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

The Ramsey City Council conducted a regular meeting on Tuesday, January 11, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Mark Kuzma  
Councilmember Ryan Heineman  
Councilmember Chelsee Howell  
Councilmember Debra Musgrove  
Councilmember Chris Riley (attended via Zoom)  
Councilmember Dan Specht  
Councilmember Matt Woestehoff

Members Absent: None

Also Present: Deputy City Administrator/Community Dev. Director Brian Hagen  
City Attorney Fritz Knaak  
Planning Manager Chloe McGuire Brigl  
Parks and Assistant Public Works Superintendent Mark Riverblood  
Planning Technician Brian McCann (attended via Zoom)  
Police Chief Jeff Katers  
Zoning Code Enforcement Officer Bria Raines (attended via Zoom)

**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**

None.

**3. CITIZEN INPUT**

Brian Walker, 17289 Variolite Street NW, stated that he has spoken many times at City Council meetings. He stated that he has always been professional when addressing the Council but felt that the Mayor let the two realtors speak against him. He didn't receive an apology from the City. He stated he emailed the Mayor the next day with the information he had presented two months ago that was refuted. He had gotten apologies from some of the councilmembers but not the Mayor.

Mayor Kuzma indicated he is not here to fight Mr. Walker's battles.

Councilmember Howell commented that some of the Councilmembers are newer and learning the routines and sections of the code. Section 50-2 of the code puts the Mayor in charge of the meeting but allows Councilmembers to step in, if needed. That is something they could be better at in the future if it is noticed that something is shared that is accurate. If sections of the code are not followed properly, the Council can step in.

Gene Gutzwiller, 1665 Quicksilver Street, stated he understood there was a Work Session tonight that was open to the public and asked what the latest was on the north entrance going into Elm Crest Park.

Mayor Kuzma replied nothing has been decided at this point. It was tabled and the Work Session will resume after the City Council meeting tonight.

Mr. Gutzwiller asked if there is negotiating happening, noting he heard about the possibility of a land purchase.

Mayor Kuzma replied there was nothing to be discussed at this point.

Mr. Gutzwiller questioned if the pictures he sent from Christmas Eve were received.

Mayor Kuzma confirmed this.

Mr. Gutzwiller stated there are things within the 60-foot easement and none of the things have been moved that are beyond the boundary line defined by the stakes that were put in. He questioned why time and money was spent to put stakes in the ground if nothing is going to be done about it.

Mayor Kuzma replied the Council is working on it.

Mr. Gutzwiller stated he felt that if the manure spreader was parked in The COR, something would be done. He explained that what is on the property is not usable farm equipment and hasn't been for years. He felt he had been patient but is now losing patience.

Councilmember Howell replied that she will continue to advocate for Mr. Gutzwiller and continue to advocate for an aggressive approach as she understood his frustration. She drove by the site before Christmas Eve and apologized for what he is going through.

#### **4. APPROVE AGENDA**

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

A roll call vote was performed.

Councilmember Heineman                      aye

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

Motion carried.

## 5. CONSENT AGENDA

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

- 5.01: Receive November 2021 Financial Reports- General Fund and Enterprise Funds
- 5.02: Receive Cash and Investments for Period Ending December 31, 2021
- 5.03: Approve Amending City Council Meeting Schedule for 2022
- 5.04: Approve Request to Declare Surplus Property
- 5.05: Approve the Following Meeting Minutes
  - 1) City Council Work Session dated December 14, 2021
  - 2) City Council Regular dated December 14, 2021
- 5.06: Approve Business Licenses
- 5.07: Approve Rental Licenses
- 5.08: Reclassifying a Public Works Maintenance Worker to Lead Streets Maintenance Worker
- 5.09: Authorization to Hire a Streets Maintenance Worker to Fill a Current Vacancy
- 5.10: Authorize Hiring a Parks Maintenance Worker
- 5.11: Acknowledge Application to the MN Arts and Cultural Heritage Fund for a Competitive Veterans Memorial Grant
- 5.12: Adopt Resolution #22-015 Approving the City of Ramsey's 2023 Budget Calendar
- 5.13: Adopt Resolution #22-012 Designating Financial Institutions as Official Depositories; Adopt Resolution #22-013 Authorizing Signatures for Financial Transactions and Adopt Resolution #22-014 Designating Band of the West as the Official Financial Institution for the City of Ramsey Banking Services for the Year of 2022
- 5.14: Adopt Resolution #22-018 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of December 9, 2021 through December 28, 2021
- 5.15: Adopt Resolution #22-019 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of December 29, 2021 through January 5, 2022
- 5.16: Adopt Resolution #22-006 Terminating Electrical Inspection Services Agreement with Tokle Inspections, Inc.
- 5.17: Adopt Resolution #22-007 Approving Electrical Inspection Services Agreement with Sloth Inspections, Inc.
- 5.18: Adopt Resolution #22-011 Approving Premise Permit for Anoka Ramsey Athletic Association at Willy McCoy's in Ramsey
- 5.19: Adopt Resolution #22-020 Approving the 2022-2024 LELS Patrol Contract

A roll call vote was performed.

