

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

 2.01: Proclamation Declaring October 2023 as Domestic Violence Awareness Month 2

 2.02: Oath of Office - Patrol Officer 3

3. CITIZEN INPUT 3

4. APPROVE AGENDA 4

5. CONSENT AGENDA 4

6. PUBLIC HEARING 6

 6.01: Public Hearing - Adopt Resolution #23-227 Adopting Assessments for Past-Due Charges on Municipal Utility Bills and Current Services Rendered 6

7. COUNCIL BUSINESS..... 9

 7.01: Adopt Resolution 23-228 Adopting Proposed 2024 Payable Tax Levies (General, Pavement Management, EDA and Debt Service) & Schedule Public Hearing for December 12, 2023; Adopt Resolution #23-229 Adopting Proposed 2024 General Fund Budget and Resolution #23-230 Adopting Proposed 2024 EDA Budget. 9

 7.02: Adopt Resolution #23-215 Approving Abatement Proceedings and Further Administrative Court Action for Removal of a Hazardous Building located at 15740 Ramsey Blvd..... 10

 7.03: Adopt Ordinance #23-08 to Amend Chapter 4 of the Charter - Nominations and Elections..... 13

 7.04: Adopt Resolution #23-223 approving the Haviland Fields EAW, Findings of Fact, and Record of Decision. - Please Note: this case was moved from the Consent Agenda - Case 5.18 - to the regular agenda - Case 7.4. 13

 7.05: Adopt Resolution #23-234 to Enter into a Residential Recycling Program Agreement with Anoka County - Please Note: this case was moved from the Consent Agenda - Case 5.24 - to the regular agenda - Case 7.5. 14

8. MAYOR, COUNCIL AND STAFF INPUT 15

9. ADJOURNMENT 15

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

The Ramsey City Council conducted a regular meeting on Tuesday, September 26 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
Finance Director Diana Lund
Police Chief Jeff Katers
Planning Manager Todd Larson
Code Enforcement Officer Craig Swalchick
City Attorney Fritz Knaak

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: Proclamation Declaring October 2023 as *Domestic Violence Awareness Month*

Mayor Kuzma read the proclamation which declared October 2023 Domestic Violence Awareness Month.

Monica Elicerio, an Alexandra House Board Member, came forward and thanked the Council for this recognition of Domestic Violence Awareness Month, as well as, the constant support of the mission of the Alexandra House. She reviewed her presentation and shared information on the domestic violence crisis. She encouraged everyone to attend the HopeFest event on September 30, 2023. She shared that there is more information available on the Alexandra House website.

2.02: Oath of Office - Patrol Officer

Police Chief Katers introduced Andrew DeVine and briefly reviewed his background.

Mayor Kuzma gave the oath of office to Mr. DeVine.

3. CITIZEN INPUT

Steve Young, owner of M&G Trailer Sales, came forward and shared that he would like to discuss the Pearson Farms parcel that he purchased last year. He noted the City Staff challenges that he has faced over the last 14 years that have been very inconsistent. He added that he has a potential buyer for seven acres of his land at Pearson Farms; however, he was told that the use that the buyer would like to use for is not suitable for the property. He explained that the property is currently zoned agricultural, when Planning Manager Larson told him that it is zoned residential. He shared that Planning Manager Larson told the potential buyer to look elsewhere in the City to buy land for their business. He shared his frustration with this. He gave the Council a summary of the proposed U-Haul building that would be on the site. He noted that zoning along Highway 10 has been a big discussion recently. He explained that he has entertained a lot of ideas of what to do with his property as so many buyers have backed out. He added that when he first purchased this property he looked at moving M&G Trailer Sales to this site but it did not end up making sense to do so. He reiterated his frustration with this situation.

Mayor Kuzma asked if he has put together any proposals for the Planning Commission.

Mr. Young explained that he is not a property developer, he is just the property owner. He stated that he does not know what he sees as far as development on this site.

Mayor Kuzma suggested setting up a meeting with City Administrator Hagen and Economic Development Manager Sullivan to discuss this further.

Councilmember Howell asked for this to be discussed at a work session. She noted that she would like to hear about this project if U-Haul is interested in the site.

City Administrator Hagen shared that this parcel is currently zoned for single use residential so any commercial use would not be allowed. He stated that they are reviewing their zoning code and now is a good time to review this.

