as well as a pedestrian crossing.

Senior Planner McGuire Brigl stated City Staff is open to a request that some of the proposed plantings be moved to the site border along 175th Avenue to buffer the neighborhood. She reviewed unique aspects of the project, including road upgrades, landscaping and trails. She noted this item is to introduce the topic and no formal action is required.

Mayor Kuzma asked how the unique conditions will be funded. Senior Planner McGuire Brigl stated all unique additions are at the cost of the developer.

Councilmember Riley requested clarification regarding the utility infrastructure study for both developments. He added he would not want that to end up being a burden on the City.

Senior Planner McGuire Brigl stated, if this project moves forward without the other project, it will cost the developer \$800,000 in utilities changes. She added there would be no cost to the City.

Councilmember Musgrove asked whether the unique aspects of the project fall under the “but for” clause. She added the developer should pay for the turn lanes because without the development, they would not be necessary.

Senior Planner McGuire Brigl stated these are not standards that you would normally see in a residential subdivision. She added City Staff plans to move forward with the turn lane because the City Council and residents have requested it.

Councilmember Musgrove stated the developer’s traffic study showed a need for the turn lanes, so they are based on the development. She added several turn lanes were recommended in the study. She asked whether the other turn lanes will be pursued.

Senior Planner McGuire Brigl stated the turn lane under consideration would be north on Nowthen Boulevard turning west on 173rd Avenue. She added that is all that is requested right now but different options can be reviewed and discussed at a future meeting.

Councilmember Musgrove stated the traffic study shows the need for three turn lanes: northbound into the development; southbound into the development; and southbound out of the development.

Senior Planner McGuire Brigl stated City Staff will look into it and come back with a recommendation.

Councilmember Musgrove expressed concern regarding easements, specifically on Block 3, Lot 1, which is in the natural gas easement. She added that homeowner will not be able to build

anything else on their property. She noted that lot could be eliminated and lots 2-10 could be designed differently. She asked whether trees will be planted in the easement.

Senior Planner McGuire Brigl stated the applicant has had confirmation from the easement company and can discuss that further.

Councilmember Musgrove stated she wants the developer to be able to move forward with the project, but she cannot support it with houses built in the easement that will create issues down the line.

Councilmember Specht noted several residents in the audience. He requested comments from the residents in the audience.

Brian Walker, 17289 Variolite Street NW, stated he serves on the Planning and Parks Commissions, but he is here this evening as a resident. He added he received a 79-page document from City Staff regarding the rezoning that occurred in 2011 on 191 properties. He noted only 8 residents attended the public hearing. He noted he has not found one person who received notification about that rezoning, and he asked City Staff for documentation that notices were sent to residents.

Mr. Walker stated it is confusing to him that the City talks about the Comprehensive Plan and a balance of rural character and urban growth. He added putting big housing developments in rural Ramsey will not create that balance. He asked how that is protecting rural Ramsey. He asked that the City be honest with people about their motives and try to fix the problem.

Lonnie Gray, 17530 Nowthen Boulevard, stated he has lived in Ramsey for 31 years, and enjoys the rural environment. He asked when the traffic study was done.

Senior Planner McGuire Brigl stated City Staff received a traffic study from the developer to the south.

Mr. Gray stated the traffic study should have been the first thing that was done. He added he understands the traffic study was done on a Saturday morning between 7:00 – 8:00 a.m. He noted it should have been done on a weekday.

Mr. Gray stated traffic is already bad in the neighborhood, with high-speed limits, and there will be negative effects on wildlife. He added he would be more supportive if the lots were 1 or 2 acres.

Carla Biederman, 7050 175th Avenue, stated she has lived in Ramsey since 1978, and Ramsey is a beautiful community. She added this is dropping an urban community out in the country. She noted the 2040 Comprehensive Plan references rural character and urban growth many times, but this development does not look like that. She added traffic is already an issue, and intersections need to be realigned.

