

TABLE OF CONTENTS

1. CALL TO ORDER ..... 2

2. PRESENTATION..... 2

    2.01: Presentation Proclaiming September 17-23, 2022 as Constitution Week ..... 2

3. CITIZEN INPUT ..... 2

4. APPROVE AGENDA ..... 2

5. CONSENT AGENDA ..... 3

6. PUBLIC HEARING ..... 4

    6.01: Public Hearing: Police Body Worn Cameras - public comment on policy ..... 4

    6.02: Public Hearing: Consider Easement Vacation For Blue Line Collision at 6710 Highway 10 NW ..... 5

7. COUNCIL BUSINESS..... 7

    7.01: Adopt Resolution #22-215 to Authorize an Adjustment to the Pay Scales for Temporary Rink Attendants and Temporary Snow Plow Drivers..... 7

    7.02: ~~Consider an Interim Use Permit (IUP) for 14700 Armstrong Blvd. NW.~~ ..... 8

    7.03: Consider Resolution #22-212 Denying an Easement Encroachment Agreement for 7160 148th Ln NW (Project 22-137); Case of Demetrious and Christine Jones..... 8

    7.04: Adopt Resolution #22-209 Approving the Development Agreement for PACT Charter School ..... 15

8. MAYOR, COUNCIL AND STAFF INPUT ..... 17

9. ADJOURNMENT ..... 18

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

The Ramsey City Council conducted a regular meeting on Tuesday, September 13, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent:     Mayor Kuzma

Also Present:         City Administrator Brian Hagen  
                            Administrative Services Director Colleen Lasher  
                            Planning Manager Todd Larson  
                            City Attorney Fritz Knaak  
                            Police Captain Brad Bluml  
                            City Planner Brain McCann

**1.     CALL TO ORDER**

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

**2.     PRESENTATION**

**2.01:   Presentation Proclaiming September 17-23, 2022 as Constitution Week**

Acting Mayor Riley read the proclamation and presented it to Dawn Sieber of The Daughters of the American Revolution.

Ms. Sieber came forward and accepted the proclamation and shared her appreciation for Ramsey's support in honoring Constitution Week.

**3.     CITIZEN INPUT**

None.

**4.     APPROVE AGENDA**

City Administrator Hagen stated two items on the agenda were requested by Staff to be removed from the agenda due to having other parties involved and not being ready for consideration. These items were Consent Agenda item 5.17 and Council Business item 7.02.

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

A roll call vote was performed:

|                          |     |
|--------------------------|-----|
| Councilmember Musgrove   | aye |
| Councilmember Specht     | aye |
| Councilmember Howell     | aye |
| Councilmember Woestehoff | aye |
| Councilmember Heineman   | aye |
| Acting Mayor Riley       | aye |

Motion carried.

## **5. CONSENT AGENDA**

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to approve the following items on the Consent Agenda as revise to remove Item 5.17:

- 5.01: Receive June 2022 Financial Reports - General Fund and Enterprise Funds
- 5.02: Receive July 2022 Financial Reports - General Fund and Enterprise Funds
- 5.03: Receive Cash & Investments for Period Ending August 31, 2022
- 5.04: Note the Following Boards, Commissions, and Committee Meeting Minutes:
  - 1) Environmental Policy Board Dated July 18, 2022
  - 2) Economic Development Authority Dated July 14, 2022
  - 3) Parks and Recreation Commission Dated July 14, 2022
  - 4) Planning Commission Meeting Minutes Dated July 28, 2022
  - 5) Public Works Committee Dated July 19, 2022
- 5.05: Approve the following Meeting Minutes:
  - 1) City Council Work Session dated August 23, 2022
  - 2) City Council Regular dated August 23, 2022
- 5.06: Approve Rental Licenses
- 5.07: Approve Business Licenses
- 5.08: Authorize the Purchase of Police Body Worn Camera
- 5.09: Authorization to Hire a Communications Coordinator
- 5.10: Adopt Resolution #22-214 Approving Cash Disbursements Made and Authorizing Payments of Accounts Payable Invoicing Received During the Period of August 18, 2022 through September 7, 2022
- 5.11: Adopt Resolution #22-188 Proclaiming September 17-23, 2022 a Constitution Week
- 5.12: Adopt Resolution #22-189 Approving a Conditional Use Permit to Exceed Allowable Accessory Building Square Footage at 15410 Nutria Street (Project No. 22-131); Case of Brady Doble

