

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

The Ramsey City Council conducted a City Council Work Session on Tuesday, April 26, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Councilmember Ryan Heineman (attended remotely)  
Councilmember Chelsee Howell  
Councilmember Debra Musgrove  
Councilmember Chris Riley  
Councilmember Dan Specht  
Councilmember Matt Woestehoff

Members Absent: Mayor Mark Kuzma

Also Present: City Administrator Kurtis Ulrich  
Administrative Services Director Colleen Lasher  
Deputy City Administrator/Community Dev. Director Brian Hagen  
City Engineer Bruce Westby  
Public Works Superintendent Grant Riemer  
Parks and Assistant Public Works Superintendent Mark Riverblood  
Economic Development Manager Sean Sullivan  
City Attorney Fritz Knaak

**1. CALL TO ORDER**

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

**2. TOPICS FOR DISCUSSION**

**2.01: Review Visual Quality Options for Ramsey Gateway Highway 10 Interchanges**

City Engineer Westby reviewed the staff report regarding several existing visual aesthetic treatments along Highway 10 both at the Armstrong Boulevard on the west end of the two proposed interchanges and to obtain Council direction.

Mr. Dan Lonnes, Bolton & Menk, gave a presentation on the timeline, structural components of the project, and led a discussion of the decisions that need to be made in the next few months. Mr. Lonnes asked the Council for a desired precedence for bridges and walls. He stated they are looking for direction on railing wall form, colors, and logos. He asked if they would concur with moving forward with the theme from Armstrong Boulevard. He stated there are opportunities to develop a consistent theme between the two interchanges.

Mr. Josh Scheels, landscape architect, described what the interchanges might look like using the theme from Armstrong. He asked if there is a preference for introducing an architectural element in the span over the bridge.

Mr. Lonnes noted the renderings are all MSC panels and the structural team is still working with MNDot on the most cost-effective approach to building the walls. He stated MSC is going to have a more distinct look as far as matching what was shown.

Mr. Scheels referred to one of the renderings, noting the introduction of accent lighting. He stated pedestrians want some type of lighting but discussions would have to occur with MNDot to ensure lighting doesn't impact traffic. He stated there is an opportunity for adding accents to railings.

Councilmember Specht asked if MNDot allows any branding visible to traffic. He commented that people have said traffic will drive through and not realize they are in Ramsey. He asked if there could be something that says Ramsey or something similar to Anoka's letter "A" on their roadways.

Mr. Lonnes replied putting a city's name or letters on railings has been discouraged but shapes and logos have been acceptable.

Mayor Pro Tem Riley asked about the road name, "Ramsey Blvd." for example.

Mr. Lonnes replied a lot of discussion has occurred around this because the city of Chaska has their city name across one of their bridges. He stated MNDot has said that was a very unique exception because of the Rider Cup. He stated if that is something they would like to explore, they can advance the discussion.

Mayor Pro Tem Riley stated for Armstrong Blvd., when it was being looked at several years ago, there was some question at the time if the brick would hold up or if it would cause a maintenance issue. He asked now, eight years later, what the experience has been.

Mr. Lonnes replied Armstrong Boulevard is made up of a couple of types of materials, real full block bricks and brick textures that have been stained. He stated because there was trouble matching the colors, everything ended up getting stained. He spoke to MNDot when they were working on a bridge in Anoka and as far as he knows, everything is holding up well but they are using a system that is brick veneer instead of full brick blocks.

Mr. Jason Norcut, Anoka County Highway Department, replied he worked on that project and explained when driving through the City, colors, patterns, and textures are used. He thought focusing on the top for the pedestrian experience would bring the most dividends. He stated the driving traffic will recognize Ramsey by round-a-bouts and as they use the frontage roads with these features. A lot of user experience will be from the frontage roads. He stated at the time a lot of form liners and pattern brick were used to tie in the old river side of Anoka and the modern style building, shapes, and colors. He stated that was the previous Council direction but felt it still holds up and looks good today. He recommended consistency between all three to distinguish Ramsey.

Mr. Scheels continued his presentation by reviewing opportunities with accent element options on the railings. He asked if there is a desire to add accent lighting on added features or additional lighting beyond roadway lighting.

Mr. Lonnes stated this can be broken into roadway lighting, which is required, if there is a decision for the inexpensive functional highway light or city preferred styled or private lighting. Accent lighting is optional but can be added to create an environment to invest in The COR. Mr. Lonnes stated today the direction they are looking for is the confirmation of the Armstrong theme for structural elements. He stated they will come back with design elements that will fit The COR well.

Mayor Pro Tem Riley stated when the Armstrong design was created it cost more than concrete but while it was kept minimal, it created a lot better look. He asked if that would still be the same where the costs are not as high as they could be but the aesthetics are worth it.

