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

The Ramsey City Council conducted a regular meeting on Tuesday, September 12, 2023, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Mark Kuzma
Councilmember Chelsee Howell
Councilmember Debra Musgrove
Councilmember Michael Olson
Councilmember Chris Riley
Councilmember Dan Specht
Councilmember Matt Woestehoff

Members Absent: None

Also Present: City Administrator Brian Hagen
Planning Manager Todd Larson
City Attorney Kritz Knaak
Code Enforcement Officer Criag Swalchick

1. CALL TO ORDER

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

2. PRESENTATION

2.01: Presentation Proclaiming September 17 - 23, 2023 as Constitution Week

Mayor Kuzma introduced Dawn Sieber with the Daughters of the American Revolution.

Ms. Sieber came forward and provided background information on Constitution Week.

Mayor Kuzma read the proclamation proclaiming September 17-23, 2023 as Constitution Week.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

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

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Riley, Howell, Musgrove, Olson, Specht, and Woestehoff. Voting No: None.

5. CONSENT AGENDA

Councilmember Musgrove stated that she would like to pull case 5.12 concerning write-in votes.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to approve the following items on the Consent Agenda with the removal of case 5.12 and making it case 7.2:

- 5.01: Receive July 2023 Financial Reports - General Fund, EDA and Enterprise Funds
- 5.02: Receive Cash & Investments for Period Ending August 31, 2023
- 5.03: Note the Following Boards, Commissions, and Committee Meeting Minutes:
 - Planning Commission Meeting Minutes Dated July 27, 2023
 - Environmental Policy Board Meeting Minutes Dated June 12, 2023
 - Economic Development Authority Meeting Minutes Dated July 13, 2023
- 5.04: Approve the Following Meeting Minutes:
 - 1. City Council Work Session dated 8/22/2023
 - 2. City Council Regular Session dated 8/22/2023
- 5.05: Approve Rental Licenses
- 5.06: Approval Business License
- 5.07: Authorization to Hire a Paid-on-call Firefighter
- 5.08: Adopt Resolution #23-212 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 17, 2023 through September 6, 2023.
- 5.09: Adopt Resolution #23-172 Approving MnDOT Cooperative Construction Agreement #1052605 for Ramsey Gateway Highway 10 Improvements
- 5.10: Adopt Resolution #23-175 Approving Site Plan for 14200 Limonite Street NW - Jam Hops
- 5.11: Adopt Resolution #23-183 Proclaiming September 17 - 23, 2023 as Constitution Week
- 5.12: ~~Adopt Resolution #23-204 for Counting Write In Votes for Local Elective Office~~ — **Please Note: This case was pulled from Consent to become Case 7.2 on the Regular Agenda.**
- 5.13: Adopt Resolution #23-205 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.
- 5.14: Adopt Resolution #23-206 Approving First Amendment to Purchase Agreement for Portion of Outlot A, Ramsey Properties Addition; Centra Homes LLC
- 5.15: Adopt Resolution #23-207 Authorizing The Use of Anoka County Owned Highway Properties for Fire Department Training
- 5.16: Adopt Resolution #23-208 Authorizing Staff to Apply for ReLeaf Community Forestry Grant Funds to Assist with Managing Emerald Ash Borer Infested Trees and for Planting New Trees on Public Land

- 5:17: Adopt Resolution #23-210 Authorizing Partial Payment #1 to Magney Construction, Inc. for Improvement Project #21-09, Centralized Water Treatment Plant
- 5:18: Adopt Resolution #23-211 Authorizing Partial Payment #2 to Magney Construction for Improvement Project #21-09, Centralized Water Treatment Plant
- 5:19: Adopt Resolution #23-214 Supporting the Mayor's Proclamation of September 9, 2023 as Al and Betty Pearson Day

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Musgrove, Howell, Olson, Riley, Specht, and Woestehoff. Voting No: None.