- 5.13: Adopt Resolutions #22-190 and #22-191 approving a Conditional Use Permit and Site Plan for Blue Line Collision
- 5.14: Adopt Resolutions #22-194 and #22-195 Approving Site Plan and Conditional Use Permit for Lil Explorers at 14725 Ramsey Blvd NW
- 5.15: Adopt Resolution #22-210 Accepting Additional Drainage and Utility Easement Over a Portion of 15153 Vicuna St (Project No. 21-112; Case of Preserve at Northfork LLC and Gregory and Judy Watke
- 5.16: Adopt Resolution #22-211 Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Assessment for Past-Due Charges on Municipal Utility Bills (which may include water, sewer, street lighting, recycling, storm water charges and penalties incurred) and Current Services Rendered.
- ~~5.17: Adopt Resolution #22-213 Approving Lease Cancellation for 6701 Hwy 10 NW; Case of Potters Church~~ This item was removed upon adoption of the agenda.
- 5.18: Adopt Resolution #22-217 Supporting a Special 2022 Minnesota Legislative Session

A roll call vote was performed:

|                          |     |
|--------------------------|-----|
| Councilmember Musgrove   | aye |
| Councilmember Specht     | aye |
| Councilmember Howell     | aye |
| Councilmember Woestehoff | aye |
| Councilmember Heineman   | aye |
| Acting Mayor Riley       | aye |

Motion carried.

## 6. PUBLIC HEARING

### 6.01: Public Hearing: Police Body Worn Cameras - public comment on policy

#### Presentation

Police Captain Brad Bluml reviewed the staff report and recommendation to add a body worn camera to police officers. He explained the body worn camera policy was created with guidance from the administration by a group of officers from the department. He stated the policy had been listed on the Police Department webpage.

Councilmember Heineman asked if Police Captain Bluml could explain the officer's sentiment towards body cameras.

Police Captain Bluml shared he had spoken with officers and in 2020 Police Chief Katers assigned him to the patrol division and there was an overwhelming desire for body cameras. The officers did not want to be out in today's environment without the cameras recording them. Since this time they have worked towards getting them and he is pleased to be this close to getting these cameras for the officers. As he had mentioned to Council before, Ramsey has grown and added apartment buildings and large businesses and the microphone packs simply cannot reach in some places. He

added these cameras are not perfect but they capture evidence throughout the duration of the incident.

Councilmember Heineman shared he thinks it is important to let the residents know this is not an issue of trust.

**Public Hearing**

Acting Mayor Riley called the public hearing to order at 7:10 p.m.

**Citizen Input**

There was none.

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

A roll call vote was performed:

|                          |     |
|--------------------------|-----|
| Councilmember Musgrove   | aye |
| Councilmember Specht     | aye |
| Councilmember Howell     | aye |
| Councilmember Woestehoff | aye |
| Councilmember Heineman   | aye |
| Acting Mayor Riley       | aye |

Motion carried.

The public hearing was closed at 7:10 p.m.

Police Captain Bluml added that if any resident does want to make a comment there is a form available on the Police Department webpage under Body Worn Camera.

**6.02: Public Hearing: Consider Easement Vacation For Blue Line Collision at 6710 Highway 10 NW**

**Presentation**

City Planner McCann reviewed the staff report and recommendation to approve the easement vacation at the subject property. He added the site plan and the CUP that were approved on tonight's Consent Agenda were contingent on the approval of the easement vacation. If a new site plan was proposed based on the new information, an amendment of the site plan would be required to show relocating the improvements to avoid the easement. He stated the applicant was not present but Staff can stand for questions.