Norm Novak, 7041 175th Avenue, stated he has lived in Ramsey for 18 years, and after working in landscaping and building for 20 years, he has never seen anything this goofed up. He added no notices were sent out to residents. He noted two entrances to the neighborhood will not be sufficient, especially for emergency vehicle access. He expressed his opposition to the development, which should have walkways, decent trees, fencing and other safety measures.

Carl Biederman, 7050 175th Avenue, stated he attended the Planning & Zoning meeting a few weeks ago, and brought up how this project is not being done properly. He added the City seems to have forgotten about 400 residents who did not receive notices. He noted it seems that residents do not mean anything to the City.

Mr. Biederman stated he went to City Staff last week to apply to build some houses on his 10-acre lot and was informed that he would have to notify his neighbors, with a draft letter that they would provide, and put a notice in the paper. He added he did not know which newspaper. He requested a list of residents who received the notice, as well as the newspaper article where the zoning change was listed.

Mayor Kuzma stated City Staff and the City Council will look into it.

Councilmember Howell asked whether there would be repercussions for the developer if property owners did not receive proper notice that the property would be rezoned.

Senior Planner McGuire Brigl stated she would want to consult with the City attorney on legal matters. She added proper notice has been done for the Comprehensive Plan process, although she is unable to say what was done in 2008 and 2011.

Senior Planner McGuire Brigl stated, for this resident notice, City Staff has doubled the radius of what is required by State statute, put signs on the property, and set up a project website, as well as held extra meetings to raise public awareness. She stressed the importance of being transparent.

Councilmember Heineman asked whether City Staff did a good enough job of getting notices out in 2011. He asked whether the traffic study was done at 8:00 a.m. on a Saturday.

Senior Planner McGuire Brigl stated a minimum number of letters were sent out for previous public notices, including the 2008 Comprehensive Plan sewer and water re-guiding plan, as well as the 2040 Comprehensive Plan in 2018. She added, however, records show that it was done properly in 2008, 2011 and 2018.

Senior Planner McGuire Brigl stated, with regard to the traffic study, the study was conducted over a week in July 2021 between peak times of 7:00 – 8:00 a.m. and 4:00 – 5:30 p.m. She added she can confirm the actual dates before the next meeting.

Councilmember Heineman requested that this information be added to the case documentation for purposes of transparency.

Senior Planner McGuire Brigl agreed.

Councilmember Howell requested that the exact dates and times of the traffic study should also be included.

Mr. Novak asked when the traffic study was done, and whether a rubber tube was placed across the road. He added he drives that road every day and he never saw a rubber tube counter.

Senior Planner McGuire Brigl stated usually an intern sits in a car and clicks a counter every time a car goes by. She agreed to confirm that.

Councilmember Musgrove requested that this issue be included as part of the discussion when the City Council has a joint meeting with the Planning & Zoning Commission. She added the City Council has heard from residents and the Councilmembers are fairly new, and it would be a good discussion to have.

John Wieborg, 17512 Nowthen Boulevard, stated he does not understand how the City Council can make a decision using a traffic study that was done 2 weeks ago. He added an acceleration lane should be added at 175th Avenue and Nowthen Boulevard. He asked whether a wetland is going in across the street from his house.

Senior Planner McGuire Brigl stated that is a proposed stormwater ponding area.

Councilmember Musgrove stated she has additional questions regarding the flood plain; the steepness of the road curve; and stormwater easements on Block 1, Lot 2 and Block 2, Lots 1-5. She asked whether there will be opportunities for additional discussion before the final plat is reviewed by the City Council for approval.

Senior Planner McGuire Brigl stated the easements are all standard easements with standard contingencies. She added City Staff tries to get as close to approved plans as possible, ensuring that specific requirements are met, and the proper easements are in place before bringing plans back to the City Council.

7.02: Adopt Resolution #21-255 Adopting Interim Playground Replacement Policy and Plan

Parks and Assistant Public Works Superintendent Mark Riverblood reviewed the City's proposed playground replacement policy, which includes a performance matrix ranking playground and suggesting priorities for future replacement, spreading the costs over a 15-year period. He added the City has 15 playgrounds that would be guided for eventual replacement, and two smaller components that would be removed. He noted the next step will be public engagement. City Staff recommends adoption of the playground replacement policy.

