

Meeting Date: 01/10/2023

By: Todd Larson, Community Development

Information

Title

Adopt Resolution #23-020 Approving a Right-of-way Permit for an Ice Rink North of 157th Avenue NW on Krypton Street NW

Purpose/Background:

Mr. Eric Mjolhus constructed an ice rink to the west of his home at 5649 157th Avenue NW within the paved portion of Krypton Street NW. Krypton Street is a stub street extending north from 157th Avenue. It is intended to connect with 157th Lane to the north in the future when two adjacent properties subdivide (one of these properties is where the pending plat of Gile Addition is located). There are no driveways off of this portion of Krypton Street.

The rink that was constructed contains side boards and light poles. Mr. Mjolhus stated that he constructed the rink with the verbal permission of the former (retired) Public Works Superintendent. Current staff is unaware of how the rink was proposed--with the boards or just simply flooding the roadway. The parameters of the "approval" were not written down nor was anything brought to the Council for official approval. Staff is proposing the approval for this rink follow the same procedures as a Right-of-Way permit. These permits are typically handled administratively as they are often related to underground private utility work or driveway/culvert installations. As the presence of this private rink restricts public use of the stub street for purposes other than skating, and restricts the ability to access or locate underlying utilities, it was determined that this permit approval should be brought forward to the Council for formal approval.

As with right-of-way permits, liability insurance and a hold-harmless agreement are required. Mr. Mjolhus has provided an umbrella policy extending from his homeowner's insurance to protect the City from liability of an injury or damage to the roadway. He has also provided a signed copy of a license agreement (hold-harmless agreement) drafted by the City Attorney. There is also a \$115.00 fee for this permit. The approval granted would be on an annual basis. In the future, if the rink is well-supported and no substantial issues arise, Mr. Mjolhus can request approval--recommended each fall--to construct the rink for the upcoming season.

Notification:

None required.

Observations/Alternatives:

Alternatives to consider:

1. Approve the right-of-way permit for the 2022-2023 winter season as recommended by staff.
2. Deny the right-of-way permit and order removal of the materials.

Funding Source:

The right-of-way permit fee is \$115.00.

Recommendation:

Staff recommends approving the right-of-way permit for the 2022-2023 winter season.

Action:

Motion to adopt Resolution #23-020 approving a right-of-way permit for an ice rink north of 157th Ave. NW on Krypton St. NW.