Councilmember Specht suggested also discussing when these types of companies want to come to Ramsey with the Council so they can be aware of what businesses are interested in coming to Ramsey.

Councilmember Woestehoff stated that they currently have a 20-40 Comprehensive Plan that outlines all of the areas in the City and what a future land use might be. He noted that the zoning code reflects this and this is the change that they are talking about. He added that there is an opportunity for the Council to amend the zoning map which was discussed earlier this evening in

a work session. He noted that these documents are available; however, if a developer of a certain level wanted to change the zoning in a certain area they could apply to do so.

Councilmember Howell agreed with Councilmember Specht's idea.

Mr. Young agreed that not only one person in the City should be looking at these types of requests. He added that he would also like to talk about the Police Department. He shared that many of his family members are currently or have been police officers and he has asked Police Chief Katers several times over the past few years to have a police officer to sit in his parking lot to write reports to show the residents that there is police presence in the City at businesses. He stated that he has gotten pushback from this due to the gate; however, he gave the Police Department a gate code so that they can get into the gated area. He noted that the Police Department has come to the property 10 times since March.

4. APPROVE AGENDA

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

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

5. CONSENT AGENDA

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to approve the following items on the Consent Agenda with the removal of case 5.18 making it regular case 7.4 and removal of case 5.24 making it regular case 7.5:

- 5.01: Approve the following Meeting Minutes:
 - 1) City Council Work Session dated September 12, 2023
 - 2) City Council Regular dated September 12, 2023
- 5.02: Approve Rental Licenses
- 5.03: Approve Business Licenses
- 5.04: Approve Request to Declare Surplus Property
- 5.05: Authorization to Hire a Community Service Officer (CSO/LEPS)
- 5.06: Authorization to Hire a Police Officer Filling a Current Vacancy in the Patrol Division
- 5.07: Adopt Resolution #23-241 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of September 7, 2023 through September 20, 2023.
- 5.08: Adopt Resolution #23-195 Approving a Development Agreement for Aldi.
- 5.09: Adopt Resolution #23-209 Approving Sale of Lot 1, Block 1, COR FOUR, Easements, Covenants and Restrictions (ECR) Agreement and 2nd Amendment to Declaration of ECR; ALDI
- 5.10: Adopt Resolution #23-213 Approving Final Payment to Douglas-Kerr Underground, L.L.C. for Improvement Project #22-05, 2022 Riverdale Drive Trunk Utility Improvements, Llama Street to Bowers Drive

- 5:11: Adopt Resolution #23-216 Authorizing Final Payment to Reshetar Systems, Inc. for IP 23-17, COR Tree Clearing.
- 5:12: Adopt Resolution #23-217 Authorizing Final Payment to Corrective Asphalt Materials, LLC for IP #23-09, 2023 Pavement Rejuvenation Improvements
- 5:13: Adopt Resolution #23-218 Approving Partial Payment #4 to Northern Lines Contracting, Inc. for Improvement Project #23-01; 161st Ave Reconstruction
- 5:14: Adopt Resolution #23-219 Approving Partial Payment no. 2 to Douglas-Kerr Underground, L.L.C. for Improvement Project #23-05; Barthel's Rum River Acres 2nd Street Reconstruction.
- 5:15: Adopt Resolution #23-220 Authorizing Partial Payment #2 to Meyer Contracting Inc. for Improvement Project #23-11; Lift Station #10 Improvements.
- 5:16: Adopt Resolution #23-221 Authorizing Partial Payment #2 to Douglas-Kerr Underground, L.L.C. for Improvement Project #23-12; HY-10 Ramsey Improvements.
- 5:17: Adopt Resolution #23-222 approving a development agreement for Nolby BC LLC (dba Jam Hops).
- 5:18: ~~Adopt Resolution #23-223 approving the Haviland Fields EAW, Findings of Fact, and Record of Decision.~~ **Please Note:** this Consent case was moved to the regular agenda - Case 7.4.
- 5:19: Adopt Resolution #23-225 Approving Partial Payment #1 to Landall Services for IP #23-10, Whispering Pines Estates Plat 3 Street Reconstructions.
- 5:20: Adopt Resolution #23-226 Approving Construction Contingency Expense No. 1 for Improvement Project #21-09, Centralized Water Treatment Plant
- 5:21: Adopt Resolution #23-231 Providing for the Sale of \$8,640,000 General Obligation Bonds, Series 2023A
- 5:22: Adopt Resolution #23-232 Authorizing Partial Payment to Magney Construction, Inc. for Improvement Project #21-09, Centralized Water Treatment Plant
- 5:23: Adopt Resolution #23-233 Proclaiming October 2023 Domestic Violence Awareness Month
- 5:24: ~~Adopt Resolution #23-234 to Enter into a Residential Recycling Program Agreement with Anoka County~~ - **Please Note:** this Consent case was moved to the regular agenda - Case 7.5.
- 5:25: Adopt Resolution #23-236 Accepting Proposals and Awarding Contract for 2023 Additional Pavement Marking Improvements, Improvement Project #23-18
- 5:26: Adopt Resolution #23-237 Approving Plans and Specifications and Authorizing Advertisements for Bids for Improvement Project #21-08, Water Treatment Plant Trunk Watermain Improvements
- 5:27: Adopt Resolution #23-238 Approving Updated MnDOT Cooperative Construction Agreement #1052605 for Ramsey Gateway Highway 10 Improvements
- 5:28: Adopt Resolution #23-242 Authorizing Removal of Old Public Works Offices at 14100 Jasper St. NW
- 5:29: Adopt Resolution #23-243 Supporting the Anoka Rum River Dam Reconstruction and Modification Project Bonding Request

