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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 28, 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
City Engineer Bruce Westby
Administrative Services Director Colleen Lasher
Senior Planner Chloe McGuire Brigl
Communications and Events Coordinator Megan Thorstad

1. CALL TO ORDER

Mayor Mark 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: Proclamation Declaring October 2021 as *Domestic Violence Awareness Month*

City Administrator Kurt Ulrich read in full a Proclamation declaring October 2021 as Domestic Violence Awareness Month in the City of Ramsey.

2.02: Happy Days Recap Presentation

Communications and Events Coordinator Megan Thorstad gave a recap presentation on the 23rd Annual Happy Days Festival, which was held Saturday, September 11, 2021. A total of 87 runners participated in the 5K, and 30 bikers rode in the 5-mile bike tour. The Expo featured 44 booths, and 14 chefs competed in the Chili Cook-Off. The 12 dogs in the dog show took home fun prizes, and there were 49 cars in the car show. The parade had 36 floats. There were 8 food vendors as well as the Lions beer tent. The band was G.B. Leighton, followed by a fireworks show.

Communications and Events Coordinator Thorstad stated the Ramsey Fire Relief Association held their annual 9/11 Memorial Golf Tournament on Sunday, September 12, 2021.

Communications and Events Coordinator Megan Thorstad extended a big thank you to everyone who participated – volunteers, sponsors, and City Staff, including the Police Department, Police Reserves, Fire Department, Public Works and Office Staff.

Communications and Events Coordinator Thorstad presented an award of recognition to all sponsors, including:

Platinum Sponsors: Ace Solid Waste, Affinity at Ramsey, Anoka Area Chamber of Commerce, Armstrong Ranch Kennels, BOB-FM, Bolton & Menk, Connexus Energy, Cross of Hope Lutheran church, Delta Mod Tech, Do All Printing, Flagship Bank, Freedom Christian Church, InTech Industries, Lord of Life Lutheran Church, M&G Trailer, Mike Orn State Farm, Northgate Church, Phantom Lures, R&D Transportation, Ramsey Fire Relief Association, Ramsey Lions Club, Church of St. Katharine Drexel and Zero Zone.

Gold Sponsors: Coburns, Dedicated Networks, Delta Bravo Gulf Media Group, Hakanson Anderson, Hope Fellowship Church, The Links at Northfork, Jackie B. Realty Group, One Group Choice, Life Fitness, NAU Country Insurance, Northern Starz Theatre, One Hour Heating & Air, Panther Precision, Parkplace Studio, PSD LLC, QCTV, Sharp & Associates, Village Bank, Wendell's and WSB, and Youth First.

Silver Sponsors: Aeon Greenway Terrace Apartments, All Seasons Garage Door, Anytime Fitness of Ramsey, The Bank of Elk River, Boilermakers Local 647, Coborn's, Chuck & Don's, Cub Foods – Riverdale, Fearlyss Crafts, The Links at Northfork, Green Valley Garden Center, Kitchen Table, Pearson Farm, Ramsey Bicycle, Sterling Trophy, Suite Living Senior Care, The Bank of Elk River, Texas Roadhouse and Lash Saloon.

2.03: Recognition of the Life of Loral I. Armstrong Delaney

Mayor Kuzma gave a presentation recognizing the life and legacy of Loral I Armstrong Delaney, a prominent citizen who died September 19, 2021, after a 2-year battle with cancer. He added Ms. Armstrong Delaney was an award-winning trap shooter for over 6 decades. He noted the City recently renamed Central Park in her honor. He noted the City sends prayers and deepest condolences to the Armstrong and Delaney families.

City Administrator Ulrich welcomed Monica Elicerio of Alexandra House and invited her to give a brief presentation for Domestic Violence Awareness Month.

Monica Elicerio stated she is a community member as well as domestic violence survivor and former client of Alexandra House. She expressed her gratitude for the City's recognition of Domestic Violence Awareness Month. She added Alexandra House has had a long-standing partnership with the City of Ramsey in addressing domestic violence and sexual violence, which has been on the rise. She noted there were 28 domestic violence-related homicides in 2020, and 19 confirmed victims in 2021.