Acting Mayor Riley asked what utilities are in the easement.

City Planner McCann said he believed it was a gas line and possibly telephone and electric.

Councilmember Woestehoff shared that according to the case it is actually lumen meaning it is an internet service provider.

### **Public Hearing**

Acting Mayor Riley called the public hearing to order at 7:15 p.m.

### **Citizen Input**

There was none.

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

A roll call vote was performed:

|                          |     |
|--------------------------|-----|
| Councilmember Musgrove   | aye |
| Councilmember Specht     | aye |
| Councilmember Howell     | aye |
| Councilmember Woestehoff | aye |
| Councilmember Heineman   | aye |
| Acting Mayor Riley       | aye |

Motion carried.

The public hearing was closed at 7:15 p.m.

### **Council Business**

Acting Mayor Riley asked if the Council had any other questions regarding vacating the easement. He stated it seems they can move forward with it and it will put the ball in the court of the landowner and developer.

Motion by Councilmember Woestehoff, seconded by Councilmember Howell, to adopt Resolution #22-192 approving the easement vacation for Blue Line Collision at 6710 Highway 10 NW.

Further discussion:

Acting Mayor Riley shared that this is coming up because the road that used to be in this place has been taken out and the easement is no longer where it belongs.

Councilmember Musgrove asked City Planner McCann what kind of communications were used to contact the applicant and notify them of the vacating easement.

City Planner McCann shared that a public hearing notification had been sent out for tonight's meeting and he reached out to the applicant once the agenda had been posted on the City's website. He added he also spoke to the applicant after the public hearing for the site plan and conditional use permit at the August Planning Commission meeting.

A roll call vote was performed:

|                          |     |
|--------------------------|-----|
| Councilmember Musgrove   | aye |
| Councilmember Specht     | aye |
| Councilmember Howell     | aye |
| Councilmember Woestehoff | aye |
| Councilmember Heineman   | aye |
| Acting Mayor Riley       | aye |

Motion carried.

## **7. COUNCIL BUSINESS**

### **7.01: Adopt Resolution #22-215 to Authorize an Adjustment to the Pay Scales for Temporary Rink Attendants and Temporary Snow Plow Drivers**

Administrative Services Director Lasher reviewed the proposed resolution to increase the pay scales for the temporary rink attendants and temporary on call snow plow drivers. She stated a survey was conducted of similarly sized cities to see if Ramsey's pay scales are in line with these cities and found that Ramsey is lower than these cities. She shared the average snow plow driver pay was \$15.99-\$19.40 an hour in these cities. She learned that some cities do not hire temporary snow plow drivers and that they are able to get the snow plowing done with the existing staff. In regard to the rink attendants, the average pay is \$12.56-\$15.07 an hour and Ramsey's current starting pay is \$10.33 an hour. She discussed that minimum wage will be going from \$10.33 an hour to \$10.59 an hour in January. She said it was important to note that these are not CDL drivers, just regular licensed drivers to drive a pickup truck with a plow. She shared that five of the current plow drivers do intend to return if the increase is authorized. She shared the recommendation to adjust the pay scale for the rink attendants to \$13.00-\$14.50 an hour depending on qualifications, and for the pay scale for the snow plow drivers to \$16.00-\$20.00 an hour depending on qualifications. She clarified that she is looking to Council for permission to allow Staff to look at qualifications and not necessarily start a new hire at the bottom of the pay scale, but would have discretion to hire them within the range. She shared that the fund would be approximately \$5,000 over what was anticipated and that would be split over the 2022-2023 budget years.

Councilmember Specht thanked Administrative Services Director Lasher for her work on this and appreciates her taking the time to take the residents feedback on pay scales and use that to adjust the numbers.

Motion by Councilmember Specht, seconded by Councilmember Woestehoff, to Adopt Resolution #22-215 to increase the Temporary Rink Attendants pay scale to \$13.00-\$14.50 an hour depending

on qualifications and increase the Temporary On-Call Snow Plow Drivers pay scale to \$16.00-\$20.00 an hour depending on qualifications.