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

## **6. PUBLIC HEARING**

### **6.01: Public Hearing: Adopt Resolution #22-010 and Resolution #22-009 Approving Preliminary Plat and Comprehensive Plan for Trott Brook Crossing and Planning Area; Case of Sotarra**

#### **Presentation**

Planning Manager McGuire Brigl gave a presentation on the resolution. As part of her presentation, she included a timeline for the audience. She stated the main point to remember is there is a maximum of 120 days to act on the Preliminary Plat. The 120 days ends a week from today. Because this is the last meeting before the end of the deadline, the City Council has to act to approve or deny, unless there was an agreement with the developers to extend the deadline. She stated it has been confirmed with the City Attorney that the property was legally zoned R-1 throughout the site, except the southwest parcel to MUSA 80. The property was guided as MUSA in the 2040 Comprehensive Plan. There is a need for a Comprehensive Plan Amendment to allow a lower density onsite. She explained that as a part of this case, there is a new Urban Residential Low district re-guiding these properties as such. A public hearing was published for this which is why it is on tonight's agenda. She reviewed the staff report and recommendation to adopt Resolution #22-009 and Resolution #22-010. She added that the resolution was updated today online to change the title. The EAW issues had already been addressed so that has been removed online. She also stated that the applicant is in the audience tonight.

Councilmember Woestehoff questioned, for clarification, if the Council doesn't take action what happens procedurally. He asked if it would be automatically be approved as written without the contingencies.

City Attorney Knaak replied the application would be approved as applied, not with any conditions.

Councilmember Musgrove asked Senior Planner McGuire Brigl, in the case the Council has already acted on the Preliminary Plat, where the land was not rezoned to add the additional seven homes. She noted that is still in the Preliminary Plat, it is still there, and asked if that means the Council's action on that is still valid if it doesn't pass tonight.

Planning Manager McGuire Brigl replied that action, the denial of the rezoning, is still valid and the condition of approval of the Preliminary Plat is to be in line with the previous approval so the seven lots would need to be removed in that area. City Staff will work with the developers to make sure that contingency is met.

Councilmember Musgrove noted there are some contingencies that go with it, even though it says it would be approved without contingencies. She asked Senior Planner McGuire Brigl to talk about the proposal for trees that might have been close to the line, and any of the plants that were planned for the seven lot area. She questioned if those would get moved up in that area or if they would be removed.

Planning Manager McGuire Brigl replied in terms of the trees in the area, those trees would still need to be inventoried because they are a part of the project site. Any removal from the site would still be subject to the tree removal threshold in the site and two trees are required per property. She explained that any plantings shown on the landscape plan wouldn't be required because the new lots wouldn't be there. There would need to be a new revised landscape plan and revised grading and utility plans once the lots are removed.

Councilmember Musgrove noted one of the contingencies is approval of the wetland inventory, which has been extended. She asked Senior Planner McGuire Brigl to speak to that.

Planning Manager McGuire Brigl replied that a condition of approval is a confirmed wetland delineation and a WMO permit. As of now, there is a conditional approval because they need to come back in the spring to look at how the plants have regrown at the site to confirm the wetland boundary. She stated that is a standard condition of approval. Staff works with the Conservation District and Watershed Management Organization in the spring to do field verification which also includes rare plant species. She noted there were a couple of projects approved last year in the winter and went through a similar process so City Engineering Staff works well with that when the spring hits.

Councilmember Musgrove asked if any plants are found that would qualify to be rare plants, how would that effect the development. She asked if the Council would hear back on that or would it be handled administratively. She also asked about the wetlands and if that is a plan to be credited elsewhere because she thought some of the wetlands are in the layout of where the homes are.

Planning Manager McGuire Brigl replied that in working with the DNR and the Watershed Conservation District, if there are rare plant species found on site and the development wouldn't impact that, the Council wouldn't be included. If there was an impact, if the DNR could get proper permitting the Staff would help the applicant through the process. If it created a significant change to the layout, the Council would be consulted. With outside jurisdiction permits, that is typically how it is handled. She continued, explaining that in terms of the wetlands, they are proposing to fill in two wetlands in the interior area of the project site. There is a process for that. They are under an exemption for this, which means they are allowed to do this under the current rules. If the developers filled more wetlands than allowed, there is a different process for that. She stated her understanding from City environmental Staff that the portions of wetlands that are going to be

removed is beneficial because it is likely that the wetlands would dry up over time due to the proximity of the homes.

### **Public Hearing**

Mayor Kuzma called the public hearing to order at 7:17 p.m.

### **Citizen Input**

Shar Rubineye, 1260 142<sup>nd</sup> Avenue, Andover, stated her father is Bill McCowsky. She asked what assurances the Council had that the Metropolitan Council will approve the proposed Comprehensive Plan amendment.

Planning Manager McGuire Brigl replied Staff has been working with the Metropolitan Council behind the scenes on the Comprehensive Plan Amendment. The draft was done based on Andover's amendment that is similar so it has all of the same conditions. A couple of other reasons were added why someone could qualify for this tool in the future. Staff worked with the Metropolitan Council to get information on the back end and have worked to lay out the process with them on administrative next steps. If approved tonight, there would be an adjacent jurisdiction notification for the next 60 days. After that, they submit to the Metropolitan Council who has another 60 days for a review period. Staff is fairly confident it will be approved because it is based on one that the Metropolitan Council has approved before and they have met with the sector representative about it as well.