Ms. Elicerio stated Alexandra House is sponsoring a variety of awareness efforts during the month of October. She added information is available on the Alexandra House website.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

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

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

5. CONSENT AGENDA

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

- 5.01: Approve the following Meeting Minutes:
 - 1) City Council Special Work Session dated 6/15/2021
 - 2) City Council Special Work Session dated 8/23/2021
 - 3) City Council Special Work Session dated 8/24/2021
 - 4) City Council Special Work Session dated 8/25/2021
- 5.02: Approve Business Licenses
- 5.03: Adopt Resolution #21-239 Proclaiming October 2021 Domestic Violence Awareness Month
- 5.04: Adopt Resolution #21-230 Authorizing Final Payment to Park Construction Company for Improvement Project #20-01, Variolite Street Reconstruction.
- 5.05: Adopt Resolution #21-259 Authorizing Partial Payment #12 to RJM Construction for Improvement Project 20-07 New Public Works Facility
- 5.06: Adopt Resolution #21-266 Authorizing Partial Payment No. 1 to North Valley, Inc, for Improvement Project #21-02, Tiger Street Reconstruction
- 5.07: Adopt Resolution #21-268 Authorizing Partial Payment No. 2 to North Valley, Inc. for Improvement Project #21-03, for Business Park 95 Street Reconstruction
- 5:08: Adopt Resolution #21-269 Authorizing Partial Payment to Northwest Asphalt and Maintenance for Improvement Project #21-06, 2021 Crack Seal Improvements
- 5:09: Adopt Resolution #21-270 Authorizing Partial Payment No. 3 to North Valley Inc. for Improvement Project #21-04, 2021 Neighborhood Pavement Overlay Improvements
- 5:10: Adopt Resolution #21-271 Authorizing Partial Payment No. 3 to North Valley, Inc. for Improvement Project #21-05, 2021 MSA Pavement Overlay Improvements.
- 5:11: Adopt Resolution #21-272 Authorizing Partial Payment No. 1 to North Valley, Inc. of Nowthen, Minnesota for Improvement Project #21-12 Additional Pavement Overlay Improvements.

- 5.12: Adopt Resolution #21-274 Approving Purchase Agreement for Lot 4, Block 1, Riverside West; Case of Windows and Doors USA (portions may be closed to the public)
- 5.13: Receive August 2021 Financial Reports – General Fund and Enterprise Funds
- 5.14: Note the Following Boards, Commissions, and Committee Meeting Minutes
- Planning Commission Meeting Minutes Dated June 3, 2021
 - Planning Commission Meeting Minutes Dated July 22, 2021
 - Public Works Committee Meeting Minutes Dated July 20, 2021
 - Economic Development Authority Meeting Minutes Dated August 12, 2021
 - Park and Recreation Commission Meeting Minutes Dated August 12, 2021
- 5.15: Consider Hiring a Streets Maintenance Worker Backfilling a Pending Vacancy
- 5.16: Adopt Resolution #21-275 Approving First Amendment to Purchase Agreement for Outlot B, COR Stone Brook Academy, Case of Stories Foundation
- 5.17: Adopt Resolution #21-277 Approving SAC and WAC Loan for Stories Foundation
- 5.18: Adopt Resolution #21-282 Approving Cash Disbursements Made and authorizing payment of Accounts Payable Invoicing Received during the period of September 9, 2021 through September 22, 2021.
- 5.19: Hiring a Temporary Community Development Intern
- 5.20: Adopt Resolution #21-283 Approving the 2022-2024 LELS Captains Contract
- 5.21: Adopt Resolution #21-284 Approving the 2022-2024 LEL Sergeants' Contract
- 5.22: Adopt Resolution #21-285 Adding 156th Lane NW to 2021 Additional Pavement Overlay Improvements, Improvement Project #21-12

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

6. PUBLIC HEARING

6.01: Adopt Resolution #21-278 Adopting Assessments for Past-Due Charges on Municipal Utility Bills and Current Services Rendered

Finance Director Diana Lund reviewed a proposed Resolution related to past due charges on utility bills and current services. Letters were sent to delinquent account addresses on September 3, 2021 with notification of delinquent amounts and related fees. 972 delinquent letters were sent for a total of \$336,227. Of these delinquent accounts, 225 have paid the appropriate charges with 747 current delinquent accounts for a total of \$281,208. Delinquent properties must pay past due charges by November 15, 2021, to avoid certification.