Further discussion:

Councilmember Musgrove wanted to thank Administrative Services Director Lasher for bringing this case forward. She stated in this economy in order to recruit snow plow drivers and rink attendants the City needs to stay competitive and she is in support of this.

Acting Mayor Riley shared that his son was a rink attendant about 15 years ago and he loved it.

A roll call vote was performed:

|                          |     |
|--------------------------|-----|
| Councilmember Musgrove   | aye |
| Councilmember Specht     | aye |
| Councilmember Howell     | aye |
| Councilmember Woestehoff | aye |
| Councilmember Heineman   | aye |
| Acting Mayor Riley       | aye |

Motion carried.

~~**7.02: Consider an Interim Use Permit (IUP) for 14700 Armstrong Blvd. NW.**~~

This item was removed upon adoption of the agenda.

**7.03: Consider Resolution #22-212 Denying an Easement Encroachment Agreement for 7160 148th Ln NW (Project 22-137); Case of Demetrious and Christine Jones**

City Planner McCann reviewed the staff report and recommendation to deny the agreement as there are other viable locations on the property for this structure, property aesthetics are not sufficient to necessitate an easement agreement, and the property grade does not seem to be drastic and the structure may be located over a utility line for Connexus Energy. He added there have been previous incidents where the applicants have encroached into the easements. He stated that the applicants were in the audience.

Acting Mayor Riley asked for confirmation that Staff is recommending to deny this agreement.

City Planner McCann said that is correct.

Councilmember Specht asked what potential harm the shed has from being over the line other than possibly being over a Connexus Energy line.

City Planner McCann shared City Code states structures cannot be within easements, which is the main factor for Staff's recommendation, as well as the utility line.

Councilmember Specht asked if Connexus Energy would be able to verify this line or if there would be a City cost associated with finding out where the line is.

City Planner McCann said he is not sure and he assumes the property owners would have to allow Connexus onto the site to verify that.

Councilmember Specht asked if it would cost the City.

City Planner McCann said no.

Demetrious and Christine Jones, 7160 148th Lane NW, came forward and shared they were not aware of any kind of utility lines being in the egress area and stated there is only a small corner of the shed that is encroaching in the easement. Mr. Jones said that originally they were told it was only a five-foot easement before they bought the shed and the shed was purchased based on what they were told. Mr. Jones stated the City website stated to check with the City before purchasing a shed and he said he did call the City to find out what the easement was.

Mrs. Jones added that initially there was supposed to be a road behind their yard, since then the City has built a storage facility behind them instead of the road and she does not understand why there would be a need for a 10-foot easement. Mrs. Jones reiterated that they did call the City before they put their pool in and there were no utility lines. Mrs. Jones shared she believed the City would have acted in the Joneses favor when they built the storage facility. Mrs. Jones added when she spoke to the City Planner, they were told it was a water issue and the Joneses have lived there for 23 years and there has never been a water issue. Mrs. Jones said the storage facility was allowed to put a six-foot berm 10 feet off their fence line which she believes would be more of a water issue than their shed would be. Mrs. Jones shared that if anyone was to come to their yard, they would see that the front yard is higher than the backyard.

Mr. Jones asked if it was a drainage location as there are no sewers in that location.

Mrs. Jones shared it is approximately 30 square feet of the shed that is encroaching. The Joneses discussed the options that the City gave them if they did have to move the shed and why these options were not feasible.

Councilmember Musgrove asked the applicants who they called to spray for utility lines.

Mrs. Jones said she called City Planner McCann. She shared they did not buy permits for other projects. She stated they wanted to put a sidewalk to their pool and their pool guy said since it was a permanent structure that they cannot do that but they can put in a patio.

Mr. Jones added that they were quoted as a non-permanent structure. He commented that it does not state anywhere that flagstone is a permanent structure.

Councilmember Musgrove asked who came out and sprayed for the utility lines.

