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

The Ramsey City Council conducted a regular meeting on Tuesday, March 22, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Recreation Specialist Marla Martinez-Flynn
City Attorney Fritz Knaak
Deputy City Administrator/Community Dev. Director Brian Hagen
City Engineer Bruce Westby
Civil Engineer IV Leonard Linton

1. CALL TO ORDER

Mayor Kuzma called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Kuzma.

2. PRESENTATION

2.01: Presentation of 2021 Photo Contest Winners

Recreation Specialist Marla Martinez-Flynn recognized the winning photos for the 2021 photo contest in each of the categories. Mayor Kuzma presented following with awards: Jon Poepke, Jenna Martin, Keith Marks, Linda Schlueter, Melissa Knoblauch, Libby Krueger, Dana Smith, and Kathy Rosenow.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

Councilmember Musgrove requested switching the agenda order to have case 7.8 before case 7.7.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to approve the agenda as revised.

A roll call vote was performed:

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

Motion carried.

5. CONSENT AGENDA

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

- 5.01: Approve the following Meeting Minutes:
 - 1) City Council Special Work Session dated 3/01/2022
 - 2) City Council Work Session dated 3/08/2022
 - 3) City Council Regular Session dated 3/08, 2022
- 5.02: Approve Business Licenses
- 5.03: Authorization to Hire a Planning Manager
- 5.04: Adopt Resolution #22-079 Approving Cash Disbursements Made and Authorizing Payment of accounts Payable Invoicing Received During the Period of March 3, 2022 through March 16, 2022
- 5.05: Adopt Resolution #22-063 Approving the Transfer of Excess General Fund Revenues to the Equipment Revolving Fund, Facilities Construction Fund, Capital Maintenance Fund and Public Improvement Revolving (PIR) Fund
- 5.06: Adopt Resolution #22-064 Electing Standard Allowance under the Revenue Loss Provision of ARPA
- 5.07: Adopt Resolution #22-057 Approving Joint Funding Agreement with United States Geological Survey
- 5.08: Adopt Resolution #22-065 Authorizing Staff to Apply for Water Efficiency Grant Funds through Metropolitan Council for 2022-2024
- 5.09: Adopt Resolution #22-068 Proclaiming April 29, 2022 as Arbor Day and the Month of May as Arbor Month
- 5.10: Adopt Resolution #22-069 Accepting Additional Drainage and Utility Easement Over a Portion of 15153 Vicuna Street NW; Case of Preserve at Northfork
- 5.11: Adopt Resolution #22-070 Approving an Amendment to the Development Agreement for Site Improvements at 7912 Sunwood Drive NW (Project No. 22-101); Case of Northstar Marketplace Station LLC

- 5.12: Adopt Resolution #22-071 Approving Revised Assessment Agreements for Improvement Project #20-05; Riverdale Drive Extension, Llama Street to Bowers Drive
- 5.13: Adopt Resolution #22-073 Approving Plans and Specifications and Authorizing Advertisement for Bids for Sunwood Drive and Waco Street Reconstruction, Improvement Project #22-01
- 5.14: Adopt Resolution #22-074 Approving Plans and Specifications and Authorizing Advertisements for Bids for Wood Pond Hills 2nd- 5th Street Reconstructions, Improvement Project #22-06
- 5.15: Adopt Resolution #22-075 Approving Plans and Specification and Authorizing Advertisements for Bids for 2022 Neighborhood Pavement Overlay Improvements, Improvement Project #22-04
- 5.16: Adopt Resolution #22-076 Approving Plans and Specifications and Authorizing Advertisements for Bids for 2022 Crack Seal Improvements, Improvement Project #22-08
- 5.17: Adopt Resolution #22-078 Accepting Proposals for Fire Station No. 1 Water Service Stub

A roll call vote was performed:

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

Motion carried.

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Consider Request to Amend a Home Occupation Permit for Peace Keepers, Inc. at 6025 177th Ln NW; Case of Derek Trout

Deputy City Administrator/Community Dev. Director Hagen reviewed the Staff report and request to amend a home occupation permit for Peace Keepers, Inc. He addressed resident and Council questions by stating that typically in code enforcement situations if there is a violation that can be resolved by obtaining a proper permit, that is an acceptable step, and the code enforcement case would be put on hold. If the permit is denied, Staff would proceed with the original violation notification. He stated in this case, the applicant chose to apply for a permit and the application was reviewed by the Planning Commission and recommended denial. He explained a conditional use permit but that no other aspect of the conditional use ordinance applies to the Home Occupation Permit (HOP). He stated Council identified six conditions along with others added by Staff to be included in the resolution. He answered the question of when a HOP doesn't fit in a residential

neighborhood, stating the City can decide when conditions get to a level where it is deemed that a business wouldn't be a good fit for residential areas and a brick-and-mortar store front would be recommended. Regarding inspections, he stated some aspects of the commercial code could apply to residential such as an inspection by the Police Department for security purposes. He stated, in this case that occurred and the Police Department was comfortable with what was on site.

Councilmember Howell asked Deputy City Administrator/Community Dev. Director Hagen to explain if the applicant was restricted to 400 square feet or if he is allowed to conduct classes in the pole barn outside of that square footage.

Deputy City Administrator/Community Dev. Director Hagen replied Mr. Trout, the applicant, indicated he could conduct small classes within that square footage with larger classes being conducted off site. He stated the resolution is written in a way where the HOP would be restricted to that area. He explained areas of the pole barn that would be included in the resolution for business purposes and those that would not.