Mr. Lonnes replied Armstrong is a cost-effective aesthetic enhancement on a corridor. He stated there are far greater cost decisions than Armstrong, to include multi-colored stones and different elements that can be the upper extreme on cost. He stated Armstrong was a good cost-effective means to enhance the aesthetics.

City Administrator Ulrich agreed it was cost-effective and recalled some of the discussions which included low-cost options, medium-cost options, and high-cost options. He stated they spent a few hundred thousand dollars adding the brick accents but didn't include accent lighting or decorative elements up top. He stated it was pretty fundamental with a focus on brick accents which were cost effective.

Councilmember Musgrove commented there are three bridges. She liked to keep the theme but suggested doing something different with the middle one. She suggested cattails on the signs, or lighting on the pavement. She was thinking of the morning runners in Ramsey who would appreciate lighting on the bridge.

Mayor Pro Tem asked if there was consensus to accept the Armstrong theme.

Councilmember Woestehoff agreed with using that theme and with the idea of using brick accents on the Ramsey bridge because it is in the middle and it is Ramsey Boulevard.

Mayor Pro Tem Riley asked if they liked the idea of carrying through the aesthetics. He asked if there was anything else they needed to make decisions on tonight.

Mr. Norcut replied that was the big one. He stated they have to bring the question because they are going to invest a lot of time in the design and wanted to confirm the assumptions. He stated he didn't want to miss a comment that would be impactful to the structural side of things. He stated the rest of the discussion was decisions that would be coming. He noted this is going to change the look of this whole area. He stated they will be looking for direction on things such as roundabouts and accent lighting.

Mayor Pro Tem Riley stated he was thinking about the Mississippi River trail and the corridor and asked if some of that would tie in with some of this regarding benches and things.

Parks and Assistant Public Works Superintendent Riverblood replied sure, adding benches and trees are low maintenance. Things like planters can be more work. He stated with seating some of the intersections can be busy so putting them to the side.

Mr. Norcut commented one advantage is that the City will have its own frontage roads which they didn't have with Armstrong. He stated coming in it will be visible from Highway 10 so if they wanted lighting or monumentation it affords more flexibility and can be phased in over time.

Mr. Scheels commented they will need direction on options. He explained option A is simple, low maintenance, minimum aesthetic appeal, lowest cost, such as simple plantings and simple grasses to cover the area. Moderate options have some maintenance, some minimal plantings, and a modest cost for plantings. Then there are grand areas where people come into the City that are special but requires maintenance for elaborate plantings.

Councilmember Woestehoff asked how many roundabouts there will be.

Mr. Scheels replied four just in this corridor.

Councilmember Woestehoff replied he likes a simple, low maintenance side of things. He asked from a safety standpoint if it is more advantageous to have a minimum of plantings to give people something to look at.

Mr. Norcut replied green grass is the most basic and MNDot will be maintaining the roundabouts. He stated shutting down lanes in roundabouts to do maintenance will have to be considered. He stated he has worked on projects putting in plantings as well as being there to pull it all out. He gave the example of Andover which had plantings that have been removed and replaced with concrete.

Parks and Assistant Public Works Superintendent Riverblood asked if MNDot will maintain the green hump.

Mr. Norcut replied MNDot will mow but not to the level Parks and Assistant Public Works Superintendent Riverblood would like. He stated some of the decorative grasses can look good but may need a conduit to run water to it.

Councilmember Musgrove asked about feedback on rock instead of grass for easier maintenance, or rock and decorative grasses versus sod.

Parks and Assistant Public Works Superintendent Riverblood replied rock may be lower maintenance but higher cost. He stated it would need to be more limited in roundabouts for traffic safety but it could be considered.

Councilmember Heineman commented he liked option A because it looks more modern and agreed with running conduits to it for irrigation.

Mr. Scheels covered other opportunities for The COR and asked if they want to have waystations with benches in different areas or add trees.

Mr. Lonnes concluded the conversation by explaining cost participation for aesthetic elements. He stated a certain percentage of the cost for bridge aesthetics would be eligible for funding but depend on the category and the rest of the funding would be the city's responsibility. He stated that is something that will be outlined in the future. He explained that maintenance responsibility for aesthetics features will be written into the agreement. He reviewed the timeline for next steps.

Councilmember Specht asked about funding.

Mr. Norcut replied there is a cap for things but only certain items, such as lighting in the roundabouts, that are required and if the Council wants something more, funding can be worked out so they can get a better product for less money. He thought options could be presented for the Council to vote on.

Councilmember Specht commented a resident brought up an issue this week. He explained the resident owns a Tesla which mistakes the red overpass on Armstrong as a red light and wants to stop. He asked if there was any way to change that. He also asked if that feedback had been given by anyone else.

Mr. Norcut replied he had never gotten that feedback.