There were no public comments.

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

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

Motion by Councilmember Riley, seconded by Councilmember Howell, to Adopt Resolution #21-278 Adopting Assessments for Past-Due Charges on Municipal Utility Bills and Current Services Rendered.

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

7. COUNCIL BUSINESS

7.01: Adopt Resolution #21-276 Providing for the Issuance and Sale of \$9,845,000 General Obligation Capital Improvement Plan Refunding Bonds, Series 2021 and Levying a Tax for the Payment thereof

Finance Director Lund reviewed a proposed Resolution to accept the sale terms of \$9,845,000 in General Obligation bonds sold this morning. The original request was \$10,700,000, and the bonds were sold at a premium. The true interest rate is 1.15% in comparison to 1.26% on August 24, 2021. The original interest rate was 3.07%, which represents a savings to the debt levy for 2022 of about \$8,400. This reduction will be reflected in final levy amount, with an overall savings of \$1.12 million, or \$112,000 annually.

Councilmember Musgrove stated it is a good thing when the City Council can make decisions that will save taxpayer money. She expressed her appreciation for Finance Director Lund for her work in getting this done.

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to Adopt Resolution #21-276 Providing for the Issuance and Sale of \$9,845,000 General Obligation Capital Improvement Plan Refunding Bonds, Series 2021 and Levying a Tax for the Payment thereof.

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

7.02: Adopt Resolution #21-279 Adopting Proposed 2022 Payable Tax Levies (General, Pavement Management, EDA and Debt Services) and Schedule Public Hearing for December 14, 2021; Adopt Resolution #21-280 Adopting Proposed 2022 General Fund Budget and Resolution #21-281 Adopting Proposed 2022 EDA Budget

Finance Director Lund reviewed the proposed 2022 levy and budget, which will not be finalized until the December 14, 2021, regular meeting.

Finance Director Lund stated the budget and levy has been drafted with the City's strategic goals in mind: financial stability; balance of rural character and urban growth; active and connected community; smart citizen focused government, and effective organization.

Finance Director Lund stated the tax capacity grew 9.6% from 2021-22, for an overall levy increase of 17.8%. The 2022 general fund budget and levy, proposed at \$15,321,278, represents

an increase of \$2,311,470 or 17.7% from 2021. The general fund budget of \$14,543,640 is a 1.11% increase over 2021, and estimated tax capacity rate of 42.943%.

Finance Director Lund stated the pavement management levy is the largest segment of the budget, and it replaces the current franchise fee. She added the pavement management levy represents a total increase of \$1,673,227, or 72.4% of the total levy.

Finance Director Lund stated, with regard to personnel funding, the \$557,743 levy increase includes \$307,945 for existing employee adjustments and \$249,797 for new personnel: a part-time receptionist/secretary; a full-time IT Systems & Security Administrator; and a full-time Parks Maintenance Worker.

Finance Director Lund stated the EDA authority has a levy of \$75,360, and that stays the same. She added the tax rate of 42.943% was recommended for approval by the EDA Board.

Finance Director Lund stated the final budget will be reviewed for approval at the City Council's December 14, 2021 regular meeting. Preliminary tax statements will be sent from Anoka County from November 8-27, 2021, and the numbers are subject to change until final adoption on December 14, 2021.

Councilmember Musgrove asked whether the savings from the bond sale will be used to offset personnel requests.

Finance Director Lund stated the bond savings will be a direct result of the reduction of municipal center debt and will not affect personnel costs.

Motion by Councilmember Musgrove, seconded by Councilmember Heineman, to Adopt Resolution #21-279 Adopting Proposed 2022 Payable Tax Levies (General, Pavement Management, EDA and Debt Services) and Schedule Public Hearing for December 14, 2021; Adopt Resolution #21-280 Adopting Proposed 2022 General Fund Budget and Resolution #21-281 Adopting Proposed 2022 EDA Budget.

