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

The Ramsey City Council conducted a regular meeting on Tuesday, August 22, 2023, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Mark Kuzma (attended remotely)  
Councilmember Debra Musgrove  
Councilmember Michael Olson  
Councilmember Chris Riley  
Councilmember Dan Specht  
Councilmember Matt Woestehoff

Members Absent: Councilmember Chelsee Howell

Also Present: City Administrator Brian Hagen  
Economic Development Manager Sean Sullivan  
Community Development Director Stephanie Hanson  
Code Enforcement Officer Craig Swalchick  
City Attorney Kritz Knaak

**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**

None.

**3. CITIZEN INPUT**

Suzanne Richards, 8241 161st Avenue, came forward to discuss the lack of clarity, transparency, and consistency that she experienced when dealing with the City over the past three weeks. She explained that a friend of hers has sold homemade dog toys at her property for the last three Game Fairs and has never needed a permit. She stated that the City now required her to have a permit this year and the police made her leave the property on the second day of Game Fair. She noted that this shows a lack of clarity. She shared that no one from the City had contacted her letting her know that she would now need a permit. She added that it shows a lack of transparency that the Council now needs to approve any vendors on private property. She explained that her friend would fall under Section 26-813 of Code where permits are not required, noting that her sale did not last longer than five consecutive days, nor did it occur more than twice during the year. She added that the sale was conducted on her property and a homeowner was always on the property

during the sale. She continued by saying that this ordinance has not changed from the last year and shows a lack of consistency. She stated that in the past they have been in compliance with the posted ordinances. She said that having the police ask her friend to leave was ridiculous and unjust. She shared her disappointment in how the City handled this situation. She added that all of this could have been avoided if this matter was dealt with in a clear, transparent, and consistent manner.

City Administrator Hagen explained that the section of Code that was referenced is related to garage sales, consignments, and boutiques. He stated that from the enforcement standpoint of this year's Game Fair event and the vendors that were outside of the Game Fair event, they reference the Peddlers, Solicitors and Transient Merchants section of the Code. He noted that he would not be comfortable speaking to this in real time.

Acting Mayor Riley asked if this is something that they would like to discuss in a work session when Staff has had time to prepare some information.

City Administrator Hagen said this can be done.

David Richards, 8241 161st Avenue, came forward and shared his frustration and disappointment with how the City dealt with the situation and shared that they received different stories and answers from different people at the City. He explained that the police stopped by every day the first weekend of Game Fair and told them that they cannot sell anything. He noted that on that Monday morning he had received a Zone Code citation. He reiterated that clarity, transparency, and consistency was not present in this situation. He addressed the lead time with the permitting and shared that he has friends in other cities that do not have this sort of policy and lead times for permits.

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

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

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Riley	aye
Councilmember Woestehoff	aye
Councilmember Olson	aye
Councilmember Specht	aye
Mayor Kuzma	abstain

Motion carried.