Councilmember Woestehoff replied he has had a similar issue with his car slowing down going into the Lowry tunnel because it thinks the red light that reflects is a car in front of him.

Mr. Norcut replied that is an interesting issue that he will bring to the engineers to look into.

## **2.02: Review 2022 Strategic Action Plan Draft**

City Administrator Ulrich reviewed the draft version of the 2022 Strategic Action Plan based on feedback from the Council during the February 2022 Special Work Session on the Strategic Plan. He asked for comments regarding the tactics that were previously discussed.

Mayor Pro Tem Riley asked if there were any questions from Council.

Councilmember Musgrove stated they are already into the second quarter and asked if any need to be adjusted already.

City Administrator Ulrich replied he took that into consideration as he was looking at these and those through the second quarter would carry through to July. For example, the first tactic was to establish a committee for a website to design and update. A committee has been established and has been doing some work. He stated he has tried to update them so they would fall within the

quarters so it would give until July 1, 2022 to accomplish the second quarter goals. He stated Staff can look at them and make changes prior to bringing this back.

Councilmember Howell referenced question 11 about multifamily housing and asked if it is correct that they decided to put it in and get more information for understanding.

City Administrator Ulrich replied yes, the intent was to bring it back for more information on what the program was.

Councilmember Howell referenced question 19 and read “consider local open space preservation funding if initiated by valid referendum.” She stated she was unsure about keeping that in and preferred not to keep it in.

Councilmember Woestehoff agreed because it hasn’t been discussed very much. He stated if it stays in, he would request it be an agenda item for an upcoming Work Session. He finds it to be one that he knew the least about and that makes him nervous because it is a second quarter item and has a high budget impact.

Mayor Pro Tem Riley asked Parks and Assistant Public Works Superintendent Riverblood to address this.

Parks and Assistant Public Works Superintendent Riverblood replied he and Deputy City Administrator/Community Dev. Director Hagen had a chance to discuss it and he thought the recommendation would be that the narrative read “to be discussed at the 2023 Strategic Planning Session” so they can understand exactly what it means. He thought there were differing understandings and there wouldn’t be time to put together a referendum.

Mayor Pro Tem Riley asked how that should be handled.

City Administrator Ulrich replied if it isn’t ready to be addressed, it should be taken off altogether or consider the concept, have a low budget impact, and talk about raising a conversation in 2022 with a direction. He stated those would be the two options because it isn’t ready for the ballot.

Mayor Pro Tem Riley asked if Council wanted to make it a discussion item or put it in the parking lot for next year.

Councilmember Woestehoff replied he would prefer to put it in the parking lot.

There was Council consensus to put it in the parking lot for next year.

Councilmember Musgrove referenced question 18 and asked if that needed to be reworded because she thought there was already a plan, which was the water treatment center.

City Administrator Ulrich replied that is a good point. He stated the wording can be changed to read “commence construction of the water treatment plan in 2023.”

Councilmember Musgrove referenced number 21 which reads “creating and promoting a holiday light challenge.” She stated that has been done one year and asked if it should be reworded to say “annually or expand”.

Mayor Pro Tem Riley added a second year makes it a tradition.

City Administrator Ulrich replied, yes, it will be amended to say “promote holiday light challenge.”

Councilmember Musgrove referenced number 24 which is to update the telecommunicating policy. She stated there was a discussion on the legislative platform with the legislators about potentially having it changed. She stated she didn’t know if it could be an action item to follow up with the session if that legislation had action taken on it.

Mayor Pro Tem Riley replied he thought this meant policy with Staff. He asked City Administrator Ulrich if he had the direction needed.

City Administrator Ulrich replied he did and would make the revisions for Council adoption at the next regular meeting.

### **2.03: Review Ordinance Amending Digital Billboard Regulations**

Deputy City Administrator/Community Dev. Director Hagen reviewed the staff report and request for direction on a number of items related to the digital billboard regulations before the May 2022 Planning Commission meeting.

Mayor Pro Tem Riley asked how big the sign was that is being proposed.

Deputy City Administrator/Community Dev. Director Hagen replied he believed it was around 600 square feet.

Councilmember Specht asked if there is a standard size that is expected.

Deputy City Administrator/Community Dev. Director Hagen thought it would differ dependent on the orientation of the sign, vertical or horizontal. He didn’t know if there was a standard, noting the rendering proposed a tall skinny sign versus a typical horizontal billboard on a pole.

Economic Development Manager Sullivan added that in talking to representatives from I Digital, these billboards come in set sizes. He stated they provided a horizontal option and a vertical option. He stated there is a standard size, not an industry standard, but the size the company that makes these digital displays.

Councilmember Heineman asked what the aspect ratio was, noting the shape would dictate the size he would like to see.

Councilmember Specht replied 48 x 14 feet.