Jeff Uecker, 17121 Variolite Street, questioned if residents were supposed to be notified of a public hearing about something that is happening next to their property. He stated he didn't get a notice about tonight's meeting but heard from someone else, which is why he is here. He has been consistently against the project from the beginning because he doesn't feel there is a meaningful buffer. He was unclear why, if a project like this has to go in, there can't be larger lots on the outside. He noted at the last meeting, the developer said that was possible but it would create problems. He thought that was suggested at one point but the developer was told to do something different. Mr. Uecker stated from a resident perspective, it would be something that could be considered, even half-acre lots and have the smaller lots on the inside to get to the density. Then more of a buffer could go on the edges. He stated he was unclear why that isn't being considered.

Planning Manager McGuire Brigl responded to the question of notification. She stated there have been multiple public hearings held related to this case and the City has actually held more public hearings than required. During the last meeting, it was stated that this issue would be continued with tonight's meeting for public hearing. No additional notifications were sent for this meeting because it was a continuation. She believed this met the requirements.

City Attorney Knaak confirmed this, adding that if it is a continuation of a previously noticed meeting, no additional notice needs to be given under the law. The assumption is that the interested parties would have been at the meeting or participating in some other way. There is no legal requirement for a second notice.

Councilmember Specht suggested that in the future, given that the cost is low, Staff mail out a notification that a public hearing is being continued even though there is no legal requirement, as that would allow for as much public feedback as possible.

Councilmember Musgrove referenced the case and read where it says that “the City attempted to notify all property owners as reflected in the Anoka County property records that properties within 700 feet of the subject project of the request of the US mail both for this meeting and for the October 28, 2021 public hearing.” She stated the case indicates a public notice was sent out but Planning Manager McGuire Brigl stated there wasn’t one. The record could reflect that notice was sent out but the minutes will reflect that there wasn’t one. She felt the case should accurately reflect whether notice was mailed or not. She understood that residents would have received a public notice based on what was written in the case.

Councilmember Specht asked Planning Manager McGuire Brigl to speak to the question of changing the Comprehensive Plan but not the rezoning and why that is the case.

Planning Manager replied in terms of zoning, it is zoned for quarter-acre, 80-foot-wide lots on City utilities, except the Southwest parcel. To meet the minimums, that is what is being used to move forward regarding zoning. The Comprehensive Plan guides this for three to four units per acre, typically that can align with it per acre lot but in practice, in order to get it to the three to four units per acre, they would actually need to put in 50-foot-wide lots and double the number of units because now it is around two units per acre. In talking to the Metropolitan Council, because that is what the Comprehensive Plan guided it as, the Metropolitan Council suggested they allow the applicant to go smaller and rezone the property because right now, the zoning and Comprehensive Plan are not in alignment. The options are to either allow smaller lots to meet the Comprehensive Plan or to meet the zoning and amend the Comprehensive Plan. The amendment to the Comprehensive Plan is to allow less density than what the Metropolitan Council says should be on site. The density right now would be less than three units per acre, which is why an amendment is needed. The City Council, based on resident feedback, recommended amending the Comprehensive Plan to allow for larger lots with three to four units per acre when the Comprehensive Plan would have required smaller units on this property because it is a unique property with a lot of wetlands, to meet the minimum density. She noted it is actually at a lower density, which she hoped would be good news to the residents.

Mayor Kuzma asked City Attorney Knaak if an amendment to the case could be added to reflect that there was no notice given.

City Attorney Knaak replied there is no legal requirement but suggested it is a good idea to be consistent in the record and that it be modified.

Planning Manager McGuire Brigl commented she would do that.

Brian Walker, 17289 Variolite Street NW, commented that this public hearing is similar to the 2011 public hearing based on the rezoning of over 190 properties in the City of Ramsey. He and several others didn’t receive notice about the public hearing. He stated that although the ordinance was published in the *Anoka County Union Herald*, it did not state the particulars of any property

including legal descriptions or addresses. The zoning map, although it is available for viewing at City Hall is not available for circulation in a book or pamphlet form and it put the burden on the resident to determine if their property would be impacted. He cited a Supreme Court case Pilgrim versus the City of Winona, in which the Supreme Court upheld the District Court's ruling that a map is not a book nor pamphlet according to a Minnesota State Statute. He continued that the Ramsey City Attorney has quoted the Bemidji case where three years had passed so a statute of limitation had passed. He felt this was different because in the Bemidji case, everything was done correctly from the beginning. With this case, he felt that City is still not in compliance because the map is not readily available for public circulation in book or pamphlet form. He continued that the Supreme Court also stated in the Pilgrim versus the City of Winona case that there was a lack of notice of public hearings as required by State Statute, which he didn't feel was followed in this case. He continued if there is a legal challenge to this zoning, it should stop the development until the case is settled and even if the Council doesn't believe the legal arguments, he believes this is a moral vote for them as elected officials.

Shar Rubineye from Andover stated Mr. Makowsky is one of the longest residents of Ramsey and she hoped that the Council takes his statements into consideration.

Motion by Councilmember Woestehoff, seconded by Councilmember, to close the public hearing.

A roll call vote was performed

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

The public hearing was closed at 7:36 p.m.