6. PUBLIC HEARING

6.01: Public Hearing - Introduce Ordinance #23-08 to Amend Chapter 4 of the Charter - Nominations and Elections

Presentation

City Administrator Hagen reviewed the Staff report concerning the Charter amendments surrounding nominations and elections as it pertains to vacancies.

Councilmember Specht asked if the language clarified that the Council can only fill the seat if it was not able to be filled through an election.

City Administrator Hagen explained that section 4.5.4 states that if a special election has been called to fill the vacancy and no candidates file an affidavit of candidacy then the special election would be canceled and then the Council could appoint someone to the seat.

Public Hearing

Mayor Kuzma called the public hearing to order at 7:09 p.m.

Citizen Input

There was none.

Motion by Councilmember Riley, seconded by Councilmember Olson, to close the public hearing.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Riley, Olson, Howell, Musgrove, Specht, and Woestehoff. Voting No: None.

The public hearing was closed at 9:10 p.m.

Council Business

Motion by Councilmember Woestehoff, seconded by Councilmember Olson, to Introduce Ordinance #23-08 Amending Chapter 4 of the City Charter - Nominations and Elections.

A roll call vote was performed:

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

Motion carried.

7. COUNCIL BUSINESS

7.01: Adopt Ordinance #23-16 Amendment to Chapter 16, Article XIV Rental Residential Dwelling Units

Planning Manager Larson reviewed the Staff report in regard to the proposed amendments to the Code for rental residential units. He gave an update from what was discussed at the last meeting.

Councilmember Musgrove asked about a statement in the purpose paragraph of ordinance which talks about the leasees are ‘responsible to ensure that the citizens who occupy such rental units, as well as neighboring properties, may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, and sanitary, free from noise, nuisances and annoyances, and free from unreasonable fears about safety of persons and property.’ She asked about the part that addresses neighboring properties and if they are making the owner of the property responsible for everyone in the neighborhood being happy and safe. She stated that she can understand this within the dwelling unit; however, it seems too much for the rest of the neighborhood. She added that she is not sure if this should be included.

Planning Manager Larson explained that this is one of the strongest arguments for the rental licensing inspection program. He stated that a majority of the complaints received on rental properties are from people who live in the neighborhood. He noted that renters do not typically keep up with a home like a homeowner would. He stated that they do not want rental properties to negatively impact the rest of a neighborhood.

Councilmember Musgrove wondered if they are trying to make sure that the renter has more of a responsibility in the neighborhood than those others in the neighborhood.

Councilmember Woestehoff asked if they can change the word ‘citizens’ to the word ‘renters.’

Planning Manager Larson said yes.

Councilmember Howell stated that she was more concerned with the fluidity or the subject nature of the language. She asked if there was a way to approach this from following the rules that are already in place.

Planning Manager Larson explained that when ordinances have a purpose statement it is typically more of the aspiration vision of what is trying to be achieved through the regulations. He stated that the purpose clause is not enforceable itself.

Councilmember Howell asked if they are differentiating this at all for a single-family rental that has multiple renters. She asked if there will be extra eyes kept on these properties.

Planning Manager Larson stated that the woman who came and spoke to the Council a few meetings ago was there for the zoning code and property use. He explained that this rental ordinance does not look at the types of structures. He noted that all rentals will be treated equally.

Councilmember Riley stated that he will be supporting this as it is an outgrowth of the City allowing apartment buildings to be built as well as addressing the growing number of single family homes throughout the City that are being rented out.

Councilmember Howell asked about short term rentals and if it covers AirBnBs.

Planning Manager Larson stated that a short term rental is anything less than 30 days., so it would cover AirBnBs and VRBOs.

Councilmember Howell shared that her concern with this is that there are people who may lease their home occasionally. She noted that a lot of the AirBnBs seem to be businesses. She stated that her concern is that they are being treated like all of the other rentals. She added that she would like to have more information brought back on what other cities are doing for these short term rentals to ensure that there are no micro-hotels that are popping up in residential neighborhoods.