Mrs. Jones said the City came out and sprayed and said the only lines that were there prior to them putting in their pool were in the front yard.

Mr. Jones shared that if there is a large concern for drainage, the storage facility put in a six-foot berm and asked if that would change the flow of water more than his shed or patio.

Councilmember Musgrove asked how easy it would be to move the shed if someone needed to come and move a line if it was there.

Mr. Jones said it would not be a permanent structure so it could easily be moved.

Councilmember Musgrove asked if digging was needed in that area the shed would have to be moved and if it could be moved forward now and move it out of the easement.

Mrs. Jones stated then it would be on their sport court.

Councilmember Howell asked Staff if there were concerns with the corner of the shed causing flooding issues.

City Planner McCann said no.

Acting Mayor Riley asked what kind of easement this was, a drainage or utility easement.

City Planner McCann said it was both a drainage and utility easement.

Acting Mayor Riley asked if flagstone is considered a permanent structure.

City Planner McCann asked the applicant if Flagstone is the brand of the structure.

Mrs. Jones said it was the brand and it was a flat rock surface.

City Planner McCann stated any impervious service requires a zoning permit, similar to the sport court situation. He added if the patio consists of this type of material a permit would be required.

Councilmember Woestehoff asked if it would be required if it were Class 5.

City Planner McCann said correct.

Councilmember Woestehoff added no matter the size of the rock, as flagstone is a very large version of Class 5.

Councilmember Heineman asked is City Planner McCann could speak about the berm in the back of their yard from the storage unit.

City Planner McCann stated he can answer some questions, however the Ramsey Storage Center was before his time so he does not know all the answers. He shared his understanding is that the berm was part of the approvals for the project itself regarding the excess drainage.

Councilmember Heineman asked if the berm was put in place so the storage would not flood the neighboring houses or if this protected the storage unit from flooding from the neighbors.

City Planner McCann said he did digging into this and the berm was put in for visual screening separating the commercial use and the residential use. He added the berm is outside the 10-foot drainage and utility easement and it is not there for flood control, they are there for taking water out that flows from both properties. He said from discussions with the engineering department there is not a lot of slope or coverage and it does not get a lot of water and is there more so to protect the power line that is buried somewhere in the 20-foot gap.

Councilmember Heineman asked if the drainage easement is not getting a lot of water to the point where a six-foot berm would be approved, which could cause water backup, he thinks the drainage aspect needs to be taken out of the equation so it comes down to the utility aspect. When it comes to the utility line, he sees it as an easy fix to identify where the utility line is and let that guide the discussions going forward.

Councilmember Specht thanked the applicants for wanting to do the right thing and coming to the City to find out where the shed could be placed. He agreed with Councilmember Heineman and realistically this just concerns the small corner of a shed and not somewhere that would cause flooding or harm to the neighbors. He thinks that it is not allowing harm by having the small portion of the shed on the easement. He stated he is in favor of allowing it. He added he did want to be sure that the utility line be located and if it is under the shed then a new discussion will need to be had.

Councilmember Howell agreed with both Councilmembers Heineman and Specht.

Councilmember Musgrove stated that if there is a potential for going ahead with the agreement, point six talks about the amount of time that would be required that if there was a need to move the shed it would be 60 days and she thinks this is a long time and she would rather see 30 days as 60 days could put a lot of work off if someone needed to get in there rather quickly. She asked if the agreement talked about if the City or the utility company needed to get in there and do that if it would just be returned back to the flat level ground and if the applicant would be able to replace the patio back into the easement.

Mrs. Jones stated that Blue Fin put the sidewalk 10 feet off.

Councilmember Heineman added that he wanted to commend the Staff for working so diligently on this and he thinks sometimes a lot of work is put in and the Council makes a decision against their recommendation. He stated it is the Staff's job to do the discovery by the book; however, it is the Council's job to adjust it. He supported the Staff for taking it this far.

Acting Mayor Riley stated this is not the first nor the second problem that has been had with this. He said his problem is that the applicant is asking for permission for the third time.