#### **5. CONSENT AGENDA**

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

- 5.01: Approve the following Meeting Minutes:
  - 1) City Council Work Session dated August 8, 2023
  - 2) City Council Regular dated August 8, 2023
- 5.02: Approval Rental Licenses
- 5.03: Approve Business Licenses
- 5.04: Approve Joint Powers Agreement between the City of Ramsey and Anoka County for Assessment of Property
- 5.05: Approve HIDTA Fiscal Agent Agreement
- 5.06: Adopt Resolution #23-203 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 3, 2023 through August 16, 2023.
- 5.07: Adopt Resolution #23-184 Accepting Bids and Awarding Contract for Central Park Main Parking Lot Reconstruction, Improvement Project #23-02
- 5.08: Adopt Resolution #23-185 Authorizing Partial Payment to Northern Lines Contracting, Inc. for Improvement Project #23-01, 161st Avenue Reconstruction.
- 5.09: Adopt Resolution #23-186 Authorizing Partial Payment #2 to North Valley, Inc. for IP #23-07 - 2023 Neighborhood Pavement Overlay Improvements
- 5.10: Adopt Resolution #23-187 Authorizing Partial Payment #1 to Corrective Asphalt Materials, LLC for IP #23-09 - 2023 Pavement Rejuvenation Improvements
- 5.11: Adopt Resolution #23-188 Authorizing Partial Payment #1 to Meyer Contracting, Inc. for IP #23-11 - Lift Station #10 Improvements
- 5.12: Adopt Resolution #23-189 Approving Change Order #1 for Barthel's Rum River Acres 2nd Street Reconstructions, Improvement Project #23-05
- 5.13: Adopt Resolution 23-190 Authorizing Partial Payment #1 to Douglas-Kerr Underground, LLC for IP #23-12 - HY-10 Ramsey Improvements
- 5.14: Adopt Resolution 23-191 Authorizing Final Payment to Diversified Paving, Inc. for IP #23-14 - 2023 Critical Mill and Overlay Improvements
- 5.15: Adopt Resolution #23-192 Authorizing Partial Payment #1 to Douglas-Kerr Underground, LLC for IP #23-05 - Barthel's Rum River Acres 2nd Street Reconstruction
- 5.16: Adopt Resolution #23-194 Terminating Building Inspections Services with Inspectron, Inc.
- 5.17: Adopt Resolution #23-196 Approving the Final Plat of "Foster Addition"
- 5.18: Adopt Resolution #23-197 Ordering Plans and Specifications for Barthel's Rum River Acres and White Pines Estates Street Reconstructions, Improvement Project #24-01
- 5.19: Adopt Resolution #23-198 Ordering Plans and Specifications for Halls Dover Acres Street Reconstructions, Improvement Project #24-02
- 5.20: Adopt Resolution #23-199 Ordering Plans and Specifications for 2024 NE Ramsey Street Reconstructions, Improvement Project #24-03
- 5.21: Adopt Resolution #23-200 Ordering Plans and Specifications for MSA Xkimo Street Reconstruction, Improvement Project #24-05
- 5.22: Adopt Resolution #23-201 Ordering Plans and Specifications for MSA Alpine Drive Reconstruction, Improvement Project #24-11
- 5.23: Adopt Resolution #23-202 Ordering Plans and Specifications for Juniper Woods 1<sup>st</sup> – 3<sup>rd</sup> Street Reconstructions, Improvement Project #24-12

A roll call vote was performed:

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

Motion carried.

## **6. PUBLIC HEARING**

None.

## **7. COUNCIL BUSINESS**

### **7.01: Adopt Resolution #23-193 Approving Purchase Agreement and Right of Re-Entry Agreement for Part of Outlot A, COR TWO: Norhart Architecture LLC**

Economic Development Manager Sullivan reviewed the Staff report in regard to the Norhart Architecture project on Parcel 46.

Mary Beth Wise with Norhart came forward and reviewed the proposed project. She discussed the design and amenities of the proposed apartments as well as the purchase agreement.

Economic Development Manager Sullivan continued the discussion of the purchase agreement. He shared that the purchase price is \$435,600. He noted that this project will contribute \$256,600 for the construction of West Ramsey Parkway. He reviewed the terms and contingencies within the agreement. He stated that there will likely be modifications to the concept plan when Norhart discusses this with the Planning Staff which may cause a few things to change. He shared the EDA's recommendation for adoption of the resolution to approve the purchase agreement and the right of re-entry agreement.

Acting Mayor Riley asked about the corner of the property near the roundabout.

Mrs. Wise explained that they have created a Norhart Corner which will house all of the amenities. She noted that they are trying to put this in every one of their buildings going forward as a way of branding Norhart. She stated that it will be at the roundabout so it is very visible.

Acting Mayor Riley shared that the EDA really liked this design.

Councilmember Musgrove asked where the funds for the sale of the building will go.

Economic Development Manager Sullivan stated that the funds go in the TIF-14 district and there is a set policy of where the funds will go. He said that there are a number of expenditures that have

already been accounted for that these will go towards and after those things have been taken care of the remaining funds will go towards special assessments or parks.

Councilmember Musgrove asked when the TIF district ends.

Economic Development Manager Sullivan stated that it ends in 2040.

Councilmember Musgrove asked if they will not get any tax revenue until 2040.

Economic Development Manager Sullivan said that was correct and explained that when a TIF district is put in place, all of the jurisdictions fund the activities that occur within the TIF district. He noted that between now and 2040, all of the taxes that are generated that would have gone to the City, County, and school district will go to fund the activity that has happened within the TIF district. He added that the costs for these projects will help fund the infrastructure costs.