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

6. PUBLIC HEARING

6.01: Public Hearing - Adopt Resolution #23-227 Adopting Assessments for Past-Due Charges on Municipal Utility Bills and Current Services Rendered

Presentation

Finance Director Lund reviewed the Staff report concerning the assessments for past-due municipal utility bills. She noted that the City sent out 1,103 delinquent letters on September 5, 2023 for a total of \$469,000 and there are currently 947 delinquent accounts now totaling \$424,282.09.

Councilmember Musgrove asked about last year's total of delinquency accounts. She asked if some people paid after the first letter that was sent last year.

Finance Director Lund explained that the numbers for before the letter was sent, after the letter was sent, and the final number that was certified to the County is all in the Staff packet.

Public Hearing

Mayor Kuzma called the public hearing to order at 7:28 p.m.

Citizen Input

Kelly Hemp, 7240 181st Avenue, came forward and stated that he is one of the delinquent accounts that are being discussed. He shared that he has lived in the City for 17 years and has been paying his bill. He noted that he has been paying for little things like security lighting, stormwater, recycling, and other items yet there has never been anything to show for these payments. He added that he has written letters to ask about these things and has never received a response on where these dollars are going and how they relate to him. He emphasized that he would like to get clarification on these things.

Finance Director Lund explained that all utility billing is outsourced to a contracted service and they document whether or not a customer has asked questions. She stated that she can look into this. She noted that when calls and concerns come in about this they are able to explain them. She explained where the fees for stormwater, security lighting, and recycling goes.

Mr. Hemp asked if residents are allowed to recycle on their own in the City.

Finance Director Lund said yes but noted that the resident would still get charged as the City gets billed through their recycling contract for every resident in the City.

Mr. Hemp stated that he should see the services that he is being billed for; however, he is currently not seeing these services.

Councilmember Woestehoff noted that he does see these services if he drives on the streets and sees street lights. He stated that when it comes to public safety, the City cannot just bill the people who drive on the roads and use the lights at night and it is more fair to just spread this across every resident. He added that Mr. Hemp utilizes these services even if he doesn't realize it.

Mr. Hemp stated that he does his own recycling; however, he has never once seen someone come out to his property for recycling.

Councilmember Woestehoff noted that it is his choice to do his own recycling.

Councilmember Howell empathized with Mr. Hemp as she had asked the same questions when she had received these bills. She noted that for those who do not have lights or sewer drains on their streets, they do not see the same value as those who do have these things. She stated that even though she understands these concerns firsthand, she still pays her bills as it is part of being in the City. She stated that she does not like this either as she also does not see the benefit of it. She noted that the contract for the recycling is a five year contract that is up in 2025. She added that this contract was decided by a previous Council. She stated that this may be able to be revisited when the contract is up with a possibility of letting all residents figure out their own recycling.

City Attorney Knaak explained that the State has authorized cities to treat lights as a common utility and to assess residents equally. He noted that it is the same with drainage and they have their own statutory authorization for this. He shared that the thought process behind this is that everyone is getting 'taxed' for the purpose of taking care of drainage in high traffic areas. He reiterated that this is just part of the cost of living in a city.