Mrs. Jones said they were not aware that they should not have the patio until they went in for a meeting.

Mr. Jones added the people who installed their pool did say that there was a non-permanent structure rule on the easement so they went by what the pool installer told them. He said he gathered that nothing can go on the easement.

Mrs. Jones added this was not done purposefully.

Councilmember Woestehoff asked Staff in terms of these types of easements, although there may only be one utility there currently, the City is reserving the right for other providers to use this space in the future.

City Attorney Knaak said that is correct and the easement is for all utilities, current or future.

Councilmember Woestehoff stated that as the agreement is written, at any time a utility needs to get in there, no matter what it is, those costs of tearing it up and fixing it goes to the homeowner. He added that even though there is only one utility on the easement now, that is more than others in the City as they are there for future use.

Councilmember Heineman shared the angle in which the shed is proposed in the plan is not parallel with the line and asked if there was an opportunity to turn the shed so it was parallel with the edge of the sports court.

Mr. Jones said it was at an angle to be straight with the house and it could be moved closer to the neighbors to pull it off the corner.

Councilmember Heineman stated it looked like there were approximately five feet where they could move it and be out of the easement, although it would not be in line with the direction of the house, it would take it out of the easement.

Mr. Jones noted the space is actually less than five inches.

Councilmember Heineman asked if it was less than five inches away from the sports court.

Mr. Jones said it was less than five inches away from the six-foot easement from the neighbors.

Councilmember Heineman stated it looks like more than the five inches and asked City Planner McCann to explain.

City Planner McCann said he can do a mock drawing to see what it would look like if it is five feet off from the east line.

Councilmember Heineman stated this seems like a good possibility to keep the structure and get it off the easement.

Mrs. Jones stated it will not fit and they are only about a foot off the sports court and the drawing is not to scale.

Mr. Jones explained the dimensions between the house and the shed and the easement lines.

City Planner McCann drew a mock up to meet the six-foot set back and the shed still encroaches approximately two feet onto the easement.

Councilmember Heineman said he went back to his original statement of supporting the shed to stay as he sees that the applicants are meeting the nature of the law.

Acting Mayor Riley asked if any of the thoughts discussed had included finding exactly where the utility line is located.

Motion by Councilmember Specht to adopt Resolution #22-212 approving an Encroachment Agreement for 7160 148th Lane NW with the condition that the structure will not be over the existing line. Motion failed for lack of a second.

Councilmember Woestehoff asked to add an amendment to include a zoning permit for the structure, the sport court, and the pool patio with a variance to be approved.

Councilmember Musgrove asked to add an amendment concerning the 30-day requirement rather than the 60 day requirement.

Councilmember Howell asked to add an amendment that the applicant would have to remove anything that is encroaching on the easements if the City requires them to be removed at any time.

Motion by Councilmember Specht, seconded by Councilmember Woestehoff to adopt Resolution #22-212 approving an Encroachment Agreement for 7160 148th Lane NW with the condition that the structure will not be over the existing line and to include a zoning permit for the structure, the sport court, and the pool patio with a variance to be approved and update the verbiage to a 30 day requirement.

Further discussion:

City Planner McCann stated that another alternative that Planning Manager Larson brought to his attention was to draft, under the same number, a resolution for approval and put it on the Consent Agenda for the next City Council meeting.

Acting Mayor Riley asked Council if they would like this better so that they can see something in front of them or if they would like to move forward right now.

Councilmember Specht said he would not like to make the residents wait another two weeks to know for sure on this situation. He reiterated Councilmember Heineman's point of appreciating the work of Staff and the information that was presented.

Councilmember Woestehoff said that the order of events with a variance would have to run through the Planning Commission so another meeting would be needed anyway. He asked if from a calendar perspective that would come before or after the Council's next meeting.

City Planner McCann stated it would be after the next meeting because the deadline for the September Planning Commission has already passed so this would go on for the October meeting.

Councilmember Woestehoff confirmed it would not delay anything for the applicant to move this to the next meeting.