Councilmember Specht asked why Ramsey Elementary is included on the PDF map of City parks.

Parks and Assistant Public Works Superintendent Riverblood stated the map is a playground finder map for general public use and includes school playgrounds and regional parks.

Councilmember Heineman requested clarification regarding Shawn Acres Park and Autumn Heights Park, which are not listed as part of the replacement policy. He added this was discussed by the Parks & Recreation Commission.

Parks and Assistant Public Works Superintendent Riverblood stated the proposed plan corresponds with the Capital Improvement Plan budget, and assumes \$100,000 for each park, for planning purposes. He added this is an interim policy, and it is likely that there will be modifications. He noted Shawn Acres does not have much density of homes nearby and the park is not used very much, so an investment would be better used elsewhere.

Councilmember Musgrove stated she supports the plan, and she is glad the City is doing it. She asked why there is a need for an interim plan. She asked what other parks have been renovated in the past 5 years.

Parks and Assistant Public Works Superintendent Riverblood stated no other parks have been completed in the past 5 years except one. He added he is fine with removing the word “interim”. He noted he thought it would signal to the City Council that there will likely be some amendments to the plan.

Councilmember Musgrove stated the amendments could be made without using the word “interim”.

Councilmember Musgrove asked why only one park per year will be completed, when there are multiple parks that really need replacement.

Parks and Assistant Public Works Superintendent Riverblood the logical funding source suggests that one park be done at a time to balance funding and workload. He added the funding source to be considered is the lawful gambling fund, which is a small tax on charitable gambling. He noted moneys from gambling are required by State statute to benefit youth in the community.

Councilmember Musgrove stated she would like to see more than one park completed per year, especially some of the older parks.

Councilmember Riley agreed. He added he appreciates this plan as it shows the public that the City Council acknowledges that existing parks need improvements, and older parks should be maintained before new ones are created and expanded.

Councilmember Woestehoff asked whether the sports fields at Autumn Heights will be maintained.

Parks and Assistant Public Works Superintendent Riverblood stated the policy does not inform any other aspects of the park. He added the sports fields are a flat grassy space, which could be enhanced back to native landscapes to add more value to the neighborhood and could reduce maintenance costs.

Councilmember Heineman stated he supports the idea of “re-wilding” and nature scaping especially if parks have matured and there are no kids in the neighborhood. He added pollinators can be introduced and a trail mowed, to reduce operating and maintenance costs at parks that are not used.

Motion by Councilmember Heineman, seconded by Councilmember Musgrove, to adopt Resolution #21-255 Adopting Interim Playground Replacement Policy and Plan.

Further discussion: Councilmember Specht stated, for replacement playground equipment, used equipment or more traditional playground equipment should be sought.

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

7.03: Adopt Resolution #21-265 Approving Final Plat and Development Agreement for Northfork Meadows, Case of Lennar

Senior Planner McGuire Brigl reviewed final plat and development agreement for a 33-acre site designed for 80- and 65-foot-wide lots at Northfork Meadows. The City Council approved the final plat on February 8, 2021. The proposed final plat meets all requirements of City Code as proposed.

Senior Planner McGuire Brigl stated the site’s density transitioning requirements include an outlot held in common ownership, but the question is who owns the outlot, and how to handle next steps. She reviewed potential scenarios: a City-owned and controlled area would cause additional staff maintenance costs, or Lennar could keep the outlot, but another entity could potentially buy it.

Senior Planner McGuire Brigl stated another option is to provide a portion of outlot to 11 homes that abut the transition area. She added, however, residents could then do whatever they want to it, including cut down the trees. She added another option is to give the existing neighbors to the east of the outlot, because they wanted the density transitioning. She noted this issue has not been discussed with them.

Senior Planner McGuire Brigl stated the Resolution approving the final plat includes a contingency for determining ownership of the outlot.