Further discussion:

Councilmember Woestehoff stated he cannot support this motion as it is not a long-term plan that will save money, nor a valid replacement for franchise fees. He added the City Council was told that any plan would fully fund the roads without dipping into reserves, but that is not the case. He noted there are other numbers he is not happy about, including a very large impact on the City's business community, who will have a significant increase in their taxes.

Councilmember Woestehoff stated the proposed levy affects the average homeowner more than a franchise fee would have. He added the decision was made months ago to do away with the franchise fee, even though it was the most economical way to proceed. He added \$330,000 less for roads is not a solution, or a replacement for the franchise fee but rather a stop gap, which the City Council was told was not going to happen.

Mayor Kuzma stated he will not be supporting this as he cannot support raising the levy to almost 18%. He added previous Councils have always had reductions in the levy. He noted the franchise fee was never given a full trial, and he does not believe people were complaining about it. He noted the levy will not fully fund roads, and the City will have to dip into its reserves which will challenge the City's bond rating.

Councilmember Heineman stated there is misrepresentation here. He added, from 2022-2023, under the franchise fee, there would be 2 years of fully funded roads, as the franchise fee grossly underfunded roads for all but 2 years. He noted it is a misrepresentation to say the City is underfunding the levy, when there would be a \$276,000 deficit under the franchise fee model.

Councilmember Heineman stated last year, with the 5.4% general levy increase, residents saw a 20% increase in taxes based on franchise fee, for a total increase of 25%. He added, looking at these numbers, the proposed plan is better as it establishes a long-term plan to pay for roads.

Councilmember Riley stated, with regard to the long-term plan, continued growth in the tax rate is built in for all future years. He added he is uncomfortable talking about raising taxes. He noted he supported getting rid of the franchise fee but only if the funds were replaced, but only 84% of the funds are being replaced. He noted he cannot support building in tax increase assumptions.

Councilmember Heineman stated, from 2014-2021, there has been a 7.5% average annual increase because of the growing tax base. He added this plan is cheaper and more effective, which is in line with the City's goals of financial stability and effective organization.

Councilmember Specht thanked Finance Director Lund and City Staff for the hard work on the budget. He added this is a more equitable and transparent way of funding roads, and he sees it as a good compromise.

Mayor Kuzma stated it was agreed during work sessions that the City Council would do a thorough review of the franchise fee and other road funding options. He added, however, there was a motion to eliminate the franchise fee without a full review. He noted the City Council never went through all the options.

Councilmember Heineman agreed, adding the City Council had agreed to review the franchise fee, but it was pushed back from work sessions repeatedly, until it was too late to do anything.

Councilmember Howell stated she concurs with Councilmember Heineman's recollections of franchise fee and discussions. She added the former mayor had stated that the franchise fee is a tax that people are paying but they don't know their tax rate. She expressed her support for Council Member Musgrove's motion. She noted residents need to understand what they are paying.

Councilmember Musgrove stated she supports the idea of having funding from taxes that is dedicated to roads. She added, to Councilmember Heineman's point, the franchise fee did not fully fund roads and would have to be increased.

Councilmember Musgrove asked, as a point of order, whether her motion should have referenced the scheduling of the budget levy meeting on December 14, 2021, at 7:00 p.m., and adopting the general fund budget and EDA budget.

City Administrator Ulrich agreed all 3 resolutions can be referenced in one motion. He stated a friendly amendment to the Resolution could include the 3 Resolutions for the proposed 2022 levy of \$15,321,278, including Resolutions #21-280 and 21-281. Councilmembers Musgrove and Heineman agreed.

Councilmember Musgrove requested the following addition to her original motion, based on Option 1:

-Setting the Budget Levy Meeting for December 14, 2021 at 7:00 p.m., and adopting the General Fund Budget and EDA Budget.

Councilmember Heineman agreed.

Mayor Kuzma stated Councilmember Howell is speculating about whether the franchise fee would have to be raised. He added there was never any intent to raise the franchise fee, and there was a solid plan to cover roads.