Councilmember Howell referenced the resolution letter N regarding a separate bathroom for a business and asked if the applicant would be allowed to offer those from his home with the way it is worded.

Deputy City Administrator/Community Dev. Director Hagen replied that could be further discussed by Council but other HOP's don't all have a separate business bathroom, which would meet code.

Mayor Kuzma invited public comment and asked that comments be kept to three minutes.

Kelly Schmidt, 6000 177th Lane NW, asked if the applicant submitted a written business plan, which was requested. She also stated the applicant is trying to intensify the original HOP and it was her understanding that HOP's were meant to help small business owners move on to a traditional store front. She corrected the number of other HOP gun shops in the City of Ramsey from seven to four with only two functioning as gun shops but with limited business and only online. She expressed concern over the inspection, oversight, and liability which would be required of a typical business but it is in a residential area. She also expressed concern about traffic.

Michael Mass, 5936 177th Lane NW, challenged the applicant's statements that no advertising as the full address is listed online. He also expressed concern with traffic on 147th. He asked for denial of the HOP Level Two.

Mike Schmidt, 6000 177th Lane NW, stated he didn't want a business operating in the evenings or weekends in his residential area. He asked if a traffic study has been requested. He also stated this business is different from other HOP's in that others don't need Federal licenses, background checks, and security assessment by the Police Chief. He sighted the inherent dangers of firearms and felt it required a higher level of monitoring.

Deb Kemp, 6003 178th Lane NW, raised concern about changing the City code to allow this business in a residential area and setting a precedence despite a majority resident opposition. She also cited the raise in taxes that could be shouldered by businesses that have outgrown their HOP practices. She asked for denial of the HOP Level Two.

Mike Kemp, 6003 178th Lane NW, stated he is a gun owner and has nothing against the applicant but that he feels it is a brick and mortar business in a residential area.

Sherry Johnson, 17757 Potassium Street NW, asked why the Council chose to ignore the recommendation of the Planning Commission and zoning Staff which have both recommended to deny the Level Two application. She also asked why the applicant isn't being asked to abide by the Level One permit instead of allowing him to expand the permit. She asked the Level Two permit be denied.

Laura Renna, 6112 178th Lane NW, asked about the security and questioned the background checks, how they are done, and if things can be missed. She felt the security with the pole barn couldn't be assured and that brick and mortar gun shops have been broken into. She stated that although Mr. Trout has said he wouldn't do advertisement with signs and his address listed and even though it has been taken down, he has already done it.

Arnie Cox, 6001 177th Lane NW, stated his isn't against guns or business. He believes businesses don't belong in residential areas and when the applicant didn't follow the rules of the Level One HOP, he was offered a higher level.

Eric Renna, 6112 178th Lane NW, asked about effects of having this business on home values. He spoke to two realtors that said there would be negative effect with the amount of traffic and security risks. He stated residents who don't want to have a gun shop next door would be forced to sell and move outside of Ramsey.

Leah Calabrese, 16201 Nowthen Blvd., stated she is a home daycare provider and asked Councilmembers to consider safety for children and traffic.

Derek Trout, the applicant, responded to the concern about traffic by stating that including online sales and transactions to himself, there has been less than one transaction per day. He is trying to stay within or under the requirements of the Level Two HOP. He responded to the concern of this being a questionable business by saying he has been licensed and gone through every sort of licenses he can to ensure safety. He responded to the concern that he doesn't pay business taxes by stating he does pay corporate and income taxes. He responded to the concern about the validity of background checks by stating they are full background checks that go further than what standard permit to carry background checks do. He stated he has met all the inspections that have been required including the Police Chief and ATF. He stated he is trying to work with neighbors and challenged the assertion that home values would be impacted.

Kelly Schmidt, 6000 177th Lane NW, stated Mr. Trout has never, in two and half years, made any attempt to contact any of the 19 neighbors.

Sherry Johnson, 17757 Potassium Street NW, responded to Mr. Trout's comment that he just wants to sell to his friends and family stating that isn't true.

Councilmember Howell asked if there is a condition of an HOP that merchandise only be sold to relatives or friends.

Deputy City Administrator/Community Dev. Director Hagen replied no.

Cheryl and Ryan Morgan (online) stated he has an FFL and HOP and Kelly Schmidt came to his home asking a lot of questions that seemed threatening. He stated he is a class 7 manufacturer. He stated the ATF and Police Chief have been in Mr. Trout's home inspecting his business and this business is under stringent requirements. He stated it sounds like the neighbors are unhappy with the nature of Mr. Trout's business.

Councilmember Musgrove asked Deputy City Administrator/Community Dev. Director Hagen about the policy that when someone is in violation, the applicant is worked with and becomes compliant. She asked if this applicant has done that.

Deputy City Administrator/Community Dev. Director Hagen replied, correct, when permit violations are determined applicants are provided suggestions with ways to comply. He stated in this case, it was to revert back to the Level One HOP or proceed down the process to amend the HOP.

Councilmember Musgrove asked about the business plan and if that is a requirement for an HOP Level One or Level Two.

Deputy City Administrator/Community Dev. Director Hagen replied they ask for more of a narrative through a short questionnaire along with the application, typically the narrative gives a picture of what type of operation is going to be occurring on site including the size. He stated that in this case, additional questions were asked about number of trips and the permit to carry class locations. He stated based on resident comments, Staff went so far as to schedule an on site visit to understand what is occurring onsite. He stated they try to get as much information as possible to have a good understanding of what is occurring.