Councilmember Woestehoff added it is 672 square feet.

Councilmember Heineman asked if the height or width was 48.

Councilmember Woestehoff replied the height was 48.

Mayor Pro Tem Riley commented he thought that would make it look special and different. He stated he didn't have a problem with the size because that is what is available.

Councilmember Woestehoff asked Deputy City Administrator/Community Dev. Director Hagen if he knew how big the digital sign is that is by the West Armstrong Retail.

Deputy City Administrator/Community Dev. Director Hagen replied he did not.

Councilmember Woestehoff commented he knew the one in Champlin is 14 x 48.

Councilmember Specht commented for traffic driving through, Ramsey would stand out as different from most areas. He thought it looked nice.

Councilmember Musgrove asked about the proposed location.

Deputy City Administrator/Community Dev. Director Hagen replied it would be near the old Diamonds site.

Councilmember Musgrove asked if it was closer to Ramsey Boulevard.

Deputy City Administrator/Community Dev. Director Hagen replied it is closer to Ramsey Boulevard than to Armstrong Boulevard.

Economic Development Manager Sullivan added the right-of-way is thinner so the vertical sign is going to fit better there. He stated there may have been issues with overhangs with a horizontal sign. The company liked the idea of having a vertical sign because the originality of it will be more eye catching.

Councilmember Woestehoff reminded Council that the ordinance being discussed is just a component of this; the ordinance allows for up to three digital billboards with only one being owned by the City. He stated there would be limited control of the other two. He felt it was important that although they like this sign, someone could put another billboard two miles down the road from it and the City would have less control over it because they don't own it.

Mayor Pro Tem Riley stated that is a good point but he wanted to finalize the size and come back to this topic.

Councilmember Musgrove asked if it could be seen from both traffic directions.

Economic Development Manager Sullivan confirmed it is two-sided.

Councilmember Specht commented he support the proposed size.

Councilmember Musgrove commented she didn't support the size and thought it was premature with road construction going on. She stated she was okay with it being a little bigger than the 400 foot size that is standard.

Economic Development Manager Sullivan replied he hadn't worked on the draft ordinance but it was his understanding that the 700 was taken from other ordinances and research that WSB had done on size. He stated that number is seen in other areas so he didn't recommend changing the size at this time.

Mayor Pro Tem Riley asked and Council consensus was reached on 700 being an allowable size.

Deputy City Administrator/Community Dev. Director Hagen stated timing-wise for the duration, they are using the lease for a baseline but understands that it goes to any potential location. He stated the lease identifies a seven second duration before the change but the Planning Commission supported eight seconds. He asked if Council had feedback on a one second difference.

Economic Development Manager Sullivan offered some history on this issue. He had presented to the City Council when they were looking at the three businesses to do this. He stated the prices were set off the seven second intervals and when those intervals get lengthened that is less advertising time for these companies. He stated the Council had previously commented on the timing at the time the pricing was done and suggested leaving it at seven seconds to be consistent.

Councilmember Specht agreed.

Mayor Pro Tem Riley asked and Council consensus was reached on seven second intervals.

Deputy City Administrator/Community Dev. Director Hagen stated the next issue is spacing. He stated they are limiting it to no closer than two miles apart from each other. He stated the ordinance allows for up to three signs along the Highway 10 corridor. He stated in looking at the potential location that would automatically drop the amount of allowable signs to two because the point to the eastern boundary is just short of two miles. He asked if the distance could be reduced or leave it at two with the understanding that it would mean limiting the signs to two in town.

Mayor Pro Tem Riley replied this was Councilmember Woestehoff's point earlier in the conversation.

Councilmember Woestehoff commented leaving it at two miles makes sense because he didn't feel it was fair that the City owns the only sign in town. He would like minimal other opportunities for digital signs because he didn't like the idea of having them in town. He felt two miles apart was fair.

Economic Development Manager Sullivan commented from a marketing perspective he agreed with Councilmember Woestehoff. He felt that the fewer signs there were, the more effective the signs were going to be. He stated if it limits the number of signs to two, he thought it was a good thing.

Mayor Pro Tem Riley asked if there was consensus on this.

Deputy City Administrator/Community Dev. Director Hagen commented that the current set back regulations in the ordinance called out a 35-foot setback from the front property line. He thought that would eliminate a lot of smaller parcels, such as the one the City is considering. He felt that was odd from other monument signs and advertisement signs that are closer to the front property lines. He asked if Council would support language along the lines of “can allow the sign face to overhang the property line” to allow it to be closer to the roadway.

Mayor Pro Tem Riley asked if Deputy City Administrator/Community Dev. Director Hagen was suggesting that.

Deputy City Administrator/Community Dev. Director Hagen replied he is suggesting that but he asked if Council was supportive of that.