Acting Mayor Riley stated that this does not count as actual tax revenue until 2040; however, it pays off the items that have been incurred in the past.

Councilmember Musgrove shared that she liked the pool on the inside but it is shown on the outside.

Mrs. Wise stated that they also like the idea; however, there is not enough land to put a pool inside given the parking requirements.

Acting Mayor Riley asked about the purchase price and if it falls into the range that the City was looking to sell the land for and if Staff did a good job negotiating this.

Economic Development Manager Sullivan stated that they have been in discussions about this since March and there has been a lot of back and forth to get the current deal which is the best deal that could be negotiated.

Councilmember Specht shared that he likes the project and thinks it looks very nice. He noted that he has heard from residents that they do not want any more apartments in the City. He added that he will be voting against this for that reason.

Motion by Councilmember Woestehoff, seconded by Councilmember Musgrove, to Adopt Resolution #23-193 Approving Purchase Agreement and Right of Re-Entry Agreement for Part of Outlot A, COR TWO: Norhart Architecture LLC (as presented); subject to City Attorney review.

Further discussion:

Councilmember Musgrove stated that she will support this apartment project in the COR as it will bring in some retail aspects with it.

Councilmember Olson agreed with Councilmember Musgrove and added that there is also a benefit that it provides to the City as far as the Met Council density goes.

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Riley	aye
Councilmember Woestehoff	aye
Councilmember Olson	aye
Councilmember Specht	nay
Mayor Kuzma	aye

Motion carried.

### **7.02: Winkelman Solicitor License**

City Administrator Hagen reviewed the Staff report concerning the Game Fair event and the required Peddlers, Solicitors and Transient Merchants licenses for anyone looking to sell items outside of the Game Fair event. He discussed Mr. Winkelman's request to come before the Council in regard to his license.

Councilmember Specht asked about the rationale for Council approval of these licenses.

City Administrator Hagen explained that this is how it is laid out in the City Code. He noted that the Staff's responsibility is to follow the Code and procedures that are adopted by the Council.

Acting Mayor Riley added that this may be a discussion that the Council would like to have in the future.

Tammy Winkelman, 5900 75th Avenue Southeast, St. Cloud, came forward and shared that her and JWT Heavenly Springers are upset and disappointed with the way that Ramsey handled the vendors on private property during this year's Game Fair event. She shared that they have gotten their vendor's permit for the last 18 years and have also passed all background checks. She added that they always get their permit the week before; however, this year they called the City three days in a row leading up to the event and did not receive a call back until the third afternoon when they were told that they had to have their application in by July 18. She stated that she is not a Ramsey resident so did not see the social media posts and that she does not use email as her main form of communication so also did not see the email that was sent out. She suggested that a letter should have been sent out on Ramsey letterhead that let vendors know that the process has changed. She shared that this was very unfair to them. She asked the City how many vendors actually have been there several years in a row and gotten their permits every year. She stated that they were told different things by different people in the City. She added that she came down to the Game Fair on the days that they were not set up and shared that they witnessed several people selling things stated that they did not have permits nor were they asked to leave. She asked why they were targeted and why there was so much inconsistency in the way that this was handled.

John Winkelman, 5900 75th Avenue Southeast, St. Cloud, came forward and added that they were set up the first weekend and they just showed their puppies because they were told that they could

not sell them since they did not have their vendor's license. He stated that then Code Enforcement Officer Swalchick said that they had to remove the booth. He noted that sales of dogs continued up and down the road the whole weekend.

Mrs. Winkelman stated that their booth is very clear and professional and all of the dogs are well cared for. She added that they also have a following and they have been selling these puppies for 20 years. She explained that there are also people who bring their puppies back that were purchased from JWT Heavenly Springers to compete in the Game Fair. She noted that one year 50 of their dogs had been brought back to see them.

Mr. Winkelman explained that there was another vendor that was set up selling puppies that was asked to leave but did not and continued to sell puppies all day.

Acting Mayor Riley stated that the Council will meet to discuss this to reach some consistency.

Mrs. Winkelman asked how they will know how this turns out.

Acting Mayor Riley asked if they are going to continue to send out emails to their vendors.