Councilmember Woestehoff stated, for clarification, the discussion is regarding Outlot B. Senior Planner McGuire Brigl agreed.

Councilmember Heineman stated it would make the most sense if the existing neighbors would want to assume the outlot.

Councilmember Woestehoff agreed. He added the City has to own the outlot first from a procedural standpoint.

Councilmember Heineman stated he would agree with the City's purchase of the outlot with the understanding that it would be transferred.

The developer stated the preference of Lennar would be to give the outlot to the City. He added he would be okay with the City contacting the existing homeowners about inheriting the outlot.

Councilmember Riley asked whether there would be any cost to replat the outlot into smaller lots. He added he would not want to incur City costs to give the outlots away.

The developer stated the cost would be related to the lot split process and deed to each of 5 properties, but that would be a City-driven process. He added he agrees the outlot would need to be in City possession first. He noted he would need to check timelines at the County to make sure that this process does not inhibit Lennar's ability to install utilities and do street work this fall, as most of the site grading is done.

Comment Musgrove requested that the motion should specify "Outlot B".

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to adopt Resolution #21-265 Approving Final Plat and Development Agreement for Northfork Meadows, Case of Lennar, with the following additions:

- Final plat contingent upon adding outlots based on neighbor property boundaries
- Add "Outlot B"

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

7.04: Consider Petition for a Cartway to Access Thorn Lake Property (PID #04-32-25-31-0001); case of Thomas and Pattiann Kurak

City Engineer Bruce Westby reviewed a petition from the property owners, the Kuraks, to add a cartway for access to their 40-acre landlocked parcel, west of the Williams Woods parcel. A cartway is allowed on a property with the statutory requirements of 5 acres or larger in size and landlocked, with no public access, and the cartway must be 33 feet minimum in width. The applicant can decide how they want to improve or service the cartway. This request is for access in the northeast corner of the site. An additional resolution could be passed regarding maintenance of the cartway.

City Engineer Westby stated the City must issue an order describing the cartway route, and work with impacted property owners to grant the cartway easement. The City Council may conduct a public hearing, and the petitioner must personally deliver hearing notices to the affected property owners. The petitioner is responsible for all costs and damages related to the proposed cartway.

City Engineer Westby stated the City can review the petitioners preferred route and may request a different route with less impacts. The City may request a bond from the petitioner for an estimate

of total costs, which can also be formalized in a Resolution. City Staff hopes to receive direction and comments from the City Council on potential routes.

City Engineer Westby reviewed potential alternative routes – Caroline Acres Park would result in the largest impact to wetlands and is the longest route. Shawn Acres Park is the best option in the opinion of City Staff, resulting in 1/3 less wetland impacts and the least amount of impact to private property.

City Engineer Westby stated the petitioner has indicated that access through Shawn Acres Park would work for them. He added City Staff recommends proceeding with the Shawn Acres Park route.

City Engineer Westby stated other potential options are private properties, one to the south of Thorn Lake and one to the west. He added these properties would have far greater wetland impacts and greater overall costs.

Councilmember Specht asked whether the petitioner would be required to purchase a portion of Shawn Acres Park from the City.

City Engineer Westby stated the City can require payment or grant an easement free of charge.

Councilmember Specht asked whether the petitioner could potentially pave the cartway.

City Engineer Westby confirmed this, adding the costs and maintenance would be the responsibility of the petitioner.

Councilmember Woestehoff stated the property to the north of Shawn Acres has an easement, so there would be an easement on top of an easement. He asked whether that is a possibility.

City Engineer Westby confirmed that the cartway easement will have to be its own easement. He agreed to look into it further.

Councilmember Woestehoff asked whether there is a possibility that the petitioner may never do anything with the easement.

City Engineer Westby stated that is an absolute possible outcome.

Councilmember Riley asked why City Staff prefers Shawn Acres as the route for the cartway.