Mayor Pro Tem Riley replied it sounded reasonable.

Councilmember Musgrove asked if that would be a policy change or in the lease.

Deputy City Administrator/Community Dev. Director Hagen replied it would be in the ordinance.

Councilmember Musgrove asked if it would make the lease fit in the ordinance.

Deputy City Administrator/Community Dev. Director Hagen replied the current ordinance would render the lease not possible.

City Administrator Ulrich commented it would be considered a zero setback for the sign face.

Councilmember Woestehoff asked about other signage or requests that have come forward in other districts, what is the setback for signs of similar size. He thought in B1 it was ten to 15 foot back depending on the size

Deputy City Administrator/Community Dev. Director Hagen replied there is blanket regulation that nothing permanent is allowed in the drainage or utility easements which vary from 5 to 15 feet generally. He noted other monument signs that are as close to the roadway as possible so drivers aren't looking off to the side.

Mayor Pro Tem Riley asked what Deputy City Administrator/Community Dev. Director Hagen's suggestion is.

Deputy City Administrator/Community Dev. Director Hagen replied he suggests a zero setback for the sign face.

Mayor Pro Tem Riley asked if there is a precedence for a City doing this.

Deputy City Administrator/Community Dev. Director Hagen replied there is, adding 35 feet is a long way and is a building setback.

Mayor Pro Tem Riley asked if there was Council consensus.

Councilmember Musgrove asked if there were any State regulations that guide that based on traffic safety and the right-of-way.

Deputy City Administrator/Community Dev. Director Hagen replied this would not be in the right-of-way; these would have to fall on private property.

Councilmember Musgrove asked if that would be for the policy change.

Councilmember Woestehoff asked about the overhang into other properties or not and asked for clarification.

Deputy City Administrator/Community Dev. Director Hagen replied if the setback was left at 35 feet, it would be measured to the sign face. He stated it simply reads it has to stay on the property so they wouldn't run into overhead restrictions on someone else in the right-of-way.

City Administrator Ulrich stated there would be a scenario where the sign would be next to a commercial building or property so it potentially allows the sign to be right at the property line. It is not just the highway line but any property line in the vicinity.

Councilmember Musgrove referenced the rendering in the lease which has a gray brick and asked if that is being proposed as well or is just in the rendering.

Economic Development Manager Sullivan replied it is a rendering and what they wanted to show was the logo at the base, which was not originally there. He stated they can meet with the designers to add color. He stated they could come in when they are working through a sign permit. He stated Staff would try to make it consistent with what they have in front of The COR now for color.

Councilmember Musgrove replied in light of the discussion of about Highway 10, she didn't know how a gray sign would look in the middle of the earthy, tan colors.

Deputy City Administrator/Community Dev. Director Hagen stated there is a restriction where any type of billboard of this nature has to be put on a vacant parcel. He asked if they wanted to open it up to any parcel that meets the distance requirements between signs.

Mayor Pro Tem Riley replied he thought that made sense.

There was Council consensus to open it up to any parcel that meets the distance requirements between signs.

**2.04: Provide Direction on Terms of Shawn Acres Park Cartway Easement Agreement for Thorn Lake Property PID #04-32-25-31-0001**

City Engineer Westby reviewed the staff report and asked for Council direction on terms of Shawn Acres Park Cartway Easement Agreement for Thorn Lake. He stated the petitioner is questioning the \$5,500 fee for the easement and expanding the width of the cartway. He noted the petitioner is in attendance.

Thomas Kurak, the petitioner, stated that even when City Engineer Westby just explained it again, he felt it was unclear from prior discussions. He stated he had \$20,000 on deposit with the City which in the beginning was for the creation of an easement. He stated they didn't know where it was going to go or if court action was going to be required. He noted it has been four months and he has an agreement with the only private property owner so there won't be court action. He stated the City Council gave direction on where to put the easement. He stated in speaking with City Engineer Westby tonight before the meeting, he explained there isn't a charge for the land and easement creation, that it is about expenses. He asked what the expenses are. He stated in a letter he received from City Engineer Westby, it was for police calls and closing the park when mowing needs to be done. He stated he didn't understand why that is relevant. He was told there may be trouble which he didn't understand. He asked for direction from City Council if he should put \$5,500 on deposit based on the explanation from City Engineer Westby for problems he might create or citizens may create by parking in the way. He stated citizens don't pay for police calls that don't happen.

City Administrator Ulrich asked the City Attorney if it is correct that the City is allowed to charge for the use of the property for cartway.

City Attorney Knaak confirmed this.

City Administrator Ulrich replied the \$5,500 is the amount for the use of the land, which is a nominal fee for the value of that land is equivalent to the \$1,000 paid to the private property owner. He stated the City is allowed to charge that. He clarified it is the use of the property that is being charged, like any other easement. He stated if the Council objects to that, they should let Mr. Kurak know.