Councilmember Woestehoff requested clarification that Mayor Kuzma was addressing Councilmember Musgrove. Mayor Kuzma agreed.

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

7.03: Adopt Resolution #21-248 Granting Preliminary Plat Approval for North Brook Meadows, Case of Landform and Platinum Land LLC (Project 21-131 – Hunt Property)

Senior Planner Chloe McGuire Brigl reviewed the proposed preliminary plat approval for Northbrook Meadows, which has been reviewed before by the City Council. All standards are met in the development, which is consistent with the City's Zoning Code and Comprehensive Plan.

Senior Planner McGuire Brigl stated the City is required to approve this request as it meets all requirements. A traffic study was completed by Vernon Swing, recommending a right turn lane on 173rd Avenue out of the site and a dedicated turn lane into the property at 173rd Avenue. City Staff is recommending restriping of a dedicated turn lane at 175th Avenue contingent upon County approval. No improvements are proposed in the flood plain at the northwest corner of the property. City Staff recommends a contingency that the applicant works with the gas company to ensure that the gas easement on the property is marked on site, and to create an informational flyer for residents about the easements. City Staff has confirmed that each lot has 80 feet of buildable width outside the easement.

Senior Planner McGuire Brigl stated City staff recommends adoption of Resolution 21-248 as drafted, with the following potential contingencies: restriping of intersection at 175th Avenue; and modification of plantings to buffer along 175th Avenue.

Councilmember Heineman requested clarification regarding a resident's suggestion for an acceleration lane on southbound 175th Avenue.

City Engineer Westby stated the Traffic Study did not indicate that an acceleration lane was a needed improvement. He added Anoka County is also reviewing the traffic study and will likely recommend dedicated left turn lanes northbound onto 173rd and 175th Avenues.

Councilmember Heineman asked whether the case study includes copies of the notice that was sent to nearby residents.

Senior Planner McGuire Brigl stated City Staff has a record of the original case indicating notices were sent but she does not have a copy of the notice itself.

Councilmember Riley requested clarification regarding when the traffic study was done.

Senior Planner McGuire Brigl stated the traffic study was done on a Wednesday and Thursday during rush hour traffic, which is standard for traffic studies.

Councilmember Woestehoff requested clarification regarding Option B.

Senior Planner McGuire Brigl stated a resident requested that trees be added to the back yards of the properties along 175th Avenue, which was not buffered as well as other borders. She added City Staff is supportive of working with the applicant to move some of the trees around to provide more of a buffer along 175th Avenue.

Councilmember Howell stated residents expressed concern about the traffic study, that numbers were low due to Covid.

Vernon Swing stated Covid does impact traffic counts, but recent metro area counts have shown that daily numbers are very close to what they were pre-Covid. He added counts were taken when school was not in session.

Councilmember Musgrove stated the traffic study indicates that there was an assumption that traffic would exit the neighborhood on 173rd Avenue.

Mr. Swing confirmed this.

Councilmember Musgrove stated she would support a contingency for a recommendation from Anoka County related to traffic. She added she would like to address the acceleration lane that was mentioned by a resident.

Councilmember Musgrove stated the traffic study recommends three improvements to Nowthen Boulevard – left turn in, left turn out, and southbound turn lane in. She added she would support having all 3 improvements incorporated into the contingencies.

Councilmember Musgrove asked whether the City has received a letter regarding the natural gas easement.

Senior Planner McGuire Brigl stated that information has been requested by City Staff.

Darren Lauzon, representing Platinum Land, owner of the property, stated proposed improvements at 173rd Avenue will be substantial, and will exponentially increase the level of service at that intersection beyond the error of margin related to current conditions, such as Covid or school hours, as well as variations in traffic counts.

Mr. Swing stated there is a benefit to restriping Nowthen Boulevard to a dedicated turn lane as it increases safety by removing left turning traffic from the traffic flow.

Mr. Lauzon stated the developer has been working with Northern Natural Gas on the site and received their review of the preliminary plan, which includes no new trees in the easement and no parallel utility crossings.

Motion by Councilmember Woestehoff to adopt Resolution 21-248, Granting Preliminary Plat Approval for North Brook Meadows, with options A, B and C.