Planning Manager Larson stated that a situation where people are renting out many rooms in their homes would be regulated under the Zoning Code. He noted that this ordinance has to do with the rental inspections and crime related issues. He noted that the discussion for these zoning items is scheduled at a future meeting.

Councilmember Musgrove asked if the home occupation portion of the Zoning Code will have some impact on the definition of a short term rental as far as an occupation.

Planning Manager Larson said no and explained that the Zoning Code does not address short term rentals as a home occupation.

Councilmember Musgrove asked if these short term rentals have different parameters than home occupation permits.

Planning Manager Larson said yes. He continued by discussing how the rental housing inspections will ensure that when anyone is occupying a home that is rented out they have a safe and clean place to be.

Councilmember Musgrove stated that she is concerned with how the neighbors feel about the traffic and changeover of new people coming in and out of short term rentals. She asked if these do not qualify as home occupations based on land use.

Planning Manager Larson said that was correct. He added that they are really not changing anything that has to do with the short term rentals other than that they will also be inspected as part of the rental licensing program.

Councilmember Howell asked if they were to put in very restrictive restrictions for short term rentals where they would address them.

Planning Manager Larson stated that they could revise the ordinance to delete all short term rentals and add a clause for a minimum lease term. He added that there are very short term rentals in town and noted that they do not get many complaints on these properties. He shared that HOAs and townhouse associations can further restrict this.

Code Enforcement Officer Swalchick explained the benefit of addressing short term rentals in the Code. He stated that when they do not regulate and address short term rentals they are still going to happen. He shared that in a previous city he worked for they did not permit short term rentals at all which made them very hard to regulate. He noted that having this address short term rentals requires that the property owners comply with certain regulations which gives the City the opportunity to identify the homes that are being rented as short term rentals, as well as the opportunity to inspect the homes for safety and security. He added that this also allows the City to ensure that the surrounding neighborhood is not affected by this short term rental. He stated that it also gives them the ability to revoke or suspend a license. He stressed the importance of having this in the Code. He recommended continuing to license these short term rentals.

Councilmember Howell agreed with Code Enforcement Officer Swalchick. She stated that she supports having regulations; however, she wonders about diving further into AirBnBs based on what other cities are doing throughout the country.

Councilmember Woestehoff stated that they should do more research on AirBnBs; however, by implementing this new policy it gives the City more data and feedback. He added that he does not see a reason to hold this item as it can always be amended later.

Motion by Councilmember Woestehoff, seconded by Councilmember Riley, to waive City Charter requirement that the ordinance be read outloud and adopt Ordinance #23-16 Amendment to Chapter 24, Article XIV Rental Residential Dwelling Units, with a change to verbiage in the purpose statement regarding the word 'citizen' to the word 'renter.'

A roll call vote was performed:

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

Motion carried.

**7.02: Adopt Resolution #23-204 for Counting Write-In Votes for Local Elective Office -
Please Note: this case was pulled from Consent 5.12 to become Case 7.2 on the
Regular Agenda.**

Councilmember Musgrove shared that she requested this item be removed from the Consent Agenda as she wanted to have more discussion on this. She asked if this would affect the Charter. She noted that she has not heard that counting votes has been an issue in the past. She stated that she is not sure what they would need to make this change to require that anyone who is written in on the ballot needs to have given notice to the City beforehand.

City Administrator Hagen requested that City Attorney Knaak looks into the Charter regulations to see if this needs to be run through the Charter. He explained that up until this year, Staff was required to count all write-in tallies, even if it is a vote that someone made in a joking manner. He noted that statute did address this for higher offices. He shared that this will help eliminate unnecessary steps on election night or the days following. He noted that this also can address someone who is running a write-in campaign but does not file their affidavit of candidacy.