### **Council Business**

Councilmember Howell referenced Mr. Walker's comments about the court case of Pilgrim versus the City of Winona. She asked City Attorney Knaak how this case differs from the case of Pilgrim versus the City of Winona.

City Attorney Knaak replied this issue as it relates to this case relates to publication. Ramsey did have a published ordinance. With regard to the statement that in the Bemidji case everything was done correctly, he stated that the opposite of that is true. There is a long list that the City of Bemidji had done incorrectly and if any of them had not been subject to this exclusion, that ordinance would have failed. What the Supreme Court ruled that saved the ordinance was the provision of law; after three years it is presumptively valid. There is no question for him that the Ramsey ordinance in question is presumptively valid and even if Mr. Walker's statements are true, it doesn't matter if not brought up within three years.

Councilmember Woestehoff commented that he appreciated the input of everyone who spoke on this case, Mr. Walker included, over the last two years. He has seen many times as a former member of the Planning Commission that as a City, they could get better at providing notifications. He stated that in looking at the Winona case, that was 1977 when the internet wasn't available. Now, the zoning map is readily available online. Things have changed and Ramsey has an opportunity to embrace some of those aspects to be better about notification whether it is in book form, pamphlet form, or in City Hall and making things available to residents is extremely important. He understands that there is a desire to protect what is in one's backyard. As a resident who lives on an 80-foot lot, he is a minority perspective in his ward, most of which are large acre lots. He noted that more developers and developments keep coming and there is no reason why the Makowsky's or anyone should be denied to sell their land and have the ability to be compensated for the investment that they have had, noting balance is needed.

Councilmember Woestehoff continued that he was on the Planning Commission early on when a compromise was asked for with the larger lots on the outside and smaller lots on the inside. There was similar opposition to smaller lots because it was deemed as high density and even though it was not procedurally high density, there was that perspective. He felt there have been a lot of communication problems, as with any city. He hoped that the City can get better at that and residents continue to call or email the Council instead of communicating on social media, which doesn't do anything.

Councilmember Heineman commented that for him, it comes down to individual rights. He stated that the City has a form of representative government where the elected officials need to protect individual rights, especially those of landowners. This isn't a society where if the majority of neighbors decide they want to restrict the rights of another neighbor that they get to win. Councilmember Heineman commented he appreciated the perspective on the executive order by Mr. Walker but for him, what he was fighting for when that vote took place, was individual rights. What is in front of the Council is rezoning and moving forward. As much as he would like to restrict the development of higher density developments in rural areas, for him it comes back to individual rights.

Councilmember Specht expressed that he has concerns including how notifications were done. In talking with residents, the balance of rural and the business side of Ramsey, he doesn't think this is a good fit for this area in Ramsey and he won't be supporting it. He joins the concerns brought up by residents concerning notifications. He added, that he would like to apologize to Mr. Walker on behalf of some on the Council. Councilmember Specht recalled that questionable things were said on Zoom against Mr. Walker and he was unsure of how to step in at the time. He would like everyone to feel safe to be able to share their opinion.

Councilmember Musgrove commented that part of the information in this case says that the Council was in favor of 80-foot lots. She clarified that the Council is in favor of an 80-foot lot minimum. The word minimum doesn't get included in the information because the zoning is R1 residential, 80-foot-wide lots are the minimum, so there could be half-acre or acre lots, it is a matter of what the developer wants to bring forward. She noted the Council wasn't saying 80-foot lots are required. She continued by referencing Councilmember Woestehoff's comments about the

original plan where there were smaller, higher density lots in the middle and the outside lots could try to match more with the rural character of what was already there. She recalled that the outside lots were 80-foot and the inside were smaller 55-foot or 65-foot so it didn't really differ much from what it is now. It was still the 80-foot-wide lots versus the half-acre lots as some of the residents had suggested.

Councilmember Howell commented that she wouldn't be supporting the project. She has concerns about the traffic it is going to bring to the City and the accidents that could occur if the County road issues aren't resolved. She stated she couldn't support that coming into the community.

Planning Manager McGuire Brigl commented that she was confirming with the administrative staff that notice was sent for the Comprehensive Plan amendment for the legal newspaper. She has a copy of it in her email inbox for review. She suggested a revised motion for Council to consider to increase transparency for the Comprehensive Plan Amendment. This included an additional notice and public hearing at the January 27, 2022 Planning Commission meeting and review at the February 8, 2022 City Council meeting. She stated this wouldn't increase the timeline for the applicant and there would be additional time for residents to speak on the Comprehensive Plan amendment as a stand-alone item.

Councilmember Specht suggested that when public hearings come up, it could be posted on the City's Facebook and other social media along with the mailings.

Councilmember Musgrove asked for discussion about the buildings that are going to be acquired as a part of the park.

Councilmember Woestehoff commented he believed that was a part of a different case.

Deputy City Administrator/Community Dev. Director Hagen replied that she was referencing the park acquiring the farm site and a consideration to turn that into a larger community park in the future, which would be a part of this case. As far as a long-term plan for the park, that would come back at a later date.

Councilmember Musgrove commented that the Council had requested the cost of the building and the cost to renovate it, which the Council just received in an email today. There has not been time to discuss it but she felt it was worth discussion and having information about it as a part of the public hearing.