Councilmember Musgrove stated there is a policy within the City of Ramsey where residents can have HOP at either Level One or Level Two and the applicant has followed through with the inquiry and helping Staff get a business plan. She asked if that is correct.

Deputy City Administrator/Community Dev. Director Hagen replied that is correct. He continued if there are outstanding questions from the Council, the applicant is online.

Councilmember Musgrove asked if it is the role of the EPB and Planning Commission to provide guidance to the Council but it is still the prerogative of the Council to look at the policies of the City and make a decision. She asked if that is correct.

Deputy City Administrator/Community Dev. Director Hagen replied that is correct, recommendations are provided to the Council but final decision occurs at the City Council.

Councilmember Woestehoff referenced the accessory structure permit that is awaiting final inspection and asked if that is due to noncompliance or timing.

Deputy City Administrator/Community Dev. Director Hagen replied the accessory structure pulled a permit and started construction which was finished while the applicant was away. He stated inspections occurred along the way and when the final inspection was being done, there were inspections that were missed. He stated given the level of finish work that had been completed, they couldn't conduct the final inspection. He stated the building department has been in contact with Mr. Trout and done a number of inspections. There were some items that needed to be looked at closer. He stated there is one item remaining for the accessory structure to receive its final inspection which is contingent on the weather because cement work and insulation has to be installed, which is a minor fix.

Councilmember Woestehoff asked if the applicant tried to follow the process.

Deputy City Administrator/Community Dev. Director Hagen replied correct, the applicant obtained a permit prior to starting the construction of the building.

Councilmember Riley stated a HOP in his mind is someone who is starting out of the basement but it sounds like this grew out of the basement and has turned into a retail store. He stated he supported the business but didn't feel a neighborhood is a good fit for this business and that there are zoning requirements for business. He stated this business needs its own building, which he felt should be in a commercial area.

Mayor Kuzma agreed stating he won't be supporting this because he doesn't believe this belongs in a residential neighborhood.

Councilmember Howell referenced the HOP which allows eight trips to and from the business and asked Councilmember Riley if he objected to that for all Level Two HOP businesses.

Councilmember Riley replied it would depend on the facts and circumstances.

Councilmember Howell stated in this instance the applicant has cut the visits to four business per day. She asked if Councilmember Riley would object to a salon owner or another business having four visits per day.

Councilmember Riley replied those seem more like working out of a basement trying to grow a business.

Councilmember Howell replied it is hard to follow his thought process because four visits per day is four a day and the way she sees it, that is a gift to the neighborhood because he is limiting the allowable number of visits. She continued that parking is allowed on public streets and the

applicant is going to be parking any business on his parking pad. This is an additional restriction. She asked the applicant whether or not a resident would be able to sell a firearm without a permit.

Mr. Trout, the applicant, replied that is correct. Minnesota allows personal sale of firearms to another person with the condition that the seller assumes the buyer is responsible and there are far less regulations. He stated it is legal in the state of Minnesota for someone to sell a pistol to an 18 year-old as long as the seller doesn't have reason to believe the buyer has intent to commit a crime. That is not the case with an FFL which requires an age limit of 21. He stated he has several requirements for sales but any resident is allowed to sell individually without a background check.

Councilmember Heineman asked Deputy City Administrator/Community Dev. Director Hagen if a home daycare would be a Level One or Level Two HOP.

Deputy City Administrator/Community Dev. Director Hagen replied he couldn't find the direct answer to that quickly but recalled the ordinance calls out different levels of HOP's some of which don't require a permit. He stated when businesses start to become more of a retail use that is when permits are going to start to be required.

Councilmember Heineman commented it sounds like there is a process for business growth which is an HOP.

Deputy City Administrator/Community Dev. Director Hagen replied there is a scale of intensity identified of when a business would require a permit and when it would not.

Councilmember Heineman commented resident opposition seems to revolve around the business being in a residential area and there is precedence already for this. He spoke to the resident's concern about individual rights and noted that there is a mechanism in place to respect individual right despite majority of resident opposition. He stated he would be supportive of this regardless of what is being sold.

Councilmember Howell suggested some conditions of the resolutions, which Staff would have to work through. She suggested limiting trips to four per day, hours of operation being 1:00 p.m.- 8:00 p.m., Monday through Friday, with no appointments being taken after 7:00 to ensure the last appointment is completed by 8:00 p.m. and Saturdays from 10:00 a.m.-6:00 p.m. and no Sunday appointments. She also suggested a change to item N regarding water supply and if a bathroom is provided but exceeds the square footage that be included.

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to Adopt Resolution #22-014 Amending Approving an Amendment to a Home Occupation Permit at 6025 177th Lane NW with the trips being limited to four per day, hours of operation being 1:00 p.m.- 8:00 p.m., Monday through Friday with no appointments being taken after 7:00 to ensure the last appointment is completed by 8:00 p.m. and Saturdays from 10:00 a.m.-6:00 p.m. and no Sunday appointments, and inclusion of a restroom that is provided but exceeds the square footage.

Further discussion:

Councilmember Riley asked Deputy City Administrator/Community Dev. Director Hagen whether the resolution, as written, suggested Wednesday through Friday and if that was based on Staff discussion with the applicant. Deputy City Administrator/Community Dev. Director Hagen replied correct, that has been the request throughout the process and Councilmember Howell's suggestion would be a change.

A roll call vote was performed:

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

Motion carried.