Mr. Hemp stated that the Council also just heard from another resident who is not seeing the services that he pays taxes for.

City Attorney Knaak stated that Mr. Hemp could suggest to the Council that they look at a different way of doing this assessment. He noted that there are things that can be done to modify this.

Mr. Hemp shared that the citizens would appreciate that. He added that he was assessed a fine a few years ago due to not having enough gravel on his driveway which resulted in him having to hire an attorney and ended up spending over \$5,000 on a fine that was dropped because the City then verified that there was no violation. He asked how he can go about being reimbursed for a fine that should have never been sent to him.

City Attorney Knaak stated that Mr. Hemp has every right to challenge the City; however, usually cities that operate using their discretion have a lot of discretion. He noted that challenging the City may not be very successful. He acknowledged the frustration; however, it is a little late to be dealing with the issue of the fine from a few years ago. He stated that he can contact his Councilmember to ask them to have a discussion surrounding this.

Mr. Hemp asked who he should talk to about getting reimbursed for the fine for his driveway.

City Attorney Knaak stated that he can always petition the Council.

City Administrator Hagen told Mr. Hemp to reach out to him to start this discussion.

Finance Director Lund gave further clarification on street lighting. She explained that they have priority street lighting and subdivision street lighting. She stated that if a developer puts street lighting within a neighborhood, the residents in the neighborhood get a separate charge on their utility bill and they are the ones who are paying for these lights. She said that the priority lights are for safety reasons and there are hundreds throughout the City.

Harold Gustafson, 15000 Chameleon Street, came forward and reiterated the concerns of Mr. Hemp as he also does not have a street light or storm drain near him and he also does his own recycling. He stated that he is always paying taxes and wonders how he can continue to pay for these things while not receiving the services. He noted that he also owns five homes in Minneapolis and he has never had the city of Minneapolis charge him for a street light or a sewer drain.

Councilmember Woestehoff stated that the alternative to having this on a utility bill is to have this same bill rolled into the general fund and the property taxes. He noted that the residents would likely be paying for this one way or another.

Mr. Gustafson stated that he is paying taxes everywhere he goes yet not seeing anything for it.

Councilmember Woestehoff stated that he would argue for more MSA funding from the State as that is the gas tax money.

Mr. Gustafson shared his appreciation for this hearing as he has wondered for the past few years why he is being billed for something that he is not receiving.

Mayor Kuzma stated that this will be discussed and brought up in a work session.

Mr. Gustafson asked if a lien would be put against his property because of this assessment.

City Attorney Knaak explained that this will be assessed like another tax and it can be a lien on the property if it is not paid. He noted that this is done everywhere else in the State.

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

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

The public hearing was closed at 7:52 p.m.

Council Business

Motion by Councilmember Woestehoff, seconded by Councilmember Riley, to adopt Resolution #23-227 Adopting Assessments for Past-Due Charges on Municipal Utility Bills.

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

7. COUNCIL BUSINESS

7.01: Adopt Resolution 23-228 Adopting Proposed 2024 Payable Tax Levies (General, Pavement Management, EDA and Debt Service) & Schedule Public Hearing for December 12, 2023; Adopt Resolution #23-229 Adopting Proposed 2024 General Fund Budget and Resolution #23-230 Adopting Proposed 2024 EDA Budget.

Finance Director Lund reviewed the Staff report in regard to the proposed 2024 tax levies and general fund budget. She stated that all amounts are strictly estimates.

Mayor Kuzma shared that the Council would like to vote on each item separately.

Councilmember Specht thanked Staff for their work on the budget. He shared that this has been worked out during multiple meetings since July. He noted that in a growing City with increasing infrastructure needs there are costs that the City needs to pay for which is why there is an increase.

Councilmember Riley reiterated that the Council has spent months talking about this budget. He noted that they started with the idea of a flat budget for all of the expenses; however, as they have gone through this they made a cost of living increase as well as determined what the City actually needs. He stated that everyone is well aware that the streets are a top priority that the City has fallen behind on. He noted that they are adding street staff and capital expenditures in response to this. He stated that he will be supporting the budget.