Councilmember Woestehoff asked for clarification on the items that are contingent in the resolutions for the plat, noting they are more around park dedication fees rather than what was emailed. He asked for clarification on how they are related since the Council will see the park plan and more financial information about what the park will look like. He asked Deputy City Administrator Hagen to talk about the implications of the email that was received today as it pertains to this case.

Deputy City Administrator/Community Dev. Director Hagen replied tonight before the Council is the development as a whole and as a part of the development, there are various fees associated that

the developer has to pay to the City. One of those fees are park dedication fees. In this case, there are some credits being provided for certain aspects of that and what would be deeded to the City long term for the purposes of the park.

**Parks and Assistant Public Works** Superintendent Riverblood summarized the details related to the park fees. He stated that with the 2030 Comprehensive Plan, the City has identified an area north of Trotbrook as an area for another city park. That has been in the works for a long time. A need for a park was determined even for the existing development south of Trotbrook. He explained that when this plat was first discussed by a different developer, the Parks and Recreation Commission determined that area would suffice for a community park and provided a recommendation to City Council to proceed. In October 2021, the Park and Recreation Commission confirmed that park planning recommendation to City Council, which is in the first attachment of the email that Deputy City Administrator Hagen sent to Council. It contains preliminary numbers relative to the barn renovation that was researched at Council direction at the Work Session before last. He explained Staff has been working on collecting those numbers and expediting them, which is why Council received preliminary numbers via email today. They are going to the Parks and Recreation Commission this Thursday. All those recommendations for park dedication, land and cash, trails to be constructed, and trail fees to be paid will come back to Council in detail within the development agreement, which is the next step in the plat process. He stated the preliminary plat provides for guidelines in land use and in this case, it includes 23 acres of park, and will capture all the details in the park concept plan and what the developer owes in terms of cash via land in the land agreement. He stated there is an opportunity to comment and look at the detail of that because it is included in the final plat approval.

Councilmember Howell commented that in looking quickly through the email, her concern is that it looks like a \$1.3 million price tag. She questioned how that was going to be paid, if it would be a benefit to the City, and if the residents want it.

Parks and Assistant Public Works Superintendent Riverblood replied that one aspect of this is that community parks serve the whole community. This development is bringing forward the opportunity for the City to get a community park at no land purchase cost. He used the example of Elmcrest Park, which the City purchased for around a quarter of a million dollars 20 years ago. In 2014, the community building was completed there. He noted that today's cost for replicating the smaller building would be over \$1 million. These things are consistent with park planning and providing a park for the whole city to use. He stated in this subdivision, as proposed within the preliminary plat, park dedication is solved by land in the amount of 65%. There was no credit given for the historic buildings nor the farmstead house that can be repurposed for community use. He stated that 35% of park dedication remains to be satisfied in cash. That would be, in terms of today's rate, \$337,350 that is still due. That should be applied to the building's renovations which could be half a decade out. The park dedication money may be more as the future houses are platted in the next coming years. There are also the trail fees that go into the park trust fund. That was satisfied at 57%. He explained that would leave, in today's rates, \$153,900 in cash that comes into the City for future improvements. It may be more in future years if the park dedication and park fees go up, as the future phases are platted five or six years into the future as the developer has proposed.

Councilmember Howell questioned if the estimates were valid if five or six years in the future. She is concerned that the City is taking on a big responsibility and expenditure that the residents are going to have to pay for. She was also concerned about the renovation costs.

Councilmember Musgrove asked about the schematics and information for the barns and if those were examples or from the actual barn. She questioned if the integrity of the structure was known. She also asked what options are available if the buildings are deemed unsafe.

Parks and Assistant Public Works Superintendent Riverblood replied a structural engineer was hired to inspect the buildings, which is the information provided. A building contractor prepared a detailed estimate that includes what would be required to bring the building into use with current rates.

Deputy City Administrator/Community Dev. Director Hagen replied to Councilmember Howell's question about residents bearing the cost of building renovations. He stated that this is a community park, which means that improvements are typically paid for by park dedication fees from developers as they plat the property, not the current residents.

Parks and Assistant Public Works Superintendent Riverblood confirmed that park improvements are almost exclusively funded by the Park Trust Fund, which are monies paid for by the developer through park fees and trail fees. Operations are paid for by the General Fund budget and park maintenance is paid for as a part of property taxes.

Councilmember Heineman commented that a structure has the potential to generate revenue. It could be paid for with the park dedication funds and bring more elective revenue through using the venue. He thinks it is a win-win to capture those buildings and turn it into something profitable.

Motion by Councilmember Heineman, seconded by Councilmember Woestehoff, to adopt amended Resolution #22-010 approving Preliminary Plat with contingencies, and contingent upon the Comprehensive Plan.

A roll call vote was performed.

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

Motion carried.

Carl Biederman, 7050 175<sup>th</sup> Avenue NW, asked about the November 2021 Planning and Zoning Commission meeting where this case was talked about and one of the members said this was done

wrong. He continued that Planning Manager McGuire Brigl commented this wasn't done quite right and asked her to answer why it wasn't done just right and it was passed anyway.

Mayor Kuzma asked City Attorney Knaak to address this question, noting it has been addressed several times and determined it was done correctly.

City Attorney Knaak replied since action was taken it is no longer before the Council.