The City Council requested additional discussion.

Councilmember Woestehoff withdrew the motion

Councilmember Musgrove requested clarification regarding Block 3, Lot 1, and whether the crossing area will affect that lot. She asked where the City easements are located.

Mr. Lauzon stated the side yard setback easements have been corrected. He showed a site plan depicting pads with typical 2,100 square foot home footprints with setbacks. He added there is a fair amount of room on the lot.

Councilmember Howell expressed concern that there is no physical evidence that residents were informed of the rezoning. She referred to page 73, Ordinance #11-3.

Senior Planner McGuire Brigl stated a copy of the notice that was sent to all property owners in 2011 regarding the rezoning is included on the first page of the informational packet. She added the rezoning was properly noticed and was posted on the City website. She noted notice of public hearing was published April 15, 2011.

Mr. Lauzon stated there is no HOA for the development and putting the buffer into common ownership presents a number of problems which are counterintuitive to the goals of the Ordinance. He added, under an HOA, every homeowner would pay for something that only benefits 13 homes,

and creates a hardship for a single-family residential development on the edge of the MUSA zoning district. He noted an easement could be granted to the City and enforced by City Staff.

Councilmember Musgrove stated there are many considerations with this case. She asked whether the request could be postponed to the City Council's next meeting to review the three potential options.

Senior Planner McGuire Brigl stated, based on the 60-day rule and extension letter, it would be necessary for the City Council to do a contingent approval tonight for additional discussion regarding the outlot issue at a future meeting.

Councilmember Heineman stated an easement makes the most sense if the purpose of the buffer is to maintain the characteristics of the surrounding area.

Councilmember Musgrove expressed concern that residents may not follow the intent of the buffer.

Councilmember Riley stated an easement would be appropriate with education and information for residents so they understand the purpose and maintenance of the easement.

Motion by Councilmember Woestehoff, seconded by Councilmember Heineman, to adopt Resolution 21-248, Granting Preliminary Plat Approval for North Brook Meadows, with options A, B, C and D to include the change of shared ownership to an easement on the property.

Further discussion:

Councilmember Howell stated she will not be supporting the project as she has significant concerns about the increased traffic that this development will bring to the community.

Councilmember Heineman stated he supports the project, but the City needs to do a better job of protecting the rural characteristics of Ramsey. He added he does not support expanding that far north, although this is private property.

Councilmember Musgrove stated she has difficulty supporting this because of the issue of enforcing the easement.

Mayor Kuzma stated he has concerns about traffic.

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

Motion by Councilmember Woestehoff to Adopt Resolution #21-248 as Drafted, Including Contingencies to Require that 175th Avenue is Restriped as per the Traffic Study; Modify Planting Plan to Creatively Distribute Plantings to Buffer 175th Avenue; Contingent upon Traffic Review with Anoka County; and Contingent upon Buffer Area Under Easement or Outlot of Shared Ownership.

Further discussion:

Councilmember Musgrove stated this is the first opportunity that the City Council has had to discuss the easement vs. outlot issue. She added she would like to have more information on the buffer zone to be able to support this project.

Councilmember Woestehoff stated he is concerned about legal ramifications for the City if this request is not approved, as it meets every requirement that the City has posted.

City Administrator Ulrich stated a second to the motion is needed. He reviewed proposed conditions added to the motion:

- Contingent upon buffer area under shared ownership as outlot or easement
- Discussion at future City Council meeting to ensure education

Councilmember Heineman seconded the motion with the additional conditions.

Councilmember Heineman stated he understands the frustration of the residents of this neighborhood. He added the rules are established, and it is the job of the governing body to ensure the rights of the individuals over a majority.

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

7.04: Consider Preliminary Plat and Zoning Amendment for Lynwood Subdivision Located West and South of 15050 Armstrong Boulevard (Project #21-122); Case of Lennar

Senior Planner McGuire Brigl reviewed a proposal for a 34-acre site with 12 single-family homes on 80-foot-wide lots and 119 attached townhome units, for which a Comprehensive Plan amendment was approved by the City Council in August 2021. A second access into the site was approved by the Anoka County Highway Department. The developer is proposing a 45-foot density transitioning buffer along the northern and western boundary.