7.02: Adopt Ordinance #22-15 Rezoning a Portion of the Property Located at 7633 161st Avenue NW to Public/Quasi-Public (Project No. 22-107); Case of PACT Charter School

Deputy City Administrator/Community Dev. Director Hagen stated this case is to adopt the ordinance as it was introduced at the last meeting. He noted the recommendation by the Planning Commission by a vote of three to one was to approve the comprehensive plan amendment which is in process as well as the rezoning amendment contingent upon the preliminary plat. These approvals with contingencies would allow the project to move through the next steps. He stated concerns about details would be addressed through the site plan review and preliminary plat, this is in the early stage of gauging support.

Mayor Kuzma asked if the ordinance is passed but at the end of the process the project doesn't go through, would it revert back to what it was.

Deputy City Administrator/Community Dev. Director Hagen replied Staff is looking at the process and steps, given there are contingent approvals they are looking at when the ordinance should be published because it influences the planning.

Mayor Kuzma asked that comments be kept to three minutes.

Councilmember Woestehoff commented the potential school site is on one chunk of property but just to the west of it is another swath of City-owned land which is zoned R-1 residential. He asked if that could be included in the zoning change, if the zoning change goes through, to correct the error and should be zoned park land.

Deputy City Administrator/Community Dev. Director Hagen replied because the public wasn't noticed about the rezoning to include that parcel, it would have to wait and be done later.

Councilmember Woestehoff commented that should be rezoned at some point. He joined concerns expressed with residents that between 161st and Variolite being freshly constructed, that wouldn't it be nice if it were on the Armstrong part of the park. He asked if there would be interest in giving PACT that parcel of land, moving the parkland to the center of those two properties, and giving access off Armstrong instead of Variolite. He stated redoing the park would cost the City quite a bit but may solve the drainage concerns.

Councilmember Musgrove stated she agreed with having the access off Armstrong Boulevard but the same issues would be there with development of the park regarding drainage.

Mayor Kuzma commented that when they take it to the next level in the plan, those issues would be addressed and it would be determined if it is feasible or not.

Councilmember Musgrove asked if it was regarding the slope of the land.

Mayor Kuzma replied the slope of the land, the drainage, and water issues.

Councilmember Musgrove asked Deputy City Administrator/Community Dev. Director Hagen if that comes up in the Preliminary Plat or in the Final Plat.

Deputy City Administrator/Community Dev. Director Hagen asked if the question was whether the park would work on the proposed school land.

Councilmember Musgrove replied they went back to where the school is proposed now and the slope of the land.

Deputy City Administrator/Community Dev. Director Hagen replied Preliminary Plat would identify grading and the future and existing improvements needed. They would be held to standards to meet stormwater management requirements and a number of different things.

Councilmember Specht commented there was a lot of feedback at the last meeting and he supported PACT moving forward to determine if this is going to work.

Motion by Councilmember Specht, seconded by Councilmember Musgrove, to waive the Charter requirement to read the ordinance aloud and adopt Ordinance #22-15 Rezoning the Western 18 acres of the Subject Property Located at 7633 161st Avenue NW to Public/Quasi-Public, contingent upon on the Preliminary Plat for PACT.

Further discussion:

Melissa Livgard, 8101 163rd Avenue NW, responded to Councilmember Riley's comment on the last case that zoning is there for a reason, so apparently zoning this important when it suites his need. She stated this would be a change in the zoning which would affect her, she didn't know if it would affect him. She asked if there were any plots of land in the City of Ramsey that could accommodate PACT with the way it is currently zoned.

Councilmember Woestehoff replied if her question was if there is any property in Ramsey that is currently open, available, and zoned to have a school, the answer is no. He stated that is a part of the Comprehensive Plan. He re-emphasized that planning is guidelines, the Comprehensive Plan is the top layer of guidelines, and there is an overall vision of what Ramsey is but that changes with time. He stated sometimes they decrease zoning and it isn't as concrete a topic as a lot of people think.

Deputy City Administrator/Community Dev. Director Hagen agreed that cities don't proactively guide or zone for schools because that type of project doesn't happen very often. He stated in the case of a school, the request to rezone is considered at that time.

Ms. Livgard asked if it was known what the wait list was for PACT, stating in August of 2021 they posted that there wasn't a wait list. She raised concerns about it being built and not being filled.

Josh Nyquist, Executive Director of Building Operations at PACT, stated there is a waiting list of over 550. He stated there is often openings in the upper grades but he is confident in the waiting list, which he stated, is around 100 every year.

Jason Patrow, 16279 Sapphire Street NW, asked about 161st being rated as a five-ton axel road which isn't suitable for a school bus. He stated money was allotted to resurface the road in 2023 but now a minimum of nine-ton axel weight is going to be needed. He asked who pays for that. He also asked about Variolite Street where there is a wetland where the turn lane would need to be. He questioned the other expensive improvements that are going to be needed as well and asked if PACT would be paying or tax payers.

Deputy City Administrator/Community Dev. Director Hagen replied improvements are typically paid for by the developers.

City Engineer Westby added the section of 161st between Armstrong Boulevard and Variolite Street is currently in the CIP for reconstruction in 2024, it is a State Aid road so it would need to be built to standard. He stated if PACT moves forward, Staff would recommend advancing the reconstruction one year to 2023.

Mr. Patrow asked about the wetland and Variolite.

City Engineer Westby replied any specific improvements needed would be the developers' financial responsibility.

Mayor Kuzma added that would come from the traffic study.

Mr. Patrow asked about a blind access and if there is a life safety study planned due to the increased traffic.