Motion by Councilmember Heineman, seconded by Councilmember Woestehoff, to adopt Resolution #22-009 creating a new Urban Low Residential District and re-guiding with the recommendation that additional notice and public hearing at January 7, 2022 Planning Commission and circling back at the February 8, 2022 City Council meeting and direct Staff to start notice period to adjacent jurisdictions.

A roll call vote was performed.

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

Motion carried.

**6.02: Public Hearing: Introduce Ordinance #22-02 to Vacate Portions of Drainage and Utility Easement and Adopt Resolution #22-004 Accepting New Drainage and Utility Easements at 6815 McKinley Street NW (Project No. 21-136); Case of Cullinan Rigging**

**Presentation**

Planning Manager McGuire Brigl reviewed the staff report and recommendation to adopt Ordinance #22-02 to vacate portions of drainage and utility easements for Cullinan Rigging as that business is expanding and working with the business next to them.

**Public Hearing**

Mayor Kuzma called the public hearing to order at 8:07 p.m.

**Citizen Input**

There was none.

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

A roll call vote was performed.

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

Motion carried.

The public hearing was closed at 8:08 p.m.

### **Council Business**

Motion by Councilmember Woestehoff, seconded by Councilmember Heineman, to introduce Ordinance ##22-02 to Vacate Portions of Drainage and Utility Easement on the subject property and adopt Resolution #22-004 Accepting New Drainage and Utility Easements at 6815 McKinley Street NW.

Further discussion:

Councilmember Musgrove asked about the two different motions and asked for clarification. Planning Manager McGuire Brigl replied that the first motion was to introduce the ordinance which would be vacating the underlying drainage and utility easement. The second is the resolution which is accepting the drainage and utility easements.

A roll call vote was performed.

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

Motion carried.

**6.03: Introduce Ordinance #22-01 to Vacate a Portion of Dolomite Street Right-of-Way and a Portion of Drainage and Utility Easement at 6650 Highway 10 and Adopt Resolution**

**#22-003 Approving the Final Plat of Riverside West Rearrangement (Project No. 22-100); Case of City of Ramsey**

**Presentation**

Planning Manager McGuire Brigl reviewed the staff report and recommendation to vacate drainage and utility easements for a new plat.

**Public Hearing**

Mayor Kuzma called the public hearing to order at 8:10 p.m.

**Citizen Input**

There was none.

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

A roll call vote was performed.

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

The public hearing was closed at 8:11 p.m.

**Council Business**

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to introduce Ordinance #22-01 to Vacate a Portion of Dolomite Street Right-of-Way and a Portion of Drainage and Utility Easement at 6650 Highway 10 and adopt Resolution #22-003 Approving the Final Plat of Riverside West Rearrangement.

A roll call vote was performed.

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

Mayor Kuzma

aye

Motion carried.

## **7. COUNCIL BUSINESS**

### **7.01: Introduce Ordinance #22-03 Amending Chapter 10 of City Code: Animals**

Planning Technician McCann reviewed the staff report and recommendation to introduce Ordinance #22-03 to amend Chapter 10 of City Code regarding animals.

Councilmember Musgrove thanked Planning Technician McCann for his work on this. She referenced a chart in the case and asked about a question mark under Section 10-13 and if it needed clarification.

Planning Technician McCann replied that will be part of the non-domesticated animal section. The number hasn't changed and if that area of the chart needs to be updated, he will do that.

Councilmember Musgrove asked about some strikethroughs and underlines on page nine at the end and if those were intended to let Council know what parts were changed. She felt they were good as is. She also questioned why sheep and goats were taken out of the barns and stables section.

Planning Technician McCann replied, regarding the strikethrough and the additions and why the rest of the ordinance isn't set up that way is because 10.1 is being redacted entirely and replaced with the new information whereas further down in the same section, it is simply being amended. Sheep and goats were removed because their standards were already addressed in the non-domestic section. Horses and roosters needed to be added because they have separate housing requirements based on this ordinance.

Councilmember Musgrove referenced wording in the case that indicated potential removal of cats from the ordinance and asked for feedback on that.

Deputy City Administrator/Community Dev. Director Hagen replied as far as the barns section, sheep and goats are allowed on a smaller parcel so for their barn or stable to meet setback requirements, that is one reason they were struck from the ordinance.

Councilmember Woestehoff replied it is written with cats included, which he would support. He thanked the subcommittee that worked on this large project, stating he appreciated and liked the changes which he felt made it easier to read and understand.

Councilmember Heineman echoed thanks for the hard work, adding the wording is much clearer.

Councilmember Howell thanked the Staff for being patient with the Council in their work on this in reducing the number of pages down to 10. She also felt it was much easier to read.

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to introduce Ordinance #22-03 Amending Chapter 10 of City Code: Animals.

A roll call vote was performed.

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

Motion carried.

**7.02: Introduce Ordinance #22-04 Amending Section 117-349 of City Code to Allow Accessory Dwelling Units (ADU's)**

Planning Technician McCann reviewed the staff report and recommendation to introduce Ordinance #22-04 to allow accessory dwelling units in the City of Ramsey.

Councilmember Howell questioned the reason for allowing rentals but not home occupations.

Planning Technician McCann replied some of these are used to generate income for rentals but there are separate standard requirements for a home occupation permit that would allow it in a separate detached structure but not a living facility.