Senior Planner McGuire Brigl stated the applicant is requesting that the 30-foot front yard setbacks be reduced to 25 feet to allow additional backyard space and increase the distance of the proposed homes from existing residential properties.

Senior Planner McGuire Brigl stated the Planning Commission recommends City Council adoption of Ordinance 21-19 approving a Zoning Amendment to rezone a portion of the property from R-3 to R-2; and adopt Resolution #21-252 approving the Preliminary Plat with the contingencies outlined in Alternative #1.

Councilmember Woestehoff asked whether the proposed 25-foot front yard setback would be for all single-family lots.

Senior Planner McGuire Brigl confirmed this.

Councilmember Woestehoff stated he supports the request in this case since there will be townhomes in the development, and there is an interest in keeping the buffer.

Councilmember Riley requested feedback from City Staff on the 25-foot setback.

Senior Planner McGuire Brigl stated City Staff is generally supportive of the request as it meets the City's goals of density transitioning.

Councilmember Riley stated the request makes sense as it fits with the townhomes in the neighborhood, but he would not want to hear this again in another situation.

Councilmember Riley asked whether Public Works has weighed in on the mix of public and private streets. He expressed concern about snow removal at the intersections.

Senior Planner McGuire Brigl stated this case was reviewed by the Development Review Committee. She added the City will plow the public roads.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to waive the Charter requirement and Adopt Ordinance #21-19 approving a Zoning Code Amendment to Rezone a Portion of the Property Located West and South of 15050 Armstrong Boulevard from R-3 to R-2.

Further discussion:

Paul Tabone, representing Lennar Homes, stated he appreciates the City's support on this project, and willingness to consider the 25-foot setback. He asked whether the City Council would consider having the density transition zone as an easement rather than an outlot, which would eliminate the need for a variance. He added this development will have an HOA as there will be townhomes. He noted he is still requesting the 25-foot variance.

Councilmember Woestehoff stated he will not support an amendment to change the outlot to an easement in this case. He added the HOA owns the parcel as opposed to deeding it out to the properties, and it makes sense to keep it as an outlot.

Councilmember Heineman agreed.

Mr. Tabone requested feedback and comment from the City Council regarding the 25-foot setback request.

Councilmember Musgrove stated there seems to be a consensus from the City Council to support that request, which must be reviewed by the Planning Commission.

City Administrator Ulrich stated it would not be appropriate to include a variance for setback in the motion, which is a request for rezoning. He added proposed setbacks would be addressed in the preliminary plat.

Roll call vote:

Councilmember Heineman	aye
Councilmember Howell	aye
Councilmember Musgrove	aye
Councilmember Riley	aye
Councilmember Specht	aye
Councilmember Woestehoff	aye
Mayor Kuzma	aye

Motion carried.

Motion by Councilmember Woestehoff, seconded by Councilmember Musgrove, to Adopt Resolution #21-252 Approving Preliminary Plat of Lynwood Subdivision Located West and South of 15050 Armstrong Boulevard with Contingencies as listed in the Staff Report, and Designating the Density Transition Zone as an Outlot.

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

7.05: Consider Hiring a New Deputy City Administrator/Community Development Director

Administrative Services Director Colleen Lasher reviewed the proposed hiring of Mr. Brian Hagen as Deputy City Administrator/ Community Development Director, a position which has been vacant since June 22, 2021. A nationwide search was conducted, and 19 candidates were selected for initial interviews. Two finalists were selected after second interviews were conducted, and Mr. Brian Hagen was selected as the final candidate. Mr. Hagen passed all pre-employment testing, and his position will be subject to a 1-year probationary period.

Administrative Services Director Lasher thanked City Engineer Westby for serving as Interim Community Development Director, and Finance Director Lund for serving as Interim Deputy City Administrator.

Administrative Services Director Lasher stated City Staff recommends the hiring of Brian Hagen effective on or near November 1, 2021.