City Engineer Westby replied those issues would be addressed as a part of the traffic study.

Mr. Patrow asked if that has to pass before they can rezone and build.

City Engineer Westby replied Council would receive the traffic study and take that into consideration.

Mr. Patrow asked if it doesn't pass and they decide to move forward with it and there is a fatal accident, who would be liable for that.

City Attorney Knaak it is a public road design which is not a liability for the City because of the law.

Mr. Patrow asked if PACT or the developers would be liable.

City Attorney Knaak replied, if it is a public road they wouldn't be any more liable than the City.

Mr. Patrow asked if that is the case if the study shows hazards but the City pushes it through anyway.

City Attorney Knaak replied yes.

Ron Lindenberg, 6300 163rd Lane NW, stated with a school operating five or six days a week with the addition of the school, seven days with the park and church, the neighborhood will change quite a bit. He asked if the park system is aware of what may come to the area and the impact to Central Park.

Councilmember Woestehoff commented that the motion on the table is contingent on the Preliminary Plat. He stated he appreciated that it wouldn't be effective until more information is given but it isn't contingent on the Preliminary Plat and then it would be zoned as park or quasi-public. Therefore, if PACT decides it is too expensive to develop or doesn't go through with development, it would be the zoning which would give the City an opportunity to potentially buy the 18 acres from the church. He suggested not having it contingent on the Preliminary Plat. He stated he would be opposing it anyway because the land is too small for a school.

Councilmember Howell asked the applicant if their project would be hindered in anyway if the motion were changed to not be contingent on the Preliminary Plat.

Mr. Fincher, representing the applicant, replied it wouldn't change anything for them, but asked that it be run past the church.

Councilmember Specht commented for now he is going to leave the motion as is because it can be addressed at a later time.

A roll call vote was performed:

Councilmember Heineman	aye
Councilmember Woestehoff	nay

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

Motion carried.

7.03: Adopt Ordinance #22-16 Establishing Boundary Lines for the City of Ramsey Ward System

City Administrator Ulrich reviewed the Staff report and recommendation to adopt the ordinance. He noted residents will be getting mailed information along with other City advertising regarding the boundary line and polling place changes.

Councilmember Musgrove referenced the map in the case and asked about the 2012 lines versus 2022 lines. She noted that under Ward One, Precinct One, the blue lettering looks like it is in the right place but asked if that is to designate the old boundaries on the line.

Civil Engineer IV Linton replied he didn't bring the map with him but explained the gold lettering go with the gold lines. He stated the software isn't smart enough to perfectly center the labels all the time but puts it close. He stated the gold lines are the 2012 lines and the blue lines are the 2022 lines that are proposed for adoption.

Councilmember Musgrove asked about line changes along the river area and if that is the same thing that map is not fully following them.

Civil Engineer IV Linton asked if she was referring to the Rum River or the Mississippi River.

Councilmember Musgrove replied both.

Civil Engineer IV Linton replied that was a lack of detail in tracing the river as he was redoing the boundaries. He stated the Wards and Precincts as described go to the river.

Councilmember Musgrove stated there were no number changes in those areas but she wanted to clarify the information on the map.

Civil Engineer IV Linton replied there is a 70-foot setback from the river where there is no population so they are not eliminating any people from that area.

Motion by Councilmember Woestehoff, seconded by Councilmember Mayor Kuzma, to waive the City Charter requirement to read the ordinance aloud and adopt Ordinance 22-16 Establishing Boundary Lines for the City of Ramsey Ward System.

A roll call vote was performed:

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

Motion carried.

7.04: Consider Resolution Establishing Precinct Boundary Lines and Polling Places for the City of Ramsey

City Administrator Ulrich reviewed the Staff report and recommendation to approve the resolution establishing precinct boundary lines and polling places for the City of Ramsey. He noted residents will be provided information on the changes.

Motion by Councilmember Howell, seconded by Councilmember Woestehoff, to adopt Resolution #22-060 Establishing Precinct Boundary Lines and Polling Places for the City of Ramsey.

A roll call vote was performed:

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

Motion carried

7.05: City Attorney Report

City Attorney Knaak stated he is giving a report on the directive he was given to conduct an investigation with respect to certain processes that were going on related to the Charter Commission members. He stated he was able to do a reasonable investigation with the information he had available, although he thought he could do more if directed by the Council. He reported the following conclusions:

1. There was no improper conduct or culpable negligence that occurred in the manner in which the issue was dealt with by the City Staff. He stated no State or City standard exists which would require any different action than what was taken.

2. It is evident in reviewing the depth and strength of the concerns raised by the Councilmembers that a detailed policy should be adopted regarding the manner in which the City determines the Charter Commission vacancies, notifies the public of vacancies and does so in a manner timely enough to allow interested members of the public to apply. He stated this should contain hard deadlines, enough in advance to accommodate ample public evidence and the requirements of the judicial deadline contained in the statute. He stated this kind of policy is well within the City's authority to do.

3. In order to provide sufficient time for Staff and public a Charter Amendment might be necessary that would mandate a minimum notice requirement for any Chart Commission member not seeking reappointment.

City Administrator Ulrich noted that Staff will post the report online tomorrow for the public. He stated there is an agenda item on the Work Session for this evening that was postponed for the next Work Session to development a Charter Commission recruitment policy to take the recommendations of the report into consideration.