Councilmember Heineman asked if this will allow residents to create the secondary structures and then rent them out through AirB&B, Vrbo, and such.

Planning Technician McCann confirmed this.

Planning Manager McGuire Brigl questioned if it was correct that the property owner would need to live on the subject property in order to rent it out.

Planning Technician McCann confirmed this.

Councilmember Musgrove asked about parking and what happens if parking requirements are not met.

Planning Technician McCann replied the resident could look into parking expansion or approval from the Zoning Administrator for an increased number of vehicles allowed for the property.

Councilmember Musgrove commented that she liked the idea of these but if they are attached, she felt it helps a single-family home look like a single-family home even though there is another dwelling. If it is detached, she wondered if single-family homes are going to start having two lots

and how that would work for fire and an additional driveway for parking. She wasn't sure if she liked the detached but it may depend on a bigger lot size. She also commented about a lack of statement on other covenants such as HOA's that may not allow these and wondered if that was needed.

Planning Manager McGuire Brigl replied there is a similar issue with fencing requirements where many HOA's don't require certain types of fencing or certain types of sheds. That is an agreement between the property owner and the association so it is not included in the City Code.

Councilmember Woestehoff commented that based on lot size it's two-and-a-half acres so in most HOA neighborhoods, that is not an issue because it is not allowed per Code. He is excited about this because in Ward 2, a more rural ward with larger lots, it will be an interesting opportunity for the properties there.

Councilmember Riley commented that he shared concerns with Councilmember Musgrove about this because there may be code compliance issues, especially with those that are detached. He felt that some of the other ordinances that were looked at allowed family members but not rentals, which he would be more in favor of because of Code compliance issues.

Planning Manager McGuire Brigl replied Councilmember Riley has brought up an issue that came up in the Planning Commission meeting. The Planning Commission didn't want to dictate who was family and who wasn't family. It was determined that with the homeowner living on site, there would be additional responsibility and reasons to keep the property looking nice versus regulating it to family members.

Deputy City Administrator/Community Dev. Director Hagen corrected that the lot size required in the ordinance is one acre, not two-and-a-half acres.

Councilmember Musgrove asked how this would affect property value with regard to other cities.

Planning Manager McGuire Brigl replied these types of properties are sought after right now. About one call a week is received during the busy season about these so she would guess it would increase property value and make the property a more desirable property but there hasn't been any research done.

Councilmember Heineman commented that by passing this, residents would be given more autonomy on their property to be able to do with it as they wish and generate revenue so he is very supportive of it.

Motion by Councilmember Heineman, seconded by Councilmember Specht, to introduce Ordinance #22-04 Amending Section 117-349 of City Code to Allow Accessory Dwelling Units (ADU's).

Further discussion:

Councilmember Howell asked Police Chief Katers if he had any concerns in adding these types of rentals. Police Chief Katers replied he didn't have any specific concerns as long as there are strong

rental regulations. He wondered if they would be classified, for record keeping purposes, with separate addresses or unit numbers. He noted this increases the number of residents but may not increase taxes. City services would be extended to these temporary residents but it may increase home value. He wasn't sure about an increase to crime but there will be a permitting process where concerns could be addressed. Councilmember Woestehoff asked if it were an AirB&B, would it require an additional rental license. Planning Manager McGuire Brigl confirmed this.

A roll call vote was performed.

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

Motion carried.

**7.03: Introduce Ordinance #22-05 Amending Sections 117-111, 117-349, and 117-355 of City Code Creating Additional Requirements for Driveways/Parking Pads**

Planning Technician McCann reviewed the staff report and recommendation to introduce Ordinance #22-05 for revised standards for parking pads and driveways in the City of Ramsey.

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to introduce Ordinance #22-05 creating additional requirements for driveways and parking pads.

Further discussion:

Councilmember Specht asked if there were any current residents that wouldn't meet the new standards or would they need to be grandfathered in. Planning Technician McCann replied any property that has a driveway zoning permit for a driveway or parking pad with these standards would be grandfathered in. If they decide to replace their parking pad or driveway in the future and change their settings, that would be reevaluated.

A roll call vote was performed.

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

Motion carried.

**7.04: Introduce Ordinance #22-07 Amending City Code Chapter 30, Section 3 exempting the Mississippi River Corridor Critical Area (MRCCA) Overlay District from height restriction to ground cover vegetation**

Planning Manager McGuire Brigl reviewed the staff report. She stated this amendment is required by the DNR.

Councilmember Woestehoff asked if it was known about how many properties would be effected.

Planning Manager McGuire Brigl replied it is portions of lots along the Mississippi River line and would affect quite a few lots, she guessed maybe 100.

Councilmember Woestehoff commented that notifications are something that the City can work on even though it is not required. He asked how much additional work or cost it would take to notify these properties.

Planning Manager McGuire Brigl replied she guessed it would cost less than \$20.

Councilmember Musgrove commented that the DNR has a reason for allowing longer grass and asked if there was an explanation why the City is required to add it to the City Code. She also asked if there was an educational component that can be added to the notice to the residents if it was provided.

Planning Manager McGuire Brigl replied the DNR did provide some information as it is better for the environment, prevents erosion, protects native landscapes, and protects the Mississippi River. She noted a one-page handout can be created about why and send it to the effected properties.