Mrs. Winkelman stated that official business should be sent via the mail.

Acting Mayor Riley stated that it is not incumbent on the City but on the applicants. He noted that they will discuss this and figure out the best way forward. He added that they are not required to reach out and tell the vendors to apply for the permit and it is their responsibility to apply for the permit.

Mrs. Winkelman asked how they will know what they will need to do for next year's game fair.

Acting Mayor Riley said that Staff should reach out to this party since they came forward for this discussion.

City Administrator Hagen shared that Staff gets together after the event to talk about what went well and what could have been done better. He noted that this was a topic that Staff had already begun to discuss. He recognized that they did not notify any of the property owners this year, which is something that they are considering for next year.

Acting Mayor Riley stated that they will report back to the Winkelman's after they have this discussion in a work session.

Councilmember Specht thanked the Winkelman's for all of the years that they have been a part of Game Fair. He expressed his apologies for the hassle and misunderstandings that went on this year.

Mr. Winkelman asked how many of the vendors that were up and down that road had applied and had a vendor's license for the last 18 years.

City Administrator Hagen stated that he did not pull the data but he knew that no one applied on time this year. He added that he can pull this data.

Mr. Winkelman shared that it was a slap in the face that they have pulled a vendor's license for the last 18 years and then were treated the way they were this year.

### **7.03: Introduction of Ordinance #23-16 Amendment to Chapter 26, Article XIV. Rental Residential Dwelling Units.**

Community Development Director Hanson reviewed the Staff report in regard to amendments to the rental residential dwelling units chapter of the Code.

Councilmember Woestehoff asked about the section in the ordinance that has no warranty by the City and asked if there needs to be any protections in place for something like this.

City Attorney Knaak explained that he would like to add those protections; however, he does not believe that it is necessary. He stated that language would just make that more clear.

Councilmember Musgrove asked about the definition of occupant and the definition of tenant, which are different, and asked if they can do without the use of the word 'occupant'.

City Attorney Knaak explained that occupants would include guests or others who are in the residence but not the tenant themselves.

Councilmember Musgrove asked if would apply for a child who is being asked to allow an inspector into the unit.

City Attorney Knaak stated that the City would want to have an ordinance that would require that whoever is in the unit would have to open the door to the inspector. He added that it is possible for an occupant to have implied permission to allow entry into the unit.

Councilmember Musgrove stated that she would like this to be reviewed further to see if this needs to be changed to be more appropriate in some situations. She asked about the qualifications for the drivers licenses or ID requirement and suggested adding the word 'current' to this requirement.

City Attorney Knaak said this was a good idea and a change that could be made.

Acting Mayor Riley stated that this is the other side of the City allowing apartments and rental units and making sure that these units stay safe and in good shape. He shared that he will be in support of this.

Councilmember Woestehoff asked if Staff has an idea of how many rental properties would continue to have issues with this new licensing structure.

Code Enforcement Officer Swalchick explained that the department sees far more complaints in the single family dwellings. He stated that a large majority of these have significant problems. He noted that there have also been a large number of complaints on the big property owners, such as companies that own several rental homes in the community. He stated that the apartment buildings have on-site managers so those concerns are addressed rather quickly. He added that they will not know how many issues they have until they begin the inspection process.

Motion by Councilmember Woestehoff, seconded by Councilmember Specht, to introduce Ordinance #23-16 Amendment to Chapter 26, Article XIV. Rental Residential Dwelling Units

A roll call vote was performed:

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

Motion carried.

#### **7.04: Receive Recommendation from the Charter Commissions to Amend Chapter 4 of the Charter - Nominations and Elections**

City Administrator Hagen reviewed the Staff report concerning the recommended amendment to the City Charter in regard to elections and nominations. He noted that the public hearing for this is scheduled for September 12 with final consideration from the Council on September 26.

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

City Administrator Hagen announced upcoming meetings and events.

Acting Mayor Riley shared that he attended Game Fair and had a great time at this awesome event.

### **9. ADJOURNMENT**

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

A roll call vote was performed:

Councilmember Musgrove	aye
Councilmember Riley	aye
Councilmember Woestehoff	aye
Councilmember Olson	aye
Councilmember Specht	aye