Councilmember Woestehoff commented that the write-in candidate portion saying that they need to report to the election official has been law for a while now. He noted that the only thing that is changing is the ability to not have to count these votes.

Councilmember Musgrove stated that if someone is running a write-in campaign then there is no way that they could win if their votes would not be counted.

Councilmember Woestehoff said yes and added that if they did not provide notice to the election official then it would be an up for debate election based on the current statute.

City Attorney Knaak stated that this statute supersedes any requirement that the City may otherwise have. He noted that he would anticipate that most of the election process is at some level filtered through the Charter. He shared that the statute says that if the governing body of a statutory or home rules charter city adopts the resolution. He noted that this applies to both charter cities as well as statutory cities. He stated that if they decide to do this resolution then this resolution will supersede any contrary provision in the Charter.

Councilmember Riley noted that anytime there is an election there are tons of dates involved for all candidates. He stated that he does not see an issue with having a deadline to let the City know

that you would like to be a write-in candidate. He added that this makes sense to save Staff time. He stated that if Staff is suggesting that this would save them time and effort then he will support it.

Councilmember Musgrove asked if this needed to go through the Charter.

City Attorney Knaak reiterated that this supersedes anything in the Charter.

City Administrator Hagen stated that the Charter does have a section titled 'procedure at elections' which stated that Council can further regulate elections by ordinance.

Councilmember Woestehoff asked how much of an effort it takes to count write-in votes.

City Administrator Hagen said that he does not know as he has not yet worked an election in Ramsey. He explained that statute allows for charter cities to be able to either require the notice of a write-in individual or they could add on to this to say that even if the write-in individual tells the City that they want their name counted, unless they receive more votes than anyone else, their vote will not be counted.

Councilmember Olson stated that they would not know who got the lowest number of votes unless they counted them all.

City Administrator Hagen noted that the way that the results print out they get a result of how many write-in there are. He stated that if the number of write-ins are higher than the lower vote getter who is actually on the ballot, then they could go in and count the write-ins.

Councilmember Specht stated that he definitely would like to save Staff and election judges time; however, he thinks that every vote should count. He noted that he does not see this as a huge problem so he will not be supporting the change.

Councilmember Musgrove stated that if they apply this resolution then they should not even be looking at write-in votes as no one came forward to say that they wanted their votes counted.

City Administrator Hagen stated that if a write-in candidate receives the most votes in an election he is not sure if statute is clear on whether or not this person won the election if they did not notify the City ahead of time.

Councilmember Howell agreed with Councilmember Specht and stated that voting is a basic function and people pay taxes for a reason and if they want to write someone in on the ballot then they have every right to do so. She added that there are normally only 11,000 votes for a City Council office which is not that many votes to go through. She stated that she believes they should count every vote.

Mayor Kuzma asked if this resolution does not pass if the write-ins will continue to be counted.

City Administrator Hagen said yes.

The resolution failed due to a lack of motion.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Hagen announced upcoming meetings and events.

Councilmember Riley shared that Happy Days was a success and thanked all Staff who put effort into the event.

Councilmember Musgrove shared that the Parks and Recreation Commission will meet at the Hollow Park on Snowy Owl Street off of Riverdale Drive. She added that the roundabout at Alpine and Armstrong is now open. She thanked Staff for working on this project with the County.

Councilmember Specht encouraged everyone to check out the Anoka County Sheriff's Open House on September 21 at 4 p.m.

9. ADJOURNMENT

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

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Musgrove, Howell, Olson, Riley, Specht, and Woestehoff. Voting No: None.

The regular meeting of the City Council adjourned at 7:50 p.m.

Respectfully submitted,

Brian S. Hagen
City Administrator

ATTEST:

Katie M. Schmidt
City Clerk

Drafted by Ava Rokosz
TimeSaver Off Site Secretarial, Inc.

A recording of this meeting is available for viewing online at www.qctv.org <<http://www.qctv.org>>. Recordings are available for 36 months after the date of the meeting.

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