Motion by Councilmember Musgrove, seconded by Councilmember Heineman, to introduce Ordinance #22-07 Amending City Code Chapter 30, Section 3 exempting the Mississippi River Corridor Critical Area (MRCCA) overlay district from height restriction to ground cover vegetation.

Councilmember Woestehoff offered a friendly amendment to include notice to subject properties.

A roll call vote was performed.

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

Motion carried.

## **7.05: Introduce Ordinance #22-06 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations**

Zoning Code Enforcement Officer Raines reviewed the staff report and recommendation to introduce Ordinance #22-06 to revise the Home Occupation Section in the Ramsey City Code.

Councilmember Howell referenced the section including piano teachers where it says they have up to 60 students per week but it also says they can only have up to eight round trips, and asked if that is conflicting.

City Attorney Knaak replied as he read it, it seems okay. He noted it would seem to be a conflict, but when dealing with greater specificity, the greater specificity provision in the ordinance prevails. The ordinance is considered more general so the more specific one would be allowed. He felt it was understandable.

Councilmember Howell commented that in reading this, before adding in the section for minor home occupations not requiring a permit, it seemed that everyone with a home occupation would have been required to have a permit, which she found concerning. She wondered if there were ways to condense this and make it more simple, as was done with the animal ordinance.

Councilmember Musgrove commented she had a lot of notes about this, some regarding included language that would be hard to enforce or regulate. She gave an example about neighbors being disturbed and questioned if it would be regulated by complaints.

Zoning Code Enforcement Officer Raines replied there are three different levels. She explained the first one is minor which wouldn't require a permit because it is intended to be more of an interior home occupation where there wouldn't be much visible evidence of it. Level two would be administrative and level three would be when it would have to come to the Planning Commission and City Council. When it hits the higher two levels, it could be determined if it was a disturbance. As far as what is in the ordinance, anything in the minor home occupation would be able to use the sections to verify that what someone is claiming as excessive noise is not violating the other items for that ordinance.

Councilmember Howell questioned if there is a noise ordinance already, wouldn't this be redundant and hard to enforce because it is vague and subjective.

Zoning Code Enforcement Officer Raines replied with the mention of excessive noise, traffic, and impact on neighbors, it shows the intention of what the home occupation is meant to be. She understood the question about monitoring excessive noise but felt there is a difference between showing the intention for the home occupation versus having a number, which is what the public nuisance code would show.

Planning Manager McGuire Brigl suggested striking the second half of sentence "A" since it would make it clearer, instead of the incompatibility section because it is redundant and vague.

The Council agreed with this suggestion.

Councilmember Howell commented that laws are being made that people have to follow so even if it is extra work, the Council needs to do a good job of it because people are expected to follow the laws and they are enforced. She didn't want people to be mad because the laws are complicated or vague and felt the Council needed to take time to go through and find redundancies and contradictions.

Mayor Kuzma suggested doing another subcommittee as with the animal ordinance.

Councilmember Woestehoff commented that this might be able to be worked through during a Work Session because it differs from the animal ordinance in that the framework is good but there are redundancies. He also felt there is more collaboration with Staff that is needed because of the issues related to safety and planning.

Planning Manager McGuire Brigl commented if Council wanted to email ideas to Staff, they would be happy to reorganize it. She noted that a table with the different levels may make more sense and be easier to understand. She stated for code enforcement, Staff likes to have length because people want to see the restrictions in writing. She stated these are some of the most common code enforcements issues, which typically end up going to appeal and to court so Staff wants it to be more thorough.

Mayor Kuzma clarified that the request is to have Council email changes to Staff.

Planning Manager McGuire Brigl confirmed this and added it could be brought to the next Work Session.

Motion by Councilmember Woestehoff, seconded by Councilmember Howell, to table Ordinance #22-06 regarding home occupations pending a Work Session.

Councilmember Musgrove offered a friendly amendment that Councilmembers respond to Deputy City Administrator/Community Dev. Director Hagen with recommended changes.

A roll call vote was performed.

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

Motion carried.

**7.06: Adopt Resolution #22-001 Approving the 2022 Council Organization**

Deputy City Administrator/Community Dev. Director Hagen reviewed the staff report and recommendation to adopt Resolution #22-001.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to adopt Resolution #22-001 approving the 2022 Council Organization.

A roll call vote was performed.

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

Motion carried.

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

Deputy City Administrator/Community Dev. Director Hagen announced upcoming meetings and events. He stated there is an Open House on January 12, 2022 from 5-7:00 p.m. at City Hall in the Alexander Ramsey Room. The topic of discussion is the proposed Armstrong/Alpine roundabout. The next City Council Work Session and Regular meeting are January 25, 2022. It was noted that the Council has forms in their email inbox related to the audit which Councilmembers need to submit.

Mayor Kuzma commented that as he was coming in tonight there was an accident on Armstrong/Alpine, which is a tough intersection.

## **9. ADJOURNMENT**

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

A roll call vote was performed.

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

Motion carried.

The regular meeting of the City Council adjourned at 9:02 p.m.

Respectfully submitted,

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Kurtis G. Ulrich  
City Administrator

ATTEST:

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Katie M. Schmidt  
Deputy City Clerk

Drafted by Joni Helmeke  
*TimeSaver Off Site Secretarial, Inc.*