Parks and Assistant Public Works Superintendent Riverblood stated the route does not matter a great deal, as it has been indicated that nothing may be done, and it may remain a theoretical line through the park. He added a natural gas line runs through the park which may be an added concern. He noted the City has the right to give up the park easement but must consider the impact of taking away from a City park, which is a theoretical loss to the public.

Councilmember Heineman stated he supports working with the petitioner to find the easement that makes the most sense, as the petitioner is within his legal rights to make this request.

The general consensus of the City Council was to move forward with a cartway to Thorn Lake via Shawn Acres Park.

7.05: Adopt Resolution #21-260 Granting Approval of Final Plat and Development Agreement for Williams Woods (Project No. 20-138); Case of Bill Boyum

Senior Planner McGuire Brigl reviewed a proposed final plat and development agreement for Williams Woods, a 94-acre development site of 9 lots with private well and septic. A variance was passed by the Planning Commission for cul-de-sac length and encroachment into wetland setbacks. All other requests are approved, and the applicant has used the City's standard template development agreement with no changes.

Motion by Councilmember Woestehoff, seconded by Councilmember Howell, to adopt Resolution #21-260 Granting Approval of Final Plat and Development Agreement for Williams Woods (Project No. 20-138); Case of Bill Boyum.

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

7.06: Introduce Ordinance #21-19 Rezoning Portions of the Property Located West and South of 15050 Armstrong Boulevard from R-3 Residential (High Density) to R-2 Residential (Medium Density) related to Lynwood Subdivision (Project No. 21-122); Case of Lennar

Senior Planner McGuire Brigl reviewed an Ordinance rezoning portions of a 34-acre site related to the Lynwood subdivision from high density to medium density. The City Council approved a Comprehensive Plan amendment for this property, and this request will bring the property in line with the Comprehensive Plan.

Councilmember Riley requested an update on providing additional access to the neighborhood.

Senior Planner McGuire Brigl stated Anoka County has given approval for additional access, and City Staff has provided all plans for their review. She added the County is generally supportive of right in/right out access configurations.

Motion by Councilmember Howell, seconded by Councilmember Riley, to introduce Ordinance #21-19 Rezoning Portions of the Property Located West and South of 15050 Armstrong Boulevard from R-3 Residential (High Density) to R-2 Residential (Medium Density) related to Lynwood Subdivision (Project No. 21-122); Case of Lennar.

Discussion during motion: Councilmember Woestehoff asked whether this approval will have any effect on Met Council dollars potential.

Senior Planner McGuire Brigl stated the City can still apply and receive grant funding. She added density would need to be changed elsewhere to meet their minimum threshold.

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

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich stated Happy Days was extremely successful, and a great event for the community. He thanked all Happy Days sponsors and vendors.

City Administrator Ulrich stated the Fall Recycling Day will be held at Public Works on Saturday September 25, 2021 from 8:00 a.m. – 12:00 p.m.

City Administrator Ulrich stated a special work session of the City Council, Planning Commission and Economic Development Authority is scheduled for September 23, 2021 from 5:30 – 7:00 p.m.

City Administrator Ulrich stated the City Council's next regular meeting is scheduled for September 28, 2021.

City Administrator Ulrich stated the City Council's work session will continue immediately following this meeting.

City Administrator Ulrich stated the Minnesota Department of Revenue has announced they will begin processing unemployment insurance and paycheck protection program funds for tax year 2020. He added the City Council passed Resolution #21-046 supporting legislation for payroll protection loans.

City Administrator Ulrich noted that Councilmember Musgrove brought the Minnesota Department of Revenue notice to his attention. Councilmember Musgrove thanked City Administrator Ulrich for sharing the details and that residents would not have to file an amended tax form unless they were sent a notification by the Minnesota Department of Revenue.

Councilmember Musgrove stated she enjoyed her time at the dunk tank at Happy Days. She was glad to see so many people attending Happy Days. She thanked Communications and Events Coordinator Megan Thorstad for all her hard work.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 10:03 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Katie M. Schmidt
Deputy City Clerk

Drafted by Mary Mullen
TimeSaver Off Site Secretarial, Inc.