Councilmember Riley commented on past discussions on this topic with insinuations that terrible things were being done on purpose. He reread the City Attorney's conclusion that "no improper conduct or culpable negligence occurred in the manner in which this issue was dealt with by City Staff." He stated the report also stated "We should do a better job." He commented the Council is in agreement with that and are in the process of doing a better job. He thanked City Attorney Knaak for his work.

City Attorney Knaak replied he thought it was important the conclusion that there was no wrong doing be stated clearly but that some of the issues raised were significant and the only way to address those concerns was to have a clearly lit path for Staff to follow. He stated otherwise, situations like this occur where concerns get raised in the context of other issues and as a result, things get read into actions.

Councilmember Howell thanked City Attorney Knaak for working with everyone. She appreciated that is an action that resulted from this because she believed they could do better with policies. She continued they need the policies presented in a timely manner and if there isn't a policy, they need to know so one can be created. She stated the residents deserve that.

Councilmember Musgrove stated she looks forward to the process because since 2016 there hasn't been a policy, so a lot of people have dropped the ball along the way or overlooked things, not shown concern. She stated the fact that the Council was concerned about it and had to push hard against years of not having a policy and doing without. She stated the residents deserve a policy that is fair, consistent, and unbiased.

City Administrator Ulrich commented some improvements need to be made and he looks forward to that to establish trust. He stated the appropriate action is to accept the City Attorney's report.

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to accept the City Attorney's Report.

A roll call vote was performed:

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

Motion carried.

7.06: Adopt Resolution #22-072 Accepting Bids and Awarding Contract for Improvement Project #22-05, Riverdale Drive Trunk Utility Improvements, Llama Street to Bowers Drive

City Engineer Westby reviewed the Staff report and recommendation to adopt Resolution #22-072.

Councilmember Riley commented he was happy the bids came in 19% lower than was estimated.

Motion by Councilmember Riley, seconded by Councilmember Specht, to adopt Resolution #22-072 accepting bids and awarding a construction contract to Douglas-Kerr Underground, L.L.C. from Mora, MN in the amount of \$2,163,890.22 and approving Bolton & Menk's proposal for construction related services in the not-to-exceed amount of \$45,615.00 for Improvement Project #22-05, Riverdale Drive Trunk Utility Improvements, Llama Street to Bowers Drive.

Further discussion:

Councilmember Musgrove asked City Engineer Westby to explain the City's cost of this and the relationship to the development. City Engineer Westby explained the City is funding this through the Enterprise Funds and a portion of those funds will be paid back at the time of future development. Capstone is paying a portion of it through their development trunk fees. Other developments will also pay into it. He stated as developers develop they pay into the trunk fees which helps replenish the Trunk Fund. The City pays for it initially and it is paid back through development. Councilmember Musgrove asked if anything needed to be added to the motion regarding the State Aid Funds. City Engineer Westby replied not at this time, those are the funding sources listed and as the project is being completed the pay requests will come to Council at that time.

A roll call vote was performed:

Councilmember Heineman	aye
Councilmember Woestehoff	aye
Councilmember Specht	aye
Councilmember Musgrove	aye

Councilmember Howell	aye
Councilmember Riley	aye
Mayor Kuzma	aye

Motion carried.

7.08: Review Charter Amendment via a Petition of the Voters per MN Statute 410.12

City Administrator Ulrich stated this case was added at the request of Councilmembers Howell and Musgrove to review the Charter Amendment process via a petition of the voters. He stated this process states that Charter Amendments must be submitted at least 17 weeks prior to the general election, which would be July 12, 2022. He stated the number of votes needed for a petition by the voters would be 5% of the votes cast which would be 825.

City Attorney Knaak stated the petition has to be drafted in a certain way, the signatures on any given page have to be witnessed and verified. In addition to that requirement, once the pages are together they are consolidated by the Commission and then it gets sent to Staff for verification of signatures. He stated the Council's role is simply to set the election date. He stated he has provided the language that would be needed for the petition form.

Councilmember Riley commented that City Attorney Knaak said the process was fairly simple but when he was describing the process before, this wasn't the easy way. He asked for him to explain the easy way and why this is being considered.

City Attorney Knaak confirmed it isn't the easy way. He stated his recommendation, as the easiest way, was to get a draft to the Commission, have the Commission review it, and then send it to the Council to pass. If it was suggested by them and if they all agree to the language in the ordinance, it passes through the process. He stated ideally, since this seems to be something where there might be agreement on the basic language, that would be easiest way.

Councilmember Riley commented that would be his preference.

City Administrator Ulrich asked City Attorney Knaak to outline the scenario if the Council agreed that it should go to referendum if there is an option for that by a majority vote or does it need other input by the Charter Commission and if the petition would be necessary at that point.

City Attorney Knaak replied if Council passed the ordinance it gets reviewed by the Charter Commission which has the opportunity to accept, deny, or modify it. It then comes back to the Council who either accepts or doesn't accept the modifications. Then the Council puts it out for a vote.

City Administrator Ulrich commented it is by majority vote.

City Attorney Knaak confirmed it is by majority vote, not unanimous.

Councilmember Howell commented the thought process behind the hard way is there is a Councilmember who is on the Charter Commission and a number of Councilmembers are concerned about a double vote on any given issue. She stated there is a lot of decision making power in the hands of one person. The hard way of collecting 825 signatures, which she thought would be doable, would allow them to bypass the double vote and take it to the people. It would be a statement that they are in such strong disagreement with the Charter Member/Councilmember making two votes on the same issue that they are going to take it to the people and let them decide and Council is going to do the hard work to get it to them.