Mr. Kurak replied the property shouldn't have a fee to a private citizen for the use of it because it is currently public property for everyone to use. A public cartway is being created but it isn't for him.

Mayor Pro Tem Riley asked Council if they were comfortable charging \$5,500 for the use and the easement.

Councilmember Specht asked to discuss this more after the regular City Council meeting.

Councilmember Musgrove agreed adding she wasn't comfortable.

Mayor Pro Tem Riley replied they will have to recess and reconvene after the City Council meeting.

### **Recess and Reconvene**

Mayor Pro Tem Riley recessed the Work Session at 6:57 p.m.

Mayor Pro Tem Riley Work Session was reconvened at 7:52 p.m.

### **2.04: Provide Direction on Terms of Shawn Acres Park Cartway Easement Agreement for Thorn Lake Property PID #04-32-25-31-0001 (continued)**

Mayor Pro Tem stated the issue of the fee is for the use of City land used for the easement.

Councilmember Howell asked City Engineer Westby if there are easements throughout the City and if there is a record of this in the past.

City Engineer Westby replied he wasn't aware of any.

City Administrator Ulrich replied typically there is one for construction easements, drainage, and utility easements. He stated there probably isn't a good precedence for a cartway easement because that is fairly unique but there are easements all over and the City is paid dollar amounts for the use of its easements. He stated, for example, drainage easements may go for around \$1 a square foot.

City Engineer Westby confirmed this, adding it is typically \$1 or less per square foot.

Councilmember Woestehoff asked if that is the reverse of what is being discussed, that they are asking to have an easement over someone else's property, therefore the City is paying to use it. In this case, the petitioner is being asked to pay for the use of the land as an easement.

City Administrator Ulrich replied that is correct, adding the point is that the land has value and the City should charge for the use of the land.

Councilmember Howell asked if the \$5,500 price consistent with other easements.

City Engineer Westby replied the petitioner acquired an easement from a private property owner, roughly 2,900 square feet. He stated the easement area for the park property is about 32,000 square feet. The easement that was acquired on the private property is all wetland. The easement on the park is roughly half wetland, half upland, so it is more usable land. He stated they determined the fee of \$5,500 by taking 11 times \$1,000 which is \$11,000, and then took about half of what it would be if they paid the same price to a private property owner for the park land. He thought that was a reasonable amount.

Councilmember Woestehoff asked if City Engineer Westby was saying the park easement was 32,000 square feet.

City Engineer Westby confirmed this.

Councilmember Woestehoff replied it is a pretty good deal for park land.

Councilmember Musgrove referenced the width of the land and asked if it has to be that wide. She noted when residents have easements on their property and they want to have the easement removed, they have to apply and pay an application fee to the City.

City Engineer Westby replied it depended on the situation but generally he wasn't aware of residents paying for an easement vacation.

Councilmember Woestehoff clarified that is vacating an easement the City has.

Councilmember Musgrove agreed, adding that is vacating the easement on the private land. She felt the situation here was vacating an easement on public land with a public easement on the land. She didn't feel that was the same as other situations. She stated it is still public land, City owned, and a part of the park, but the applicant has the right to move over it to get to his land. She asked about the State Statute on cartway easements and how that gives guidance to the City on what is allowed because it is public land with a public access which tax payers pay for, so Mr. Kurak would just have access to his land. She stated if a developer comes in and wants to build on private land and/or a resident who owns private land and has an easement on it.

Mayor Pro Tem Riley replied Mr. Kurak would have rights that other residents don't. He will be able to drive on it and clear the bushes or trees.

Councilmember Musgrove asked if Mr. Kurak would be given land that he would have to clear versus a side end of the park.

City Engineer Westby replied the draft easement agreement gives the petitioner certain rights to manage vegetation, not to cut down trees, to clear area for access along that lot line. It would be the case that he would have rights that other don't.

City Attorney Knaak replied what should be recognized is that it is a very particular statute that says if someone has land that can't be accessed, they get a right of condemnation. He stated it should be looked at as a condemnation over a very small, defined sized access; that is all it is. He stated the City Council has the responsibility to carry out the condemnation. In a condemnation, once the condemnation process is started, they can make the process a little easier and cheaper. He stated that is what happened here. He explained once the petition was accepted and there was a right to access, they are obligated to follow through and allow for the access in addition to providing reasonable alternatives. He stated that is what happened because what the petitioner came in with isn't what he ended up with. The reasonable alternative that the Council came up with minimized the amount of private land that was taken and maximized the amount of public land that could be spared. He stated that is the only way park land could be given, through a

condemnation process, which this is. He suggested they be careful in giving up City land and not charging for it because of the precedence that would be set. He stated they are giving up value of the land which could be made into a driveway and paved if he wanted. The size is set by the statute, could be negotiated for more, but the responsibility is to let Mr. Kurak go through. He stated the reason it is being categorized as a fee is because the City is entitled to reimbursement. Usually that comes through the City condemning the land, determining the value, and getting paid for it. He stated the road wouldn't be public, but private for the purpose of Mr. Kurak accessing his land which becomes his property right, not public. He wanted to clarify that this isn't a fee for service, but a sale of the public's right to use the park land. He stated the value should be set by the engineering department, which is what he felt happened. He stated they should charge something because it will no longer be public land and they didn't want to set a precedence of giving park land for free.