Councilmember Woestehoff thanked Staff again for their work on this and helping the Council understand these numbers. He noted that although the budget is now over \$20,000,000, the impact on residents is very small. He added that this has to do with the fact that the City has added so many new houses in the past years and these houses are now coming onto the tax rolls. He explained that the addition of both residential and commercial development has lessened the tax impact on the rest of the City.

Councilmember Howell stated that she will not be supporting the tax levy. She noted that she will be supporting the EDA budget as she is very supportive of the training that Staff needs. She shared concerns that the City is funding recreational programming as she does not see this as a necessity as it competes with the private sector. She noted that because of the increased cost of living that everyone is feeling, she feels as though the least the City could do is cut some things that are not necessities.

Motion by Councilmember Howell, seconded by Councilmember Woestehoff, to Adopt Resolution #23-228 Approving the Proposed 2023, Payable 2024 Tax Levy in the amount of \$20,279,701 and to schedule the City of Ramsey's budget/levy public meeting on Tuesday, December 12, 2023 at 7:00 p.m.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Woestehoff, Olson, Riley, and Specht. Voting No: Howell and Musgrove.

Motion by Councilmember Howell, seconded by Councilmember Woestehoff, to Adopt Resolution #23-229 Adopting Proposed 2024 General Fund Budget and Resolution.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Woestehoff, Olson, Riley, and Specht. Voting No: Howell and Musgrove.

Motion by Councilmember Howell, seconded by Councilmember Woestehoff, to Adopt Resolution #23-230 Adopting Proposed 2024 EDA Budget.

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

7.02: Adopt Resolution #23-215 Approving Abatement Proceedings and Further Administrative Court Action for Removal of a Hazardous Building located at 15740 Ramsey Blvd.

Zoning Code Enforcement Officer Swalchick reviewed the Staff report concerning the removal of a hazardous building in the City.

Steve Scherrer, 15740 Ramsey Boulevard, came forward and shared that it has been a tough year for him. He shared that his mother had been in and out of the hospital with cancer over the past several years as well as his father being in his 90s and he has been taking care of both of them. He noted that it is hard to find time to take care of things at this property. He added that he had a stroke in January and was in the hospital for 11 days and he was not fully recovered until July. He shared that he made an agreement with Zoning Code Enforcement Officer Swalchick to get the outside and the roof done on the home before Labor Day. He noted that during this time the homeowner was getting fined. He stated that he is still willing to do whatever it takes to get the property taken care of. He said that if he could be given another month to get this done with no fines, he could have the outside done.

Councilmember Riley stated that the homeowner has had 13 years to get this done and does not see how he thinks he can get it all done with one additional month.

Mr. Scherrer clarified that he could get the outside of the home taken care of over the one month. He stated that he could get the siding done on the house as well as the roof and windows. He acknowledged the issue that this has caused for the neighbors.

Councilmember Musgrove asked Mr. Scherrer if he had the receipts for the windows with him.

Mr. Scherrer said he did not have them but could send the Council a copy.

Mayor Kuzma asked if there were any neighbors of this property that would like to come forward and speak.

Hilary Dischinger, 7020 157th Lane, came forward and shared that she lives directly across from this property. She stated that over the past 13 years the condition of the property has continued to have gotten worse and she has seen no improvements other than the windows being removed. She shared that she has made many calls to the Police Department due to watching children go into this home. She noted that the most recent call she made about children entering this home was last week. She stated that this home is an eye sore as well as unsafe to the community. She added that there is also a trail right near the home which has a lot of neighborhood kids walking right by this home. She shared her overall concern for the property.

Cindy Broman, 15739 Ramsey Boulevard, came forward and shared that she is also directly across the street from this property. She shared her concerns with the safety of this property as well as it being an eyesore. She noted that this has been ongoing for a number of years. She added that she has complained about the property and asked if the homeowner was going to mow the lawn or fix anything at the property and years have gone by with no work being done. She said that she does see the homeowner out there every once in a while and they will mow the lawn or do some work. She shared that she struggles with the fact that if they make the outside look good, what will happen with the house. She asked if it will still remain vacant. She stated that she has seen children enter this building as well. She reiterated that this building is not safe. She said that she would like to see a solution that is acceptable to everyone involved in the situation. She added that if she ever decides to sell her home, this property will not be a good thing for her home value. She noted that there was a gas leak at the house due to someone stealing all of the copper piping. She added that this property is taking away her enjoyment of her own property.