Motion by Councilmember Howell, seconded by Councilmember Specht, to hire Mr. Brian Hagen as Deputy City Administrator/Community Development Director Effective on or near November 1, 2021, At \$53.82 Per Hour Which Is Step 2 of the 2021 Pay Scale, with a Credit of 5 Vacation Days.

Further discussion:

Councilmember Musgrove thanked Mr. Westby and Ms. Lund for stepping in to cover the duties of this position, and for their communication and assistance. She added the process came down to two very qualified candidates, and she thanked them for going through the process.

Mayor Kuzma stated he will not be supporting the motion. He added he did not support the hiring process. He noted, however, he will do whatever he can to be supportive of Mr. Hagen.

Councilmember Heineman stated the hiring process was very extensive. He thanked Administrative Services Director Lasher for her hard work and efforts. He added both of the final candidates were qualified. He noted he supports the hire of Mr. Hagen for this position.

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

7.06: Terminate Contract for Civil Legal Services with Ratwik, Roszak & Maloney, PA

City Administrator Ulrich reviewed the proposed termination of existing civil legal services contract, which requires a 30-day notification.

Motion by Councilmember Heineman, seconded by Councilmember Howell, to authorize the City Administrator to Send Written Notice Terminating the Contract for Civil Legal Services to Ratwik, Roszak & Maloney Effective October 31, 2021.

Further discussion:

Mayor Kuzma stated he will not support the motion as he felt the existing attorney has done a good job for the City for the past 8 years, and their contract came in the lowest.

Councilmember Heineman thanked everyone who worked hard to make this decision. He added it was determined that the current contract was due for review and renewal, and the new legal services are much cheaper than the current legal service. He noted the current legal services have done a good job and he wished them luck.

Mayor Kuzma stated the proposed legal services' retainer is \$1,000 a month more than the current legal services. He added there are options for third-party billing, but the contract will likely be more expensive.

Councilmember Heineman stated the current legal services have a lower price, but they bill hourly and include transportation time. He added this choice is more fiscally conservative.

Councilmember Howell stated the current City Attorney charges \$500 per meeting that he attends, which would put his contracted amount over the amount of the legal service that is under consideration.

Councilmember Woestehoff stated he will be supporting this motion as the City Council as a majority has lost favor with the current attorney. He added he has been happy with the legal services the City has had; however, he can understand the desire to move on.

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

7.07: Contract for Civil Legal Services with the firm of Holstad & Knaak, PLC

City Administrator Ulrich reviewed the proposed contract for legal services with the firm of Holstad & Knaak, with Frederick Knaak to serve as City Attorney. The 2-year contract would be effective November 1, 2021, with a 60-day written termination provision. City staff recommends approval of the proposed contract.

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to authorize the City Administrator to Enter into a Contract for Legal Services with the Firm of Holstad & Knaak with Frederick Knaak to serve as City Attorney to be effective November 1, 2021.

Further discussion:

Mayor Kuzma stated he will be opposing the motion.

Councilmember Woestehoff stated he is not going to support the motion as City Staff have indicated this firm would not have been their preferred choice. He added he is excited to work with Fritz as he comes on board, and he will do a good job as City Attorney.

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

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich stated the City is sponsoring a drive-in movie in the ballfield at the Draw Park on Thursday, October 21, 2021. "The Wizard of Oz" will be played.

City Administrator Ulrich stated the Fire Department is hosting Open Houses on October 5, 2021, at Station 1 and October 7, 2021, at Station 2, during evening hours.

City Administrator Ulrich stated the Public Works Department will be hosting an Open House at the new Public Works facility on October 16, 2021, at 1:00 p.m.

City Administrator Ulrich stated the Business Expo will be held October 16, 2021 at Adrenaline Sports. The public is welcome.

City Administrator Ulrich stated he and Mayor Kuzma will meet with Representative Heinrich to discuss the last legislative session and the upcoming session.

City Administrator Ulrich stated the City Council's next regular meeting is scheduled for Tuesday, October 12, 2021.

Councilmember Musgrove stated the Anoka County Sheriff's Office Open House is scheduled for September 29, 2021, from 4:00 – 7:00 p.m.

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 9:52 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.