Mr. Kurak stated his easement has been compared to when the City takes an easement but when that happens, the City has the right to charge to use that easement. He gave the example of when a cable company is charged to use the easement. He stated he isn't getting rights to fence the land or put signs on it. He can make it passable but he doesn't get exclusive right to it. He stated his two neighbors would have full access to it and would benefit the most. He didn't feel he would own the land on the park land and that the City could take it back at any point. He asked if they thought it was fair he should be charged. He stated he is being charged for things he didn't feel needed to be done such as surveying. He stated when the cartway was researched six months ago, the neighbors had access to the cartway, so it is not his. He gave examples of other times when he didn't feel the City had fair assessments of charges regarding property.

Councilmember Howell asked about the size of the cartway.

City Engineer Westby replied the size of the cartway was set per the statute.

Councilmember Musgrove asked if the charge was determined by land value or if more information needed to be gathered before making a decision.

Mayor Pro Tem Riley asked if there was such a thing as an easement appraisal.

City Attorney Knaak replied sure.

Mayor Pro Tem Riley commented they could do that.

City Attorney Knaak added Mr. Kurak would have to pay for it though because the statute requires it, along with the surveying which is generally a good idea.

Mr. Kurak replied he will pay for the surveying but it was not explained that this is a public cartway that the neighbors will get more utility out of it than he will.

Mayor Pro Tem Riley stated the question was raised how to properly value the land and this would be it.

Councilmember Specht commented he trusts the City Attorney's opinion that giving the land away for free sets a bad precedence. He felt it was a nominal fee and if an appraisal was done it could be expensive.

Mr. Kurak commented the discussion he had was that \$5,500 was not the total amount of fees that could be associated but there was no limit. He stated if that is the total he would pay it. He also questioned if the Council wanted to charge him the \$5,500 because it is a public cartway and they don't have to charge him.

Mayor Pro Tem Riley asked if there was consensus to charge \$5,500.

Councilmember Howell asked where the information came from that it would be a public cartway that the two neighbors would get to use.

Mr. Kurak replied the way it is designed, it is right on the property line of two neighbors who wouldn't be trespassing through the park to get to the cartway. He stated the cartway is public.

Mayor Pro Tem Riley asked City Attorney Knaak to clarify.

City Attorney Knaak replied it is an intriguing question and he would have to take a closer look at it. He stated the cartway has the limited purpose of accessing Mr. Kurak's property. He asked if Mr. Kurak wants to charge the neighbors or have the City charge them.

Mr. Kurak replied he didn't want to charge the neighbors but was saying that nowhere in the cartway law does it give him a franchise after he pays the fees to charge anyone who wants to drive on his cartway because it is a public cartway.

City Attorney Knaak replied, no, it is something that allows Mr. Kurak and anyone he invites to access his property. He stated it is as public as his own driveway.

Mr. Kurak disagreed, adding if the City decided they wanted to put a parking lot in, people could go across the cartway to get to the parking lot.

City Attorney Knaak replied Mr. Kurak is complaining.

Mayor Pro Tem Riley corrected Mr. Kurak is mixing things up.

Mr. Kurak agreed.

Councilmember Specht asked what the final decision is.

Mr. Kurak asked that they charge him the \$5,500 but that is it.

City Attorney Knaak agreed.

There was Council consensus to charge \$5,500.

Mr. Kurak stated it was worth his time to come because it was open ended before.

City Administrator Ulrich asked if there will be additional fees associated, for the surveying for example or other fees. He didn't want the applicant to leave thinking the \$5,500 covers all the fees if it didn't.

City Engineer Westby replied there was a \$20,000 escrow from the petitioner before the public hearing in allowance of the statue to ensure the City would be paid for the work done and expenses. He stated they haven't charged anything against the escrow but have been tracking Staff time. He stated the surveying would be included in the charges for establishing the cartway. Once the cartway is established that is different. He stated now they are saying they are going to charge the petitioner \$5,500 for the easement, which covers all the associated costs for what has been done so far. He thought it may cover it.

City Administrator Ulrich asked if they are really not charging separately for the easement because they could also charge for the expenses into it. He thought it was the intention to charge for Staff time.