Dale McKusick, 6801 157th Lane, came forward and stated that you can see a drop in the roof on the garage area of the home. He noted that to bring this house back up to date it would take more than just a contractor and would require an engineer to have this house redone and brought back up to code. He stated that this would come at an incredibly high price. He asked if the homeowners are willing or able to put such a large investment into this property to make it livable.

Ms. Dischinger asked the homeowners what their plan is once the property is fixed up on the outside.

Mr. Scherrer stated that his plan was to set up a work trailer in the driveway and live there to keep people away.

Councilmember Musgrove asked about the connection between Ms. Lemke, the property owner, and Mr. Scherrer.

Mr. Scherrer stated that Ms. Lemke is his long-term girlfriend.

Councilmember Musgrove asked if the abatement would go to the property owner, Ms. Lemke.

Zoning Code Enforcement Officer Swalchick said yes. He stated that at the beginning of this process, he and Ms. Lemke had conversations where she stated that Mr. Scherrer is her agent and the one to talk to during the process of fixing the home up. He added that he has made quite a few

attempts to contact Mr. Lemke; however, the phone numbers that he has have been disconnected. He stated that the fines that they received had been torn up as the penalty came after there was a signed document received from Mr. Scherrer that he would have everything repaired over a two week timeframe; however, all of this fell through and none of the timelines were met. He noted that the letter sent was dated July 24, 2023 and Mr. Scherrer was given until September 1, 2023 and none of the tasks were completed during this timeframe. He added that Mr. Scherrer was not given permits for this work as he is not the homeowner that lived on site to do this work.

Mr. Scherrer stated that the permits were given to him and then he was told he could not do any of the work. He noted that he had to stop his work as Zoning Code Enforcement Officer Swalchick said that he could not. He shared that their goal is to be able to move back into this house and live there once complete. He apologized to the neighbors for the condition of the property. He noted that he needs to be on the property to protect it. He shared that he has purchased deer cameras so that he will be notified if someone is on the property. He noted that he has the time now to complete the home.

Councilmember Woestehoff asked about the process in the abatement and what this timeframe would look like.

Zoning Code Enforcement Officer Swalchick explained that the first goal would be to secure the property. He noted that they were working with Mr. Scherrer to bring the home into compliance. He stated that with the abatement they would look to board up the home immediately as it is a hazardous structure. He noted that there is a 20-30 day window regarding legal action.

City Attorney Knaak stated that he has worked on quite a few of these abatements and only a few times did they result in the home being raised over the objection of the homeowner. He noted that there is usually some kind of resolution. He stated that if the resolution is passed this evening it would initiate the legal process that gives the authority to raise the home. He added that this resolution would also be taken as if it were a complaint and it is served on the homeowner giving them 20 days to answer before the process goes through the civil courts. He noted that if they do not respond within the 20 days, they can go in and get a court order to raise the home. He said that if they do respond, it is like any other case that will be tried. He stated that this rarely happens. He noted that in a lot of these cases negotiations will take place. He said that the City has the leverage in this case to be able to tear this home down. He explained that there are a variety of outcomes that could come from this.

Councilmember Specht shared that he is sympathetic towards the owners for the struggles that they have gone through; however, the Council needs to focus on the safety of the community.

Motion by Councilmember Specht, seconded by Councilmember Riley, to Adopt Resolution #23-215 Approving Abatement Proceedings and Further Administrative Court Action for Removal of a Hazardous Building located at 15740 Ramsey Blvd.

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

7.03: Adopt Ordinance #23-08 to Amend Chapter 4 of the Charter - Nominations and Elections

City Administrator Hagen reviewed the Staff report concerning the charter amendments for nominations and elections.

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to waive the City Charter Requirement that the Ordinance be read aloud and adopt 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 Specht	aye
Councilmember Woestehoff	aye
Mayor Kuzma	aye

Motion carried.

7.04: Adopt Resolution #23-223 approving the Haviland Fields EAW, Findings of Fact, and Record of Decision. - Please Note: this case was moved from the Consent Agenda - Case 5.18 - to the regular agenda - Case 7.4.

Councilmember Riley shared that he had this case pulled as he would like to have this sent back to the filer as he does not agree with all of the findings and this needs to be reworked. He noted that it should focus on the traffic study, findings, and conclusion as he has major problems with these items.