Councilmember Musgrove commented that as a Council there was a consensus that all three directions were going to be taken at the same time, not just on the ordinance assuming there would be the votes either from the Charter or when it comes back to the Council. By taking the opportunity to send it out for votes and have it not pass would result in lost time so she agreed that it is an issue of difficult work but she felt it was important for the residents be allowed to make the decision. She referenced Councilmember Woestehoff's comments that he would vote himself off but stated that wasn't assured.

Councilmember Howell referenced Councilmember Woestehoff's prior comments that he got on the Charter Commission so that Councilmembers couldn't be on the Charter Commission, which she didn't understand. She stated this would give the voters the opportunity to decide and remove Councilmember Woestehoff from the process.

City Attorney Knaak responded to Councilmember Musgrove's statement that there could be multiple tracks going on, and the answer is yes. There is no reason that the petition process couldn't be going forward as the easy process is going forward. The two that are mutually incompatible have to do with the ordinance. If Council passes the ordinance without it coming from the Charter Commission, it takes a longer process.

Councilmember Heineman asked if it is correct if the Council goes forward with the ordinance and a resident moves forward with a petition, during the time the signatures are being collected, the ordinance passes achieving the same result as the petition, the petitioners could cease the process.

City Attorney Knaak replied yes.

Councilmember Heineman stated the easy option could find the Council in a position where the Charter brings an amendment and unanimous vote, and Councilmember Woestehoff votes to remove himself from the Charter but then another councilmember could say, I don't see an issue and vote no, and then Councilmember Woestehoff would still be allowed on the Charter. He recommended pursuing both options at the same time to ensure that that the petition would be a contingency plan.

Councilmember Riley commented there is no harm in starting the hard way and doing the easy way at the same time. He didn't think anyone on Council wouldn't support it so it shouldn't be a problem but if a petition is started at the same time the Charter Commission sends a case.

Mayor Kuzma asked if a motion is needed.

City Administrator Ulrich replied this isn't a direct action, as the Attorney pointed out, it is a citizen-led process within the Charter that is attached for the process. This is a process that Councilmembers could be involved as residents.

Councilmember Riley commented he understood that with the petition, there isn't Council direction but asked if the Council should give the Charter Commission direction.

City Administrator Ulrich replied that gets into the next case. He asked if it is correct that if the Council passes the ordinance, it is different from just the Charter Commission initiating it, which would be a quicker process.

City Attorney Knaak confirmed this. He thought it was pretty straightforward that the Charter Commission suggest an ordinance to the Council but they take the chance that one on the Council disagrees.

Councilmember Woestehoff referenced the next case is the motion to introduce the ordinance and asked if the Charter Commission could act between the Council introducing and adopting an ordinance to bring to the Council.

City Attorney Knaak replied his preference, if that is the path that is being considered, that Council tables this.

7.07: Introduce Ordinance #22-17 Amending the City Charter of the City of Ramsey, Minnesota, Prohibiting Membership on the City of Ramsey Charter Commission of Any City Council Members and Providing for Other Restrictions Thereof

City Attorney Knaak recommended that this ordinance be tabled and sent to the attention of the Charter Commission asking for their comment and recommendation.

Councilmember Riley stated based on City Attorney Knaak's recommendation he supported moved the Council tabling this and sending it to the Charter Commission for their consideration. He continued he would like to see this done the easy way starting with the Charter Commission sending something back to the Council and it can be done quickly and easily to get the desired result.

Councilmember Musgrove commented that Council heard from the Chair of the Charter Commission that this is dead on arrival so it won't come back to Council. She stated she didn't feel comfortable tabling this and hoping they will send something back.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to table consideration of the ordinance and send it to the Charter Commission for their consideration.

Further discussion:

Councilmember Woestehoff responded to Councilmember Musgrove, stating he wasn't privy to the comment by the Chair of the Charter Commission. He stated the language is very specific to

exclude Councilmembers from the Charter Commission, not other Boards and Commissions. He asked City Attorney Knaak to explain.

City Attorney Knaak replied that was part of the path too where at some point it went beyond the Councilmembers and other Commission members and Board members. An additional review of State law said that couldn't be prohibited. The only thing that could be prohibited is Councilmembers from the Charter Commission. He stated his understanding of the comments of the Charter Chairman related to concerns about current members of the Charter Commission who may be Board members or have other City responsibilities and the response was it would be dead on arrival. He didn't think it related to this particular language. He also thought a comment was made that if the language about the removing the prohibition of Charter members from serving on other Boards and Commissions, the problem would go away; however, he didn't want to speak for the other person.

Councilmember Musgrove replied she appreciated City Attorney Knaak's comments but felt they were talking about two different discussions. The discussion where the Charter Chairman made his point was prior to the Council having the Work Session discussion where City Attorney Knaak brought up the point about the two different possibilities of sending one up from the Charter and one up with other Commissions and Boards. The Charter Chairman made that comment during the first discussion at the City Council meeting before the discussion of other Boards. She didn't think she misunderstood the Charter Chairman's comment.

Councilmember Riley commented he didn't know why they were speculating about what a Board would do. He stated Councilmember Musgrove is speculating about what the Charter Chairman is speculating about what the Commission would do. He stated this sends it to the Charter Commission to send back to the Council to correct a wrong that has been agreed upon. He thought it should be sent to the Charter Commission to discuss, as the easy way.

Mayor Kuzma replied the petition process could also be going on at the same time.

Councilmember Riley agreed.