Councilmember Specht replied the fees would come from the \$20,000 and this would be separate.

City Administrator Ulrich replied the applicant deserves a full accounting of what those costs are. He felt the City shouldn't pay those fees but deferred to Council direction.

Mayor Pro Tem Riley asked if it was correct that a dollar amount hasn't been provided to the petitioner for Staff time to date.

City Engineer Westby replied that is correct because nothing has been charged against the escrow.

City Administrator Ulrich suggested the applicant be given a full accounting of what the anticipated cost of Staff time, surveying, easement cost of \$5,500, and that is presumed to be under the \$20,000.

City Engineer Westby agreed, well under the \$20,000.

Councilmember Specht referenced the City Attorney's feedback that there be a separate charge for the easement and that it be followed as a precedence for future situations.

Councilmember Woestehoff concurred.

City Attorney Knaak commented there is a cap that is being suggested of \$5,000. He gave the example of engineering costs of \$4,000, with a \$1,000 gap. The City could accept the compensation for the easement and do a deal to take a cash value for the property and reimburse the expenses.

Mayor Pro Tem Riley asked if a dollar amount was known for Staff time.

City Engineer Westby replied he didn't know how many hours he had spent on this but he thought at least 40 hours.

Mayor Pro Tem Riley commented he thought \$5,500 seemed like a good price for the easement which had been settled on. He felt there were additional fees and asked if it was true that Mr. Kurak would be willing to pay \$2,000. He suggested charging \$5,500 plus \$2,000 for fees and writing off the rest due to inefficiencies in Staff learning. He asked if there are other fees in the future that would arise or if they are done.

City Engineer Westby replied if he has clear direction from Council tonight on the length, the dollar amount, and that the petitioner isn't going to request anything else, then he would know he could move forward.

Mayor Pro Tem Riley asked if Mr. Kurak was in agreement and if they could clarify and move forward.

Councilmember Woestehoff summarized that the deal is \$7,500 and all expenses are included in that, as City Attorney Knaak was saying.

Councilmember Musgrove added that there be a line item for the easement.

Mr. Kurak commented that he will be paying \$7,500 for the creation of the cartway.

Mayor Pro Tem Riley asked if there was Council consensus.

City Administrator Ulrich stated the agreement was to access a cap of \$7,500 to Mr. Kurak with the expenses being taken from this amount and the remainder being attributed to the cost of the land.

Mr. Kurak asked if the expenses could be forgotten and what the City is giving him other than a public roadway.

City Administrator Ulrich suggested setting the cost of the easement at \$5,500 as a precedence and the expenses at a flat fee of \$2,000. He added the applicant has a \$20,000 escrow and asked if there was objection to returning the balance of \$12,500.

Mayor Pro Tem Riley asked if the neighbor has to be paid or if Mr. Kurak took care of that.

Mr. Kurak replied the neighbor never objected or said they have a problem so he thought they will be able to finalize it for what they asked.

City Attorney Knaak replied that flows through the City so whatever that amount is should be paid by the City.

Mr. Kurak replied he can send the neighbor to the City.

### **3. TOPICS FOR FUTURE DISCUSSION**

#### **3.01: Review Future Topics/Calendar**

City Administrator Ulrich asked Council if they would like to hold a Special Work Session on May 3, 2022 to consider the final City Administrator candidates. He stated two of the work evaluation reports are available. They couldn't be sent out to the Councilmembers but Councilmembers could stop in to review them. He stated the alternative would be do it on May 10, 2022.

Mayor Pro Tem Riley asked if everyone was available.

Councilmember Musgrove commented she was available but didn't like to have extra meetings.

Mayor Pro Tem Riley asked what the alternative would be, doing it on May 10, 2022.

Councilmember Howell replied they could vote on it then.

Mayor Pro Tem Riley asked if garbage and recycle container screening was added at someone's request.

Councilmember Specht replied he has some residents asking about it. He stated the current ordinance assumes they don't have wheels and are in an enclosed area. He stated this isn't really feasible and asked that the rules be reevaluated to fit the current program.

Mayor Pro Tem Riley asked if there were other changes to Future Topics.

City Administrator Ulrich gave an update on the Elm Crest Park entryway. He stated there was a counter proposal given to Mr. Sykes and his attorney. He stated they are getting closer to reaching a solution and waiting to hear a response, which will be brought back to the Council.

Councilmember Howell asked about the blight that is in the area, if it will move or stay stationary as the process is worked through.

City Administrator Ulrich explained that code enforcement has been halted as they engage in negotiation so it will not move soon but if there is an agreement, they would ask that it be moved as soon as possible.

### **4. MAYOR / COUNCIL / STAFF INPUT**

None.

### **5. ADJOURNMENT**

The Work Session of the City Council was adjourned at 8:37 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.*