Planning Manager Larson shared that the environmental review document is something that is required for larger projects. He explained that this is a planning tool that analyzes the potential impact of a development on the environment. He stated that these documents are considered City documents that the project proposer puts together for Staff review. He noted that this document was reviewed by Staff and shared that after some back and forth, Staff thought that the analysis was to a point that it was done well. He shared that after this it goes out for a 30 day public comment period which allows anyone to comment on the document and changes are then made to the document after these comments. He stated that if there are specific things in this traffic study that would warrant further study then they can direct the project proposer to look at these things.

Councilmember Riley stated that he questions the peak number of trips based on the number of multi-family households that are involved. He added that he also questions the suggestion that there are no road improvements required. He stated that he feels that this road system is already at maximum capacity before adding over 400 households.

Planning Manager Larson shared the options that Council has. He stated that they can either find that there are significant environmental concerns raised to order an environmental impact statement, which is much more detailed and in-depth. He noted that they could also have this sent back to have certain things looked at again. He stated that they would not necessarily deny this document and approval of the document is not an approval of the project itself.

Councilmember Musgrove thanked Councilmember Riley for pulling this item for more discussion. She stated that she was interested to see that there were a number of complaints on this. She asked if they would be able to include a statement from the City addressing and acknowledging some of the areas of concern.

Planning Manager Larson stated that this would be possible; however, this is the City's document so the need for a statement is a little awkward. He noted that these things would need to be done right to the City's satisfaction.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to send the EAW back to the applicant to further address the traffic concerns.

Further discussion:

Planning Manager Larson noted that this document goes onto a distribution list in Anoka County and the transportation department was provided a copy of this and they did not provide any responses or concerns.

Councilmember Woestehoff stated that when looking at the study it very clearly shows traffic degradation as it lists some intersections as going from a D to an F. He noted that the charts show that traffic is going to get worse.

Sam Jagodzinski, Presbyterian Homes, came forward and shared his appreciation for the comments on the study. He stated that the comment on traffic is well taken and shared that they have tried to be very proactive about this. He noted that they worked with Kimley-Horn which is one of the most well regarded traffic analysis firms. He added that there were three different days of data collection that measured eight intersections and modeled five scenarios. He explained that this document is just the first pass and this document just informs of the planning rather than approving anything.

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

7.05: Adopt Resolution #23-234 to Enter into a Residential Recycling Program Agreement with Anoka County - Please Note: this case was moved from the Consent Agenda - Case 5.24 - to the regular agenda - Case 7.5.

Councilmember Howell shared her concerns with this item and asked if the Council has any appetite to look at this item in a work session.

Councilmember Musgrove agreed and stated that there have been discussions in the past about wanting to have a better understanding about recycling in the community. She shared that they had discussed having a work session on this; however, it has not come back to the Council. She stated that there were questions brought up by residents earlier this evening concerning recycling so it would be good for the Council to discuss this to gain a better understanding of it.

Councilmember Woestehoff stated that he does not disagree that they should have this discussion; however, he would imagine that the budget that has been approved already accounts for this. He noted that he would not want to have to fill the hole that this may create in the budget. He added that this also covers part of a salaried position. He stated that he is in support of discussing a recycling program and how they can make it better but we would not support not passing this resolution as an agreement for this year.

Councilmember Howell agrees that passing the resolution and receiving the funds is a good idea, she just wanted to mention that she would like to have a bigger discussion surrounding this.

Councilmember Specht asked about the deadline that this would need to be passed by.

City Administrator Hagen stated that the deadline is the middle of November so there is time from the standpoint of the contract. He confirmed that the budget has already been set to include this as the contract has already been set through 2025. He noted that it would make sense to go into greater detail on this at a future work session.

Councilmember Musgrove noted that part of this discussion can help the Council gain understanding of how much of the funding actually goes to the salaried position.

Motion by Councilmember Musgrove, seconded by Councilmember Olson, to adopt Resolution #23-234 to enter into a Residential Recycling Agreement with Anoka County to receive SCORE funds for 2024.

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

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Hagen announced upcoming meetings and events.

Councilmember Riley reiterated that the priority lighting in the City does not necessarily mean that there are street lights on every resident's street, it just means that there are lights throughout the City that are at the priority intersections. He noted that it is the same for the storm water system as there are ditches and drains throughout the City that help drain this water. He stated that everyone in the City benefits from these things.

9. ADJOURNMENT

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

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

The regular meeting of the City Council adjourned at 9:22 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.