Acting Mayor Riley asked the applicants if they understood the direction of Council and if they were comfortable with what was being suggested.

Mr. Jones said yes.

Mrs. Jones asked if the Council wanted them to call Connexus Energy first to locate the utility.

Acting Mayor Riley said yes.

Councilmember Specht asked if the Council could vote on the motion on the contingency of Staff review to see if anything is missing. He wants to have an answer for the applicants today.

Councilmember Woestehoff commented it would still get stuck until October as the variance will not come to the Planning Commission until then.

City Planner McCann stated the variance is only for the existing patio, not the shed.

Councilmember Heineman wanted to make sure the residents did not lay down a foundation in the corner so when it needed to be moved it would be more simple.

Mrs. Jones said there is no intention of putting concrete there.

Councilmember Musgrove asked for a clarification on the motion if it was just for the shed and the patio will come back at another time.

Acting Mayor Riley said it was for all of the motions made; however, they cannot move on the variance as it is on its own timeline.

A roll call vote was performed:

|                        |     |
|------------------------|-----|
| Councilmember Musgrove | aye |
| Councilmember Specht   | aye |

|                          |     |
|--------------------------|-----|
| Councilmember Howell     | aye |
| Councilmember Woestehoff | aye |
| Councilmember Heineman   | aye |
| Acting Mayor Riley       | aye |

Motion carried.

**7.04: Adopt Resolution #22-209 Approving the Development Agreement for PACT Charter School**

Planning Manager Larson reviewed the staff report and recommendation to approve the development agreement for the PACT Charter School. He added Mr. Fincher is present representing the applicant.

Acting Mayor Riley asked Planning Manager Larson to explain what is being requested tonight.

Planning Manager Larson stated in Ramsey the development agreement is a separate document that is voted on and it is the document with all of the conditions of approval from who does what and when it is done. This document compiles everything that has already been approved to be signed as the official agreement to keep the project on track.

Acting Mayor Riley asked for confirmation that Council is not being asked to approve the project as it has already been approved this is the final step of paperwork to ensure the project is done to the City's standard.

Planning Manager Larson said that is correct.

Councilmember Woestehoff asked for this to be pulled from the Consent Agenda because he had a few follow up questions. He mentioned one of the discussion points at a previous meeting was that in the development agreement there would be a mention or reference of some of the shared use agreements existing between the church and PACT for future improvements, such as the parking lot or the retention pond. He asked if these will be an addendum to a different document or a document on its own.

Planning Manager Larson said this has been reviewed and it will need to be recorded. The document is not something the Council approves, there just must be a document. As for the shared use with the park, he stated this does not need to be in the development agreement.

Motion by Councilmember Specht, seconded by Councilmember Howell, to adopt Resolution #22-209 approving the Development Agreement for PACT Charter School

Further discussion:

Acting Mayor Riley asked if the applicant had anything to say regarding the agreement.

Mr. Fincher thanked the Council for the collaboration with Staff and for the hours of discussion that has made this project for the better. He shared he and PACT are very excited for this opportunity and look forward to moving this forward.

Jason Patrow, 16209 Sapphire Street NW, came forward and said when he read through the agreement there was discussion about if there was any concern or damage that would be done to adjacent properties that PACT would be notified that they would have 60 days to correct or resolve any of these issues and if they could not have it done in that amount of time then the City would take over to resolve the concerns and PACT would be responsible for the cost. He asked if some of these impacts are to residents or private property, will the City cover the cost of these fixes and PACT would reimburse the City.

Planning Manager Larson shared the sureties with the City that cover the expenses as well as things that need to get done, which is several hundred thousand dollars that will be posted with Ramsey. If a heavy piece of machinery breaks a sidewalk or curb, PACT is obligated to fix that, and if they do not, the City pulls money out of the sureties to pay to fix the sidewalk or curb.

Mr. Patrow asked, in respect to construction, if heavy rain occurs in the spring time and flooding occurs in the wetland area and floods residents to the north and causes damage, would the damages done be covered by this funding.