Councilmember Howell commented that Councilmember Riley seemed upset about speculation about what the Charter Commission Chairman said as if it doesn't hold any weight. She stated there have been discussions during Work Sessions about possibly adding Boards and Commissions on this as well in a Charter amendment. She pointed out when Councilmember Woestehoff speculated about what the Charter Commission would and wouldn't do, Councilmember Riley didn't complain then, so the criticisms aren't distributed equally.

Councilmember Riley replied those were just discussions; this is a time for a decision to be made.

Councilmember Howell asked Councilmember Woestehoff why he didn't just step down and make it easier for everyone.

Councilmember Woestehoff replied no.

Councilmember Musgrove commented that is part of her concern in progressing this to the Charter Commission when there is a sitting Councilmember who doesn't understand the gravity of the authority structure of the Charter Commission.

Mayor Kuzma interjected.

Councilmember Howell called for a point of order and asked for a Council consensus that Councilmember Musgrove be allowed to finish speaking.

Councilmember Heineman asked if Councilmember Howell was appealing the rule of the Chair.

Councilmember Howell replied yes.

Councilmember Musgrove continued she felt Councilmember Woestehoff is agreeable to not being on the Charter Commission and yet he wants to take two votes between the Charter Commission and Council.

Mayor Kuzma reminded Council that Councilmember Woestehoff followed the process and was appointed by a judge and tonight it was decided the process was done legally. Tonight is about changing the process and sending comments to the Charter Commission and asking for them to change it.

Councilmember Heineman commented that Councilmember Woestehoff replied no when asked to step down, which he is entitled to, but for the sake of transparency, asked why his answer was simply no.

Councilmember Woestehoff replied he thinks there is a profound distrust of this Council by Staff and the community and this goal is to prove to people that he can stick to his word. He continued that even though his decision to be appointed to the Charter Commission may not be popular, he has every right to be on it. While it may be controversial, he thinks there is something to be said for once an ordinance is passed or the Charter is changed to prohibit Councilmembers from being on it. He thought it was a matter of the action being something where trust is gained from the community. He asked for the Council's trust that he will vote to support this ordinance.

Councilmember Heineman responded he trusted Councilmember Woestehoff to stick to his word but it is plausible that another Councilmember would vote against the ordinance. He asked if Councilmember Woestehoff trusted the other Councilmembers that they wouldn't apply for that spot if he stepped down. He noted it would expedite the process if Councilmember Woestehoff stepped down now and allowed the ordinance to pass.

Councilmember Woestehoff replied he didn't fully follow Councilmember Heineman's train of thought.

Councilmember Heineman replied Councilmember Woestehoff wants to stay on so no one else will take the seat on the Charter but if he trusted the Council, he could step down now.

Councilmember Woestehoff replied he hadn't thought about it but he will, although he won't make a decision on the fly.

Councilmember Heineman commented that he would support the petition and didn't see the point of having the Charter Commission send something to the Council since there are members of the Council voting on that. He would vote against tabling this and against introducing the ordinance.

Councilmember Howell concurred with Councilmember Heineman that those are good points. She was concerned that Councilmember Woestehoff is trying to gain points with residents based on his estimation of where trust levels lie. She didn't see the role of Councilmembers in taking seats on Boards as a game. She stated she wanted to ensure things like this didn't happen and will be voting against a motion to table or against the ordinance.

Mayor Kuzma asked if Councilmember Riley had a motion to table this ordinance.

Councilmember Riley replied yes, there is a standing motion to table this, which he clarified, means the Council is asking the Charter Commission to take this up and send it back to Council which is the easy way. He stated he wants this to pass, and pass faster.

Councilmember Heineman responded Councilmember Riley made good points but they are saying a Councilmember shouldn't have a vote on the Charter Commission so by sending it to the Charter Commission they are still allowing a Councilmember to have a vote on this issue. He stated it isn't a consideration of is this the fastest way, it is an issue of doing what is right.

A roll call vote was performed:

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

Motion failed.

City Administrator Ulrich stated the introduction of Ordinance #22-17 will fail due to no action.

Mayor Kuzma asked if it will resort to having to have a petition.

City Administrator Ulrich replied that is correct.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced upcoming meetings and events. He stated the Boards and Commissions appreciation event will be held Tuesday, April 5, 2022. Earth Day Community

Clean Up is looking for projects April 22- April 24, 2022. Residents can sign up for a project of their choosing and design and participate in the Environmental Policy Board program. Details can be found online. The Ramsey Business Expo sponsored by the Economic Development Authority is Saturday, April 30, 2022. They are still looking for local businesses to sign up for booths at the events. The next regular City Council meeting will be Tuesday, April 12, 2022.

Councilmember Musgrove stated Highway 10 construction in Anoka begins on Monday. She stated there is a link website for residents to find out about road construction and traffic delays besides the big sign on the road. She asked City Engineer Westby if that information is up on the City website.

City Engineer Westby replied the request was sent but he didn't know if it was up yet. He offered to check to ensure it is up early tomorrow.

Councilmember Musgrove replied besides going to the Department of Transportation website, residents can go to the City of Ramsey website to find the communication link for traffic updates.

City Engineer Westby replied they will make that available on several outlets.

Councilmember Musgrove thanked City Engineer Westby.

9. ADJOURNMENT

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

A roll call vote was performed:

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

Motion carried.

The regular meeting of the City Council adjourned at 9:39 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Katie M. Schmidt
Deputy City Clerk

Drafted by Joni Helmeke
TimeSaver Off Site Secretarial, Inc.