Planning Manager Larson said if damage is caused to a yard by flooding that would be a trickier situation to determine if PACT caused it or just nature. This is an example of something that would have to get investigated at that time. He added if there is damage to a home, that would go to that homeowner's insurance company and then to the City. He said this also applies to the park next door and the conditions are typical for any development project.

Mr. Patrow stated that since this plan was approved there have been changes that were made to the school size and number of students that have a direct impact on the results of the vote. He asked how the additional students will impact traffic, if there will be buses required, if there were additional parent pick-up workers, and what were the overall site impacts of this increase. He added that a retention pond was put across a utility easement.

Acting Mayor Riley asked if plans had changed and if there was any review process on these things.

Planning Manager Larson stated that City Planner Anderson provided a graphic in the report that showed what they are currently planning on building for the first phase, which is most of the building but not all of it, and leaving out some of the athletic components, like some of the bleachers and the utility building along with the parking lot by the utility building. He stated the approvals the Council granted did allow for phasing of the project and for schools this is common given typical school budgets. He added that what is currently intended to be built is in line with what the Council approved.

Acting Mayor Riley asked about the utility easement and retention pond placement.

Planning Manager Larson shared the way that the property is platted, there is a drainage easement, and it is consistent with the drainage easement.

Mr. Patrow stated the drainage and utility easement goes right through the retention pond.

Planning Manager Larson said this is standard.

Christy Haid, 7600 163<sup>rd</sup> Lane, said the water issue has been put aside like it is no big deal and she would like to see evidence that it will not be a problem.

Acting Mayor Riley stated that the water issue is not what they are talking about tonight and it is not being pushed off. It is actually set to be discussed on Thursday at the Lower Rum River Watershed Management Organization (LRRWMO) and they will be the definitive answer on the water issue.

Ms. Haid shared this is frustrating as a resident who lives right near the site.

Acting Mayor Riley said this has already been decided by the Council and will be discussed by the LRRWMO.

Councilmember Woestehoff asked Staff if there are any development agreements that have been written that allow for or leave open developer costs for future improvements that may be required. He used the example of if in a few years a turn lane was needed, would there be a space in the agreement or a time period where it would be assessed back to the properties as opposed to a taxpayer burden.

Planning Manager Larson said that through the approval process with the traffic study, if something were identified as a potential improvement, when those portions of the project were reviewed a condition requiring an assessment agreement for construction of that in the future should have been in the study.

A roll call vote was performed:

|                          |     |
|--------------------------|-----|
| Councilmember Musgrove   | aye |
| Councilmember Specht     | aye |
| Councilmember Howell     | aye |
| Councilmember Woestehoff | nay |
| Councilmember Heineman   | aye |
| Acting Mayor Riley       | aye |

Motion carried.

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

City Administrator Hagen announced upcoming meetings and events. He gave an update on Happy Days being a great event and noted Staff received a number of positive comments about the event. He said a special thank you to the Staff who put the event on.

Councilmember Specht reiterated City Administrator Hagen’s point and it was great to see the turnout at Happy Days. He noted that this Friday is the rescheduled Movie in the Park for Happy Days. He added that Northgate Church is having an outdoor movie on Saturday. He mentioned on Thursday, September 22, there would be a Yappy Hour at Alpine Dog Park. Lastly, he noted the Anoka County Sheriff’s open house tomorrow.

**9. ADJOURNMENT**

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

A roll call vote was performed:

|                          |     |
|--------------------------|-----|
| Councilmember Musgrove   | aye |
| Councilmember Specht     | aye |
| Councilmember Howell     | aye |
| Councilmember Woestehoff | aye |
| Councilmember Heineman   | aye |
| Acting Mayor Riley       | aye |

Motion carried.

The regular meeting of the City Council adjourned at 8:25 p.m.

Respectfully submitted,

---

Brian S. Hagen  
City Administrator

ATTEST:

---

Katie M. Schmidt  
City Clerk

Drafted by Ava Rokosz  
*TimeSaver Off Site Secretarial, Inc.*