Attachments

Location Map

ACTION - Resolution #23-020

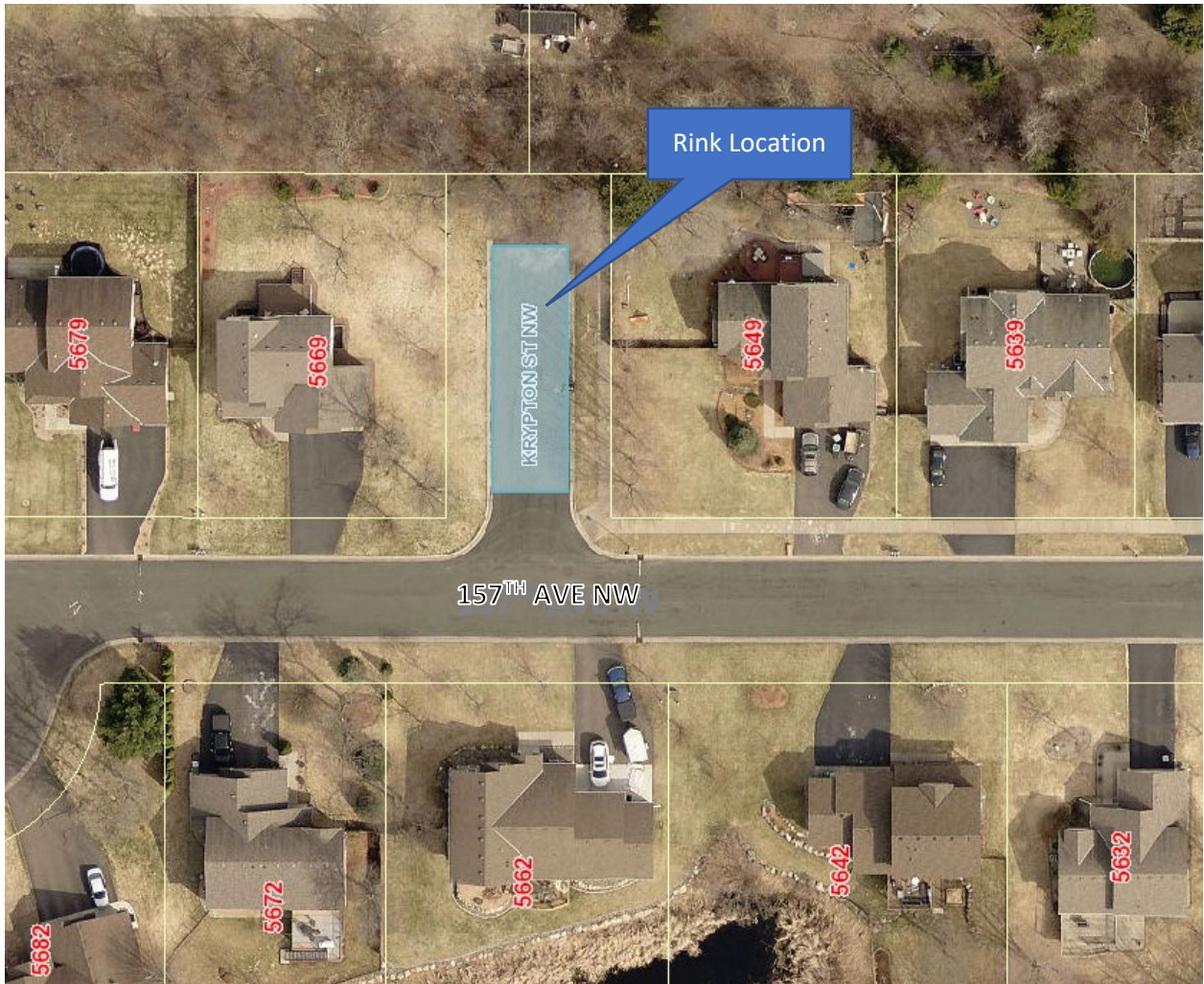
Insurance

Right-of-Way License Agreement

Photos

Form Review

Inbox	Reviewed By	Date
Bruce Westby	Bruce Westby	01/05/2023 08:36 AM
Brian Hagen	Brian Hagen	01/05/2023 11:50 AM
Form Started By: Todd Larson		Started On: 01/03/2023 01:28 PM
Final Approval Date: 01/05/2023		



Rink Location

KRYPTON ST NW

157TH AVE NW

5679

5669

5649

5639

5682

5672

5662

5642

5632

2020 Aerial Photo Courtesy of Anoka County Parcel Viewer

Council Member _____ introduced the following resolution and moved for its adoption:

RESOLUTION #23-020

**RESOLUTION APPROVING A RIGHT-OF-WAY PERMIT FOR AN ICE RINK
NORTH OF 157TH AVENUE NORTHWEST ON KRYPTON STREET NORTHWEST**

RECITALS

1. Ms. Jacqueline Mjolhus and Mr. Eric Mjolhus are owners (“Owners”) of property generally known as 5649 157th Avenue NW and legally described as follows:

Lot 7, Block 1, Wildlife Sanctuary Second Addition, Anoka County, Minnesota
2. That Krypton Street Northwest, a platted, publicly dedicated, and constructed roadway is adjacent to the Owners’ property.
3. That the Owners have constructed an ice rink on top of the paved portion of Krypton Street Northwest, including side boards, a plastic liner, and lighting.

FINDINGS OF FACT

1. That Krypton Street Northwest is intended to be extended northward in the future as the two properties to the north develop.
2. That there are no driveways accessing this portion of Krypton Street NW at this time.
3. That City Code Chapter 50 Sections 26 and 27 authorize occupancy and use of public rights-of-way upon paying a fee and applying for a permit.
4. That the Owners have provided an umbrella insurance policy assuming liability for the rink and potential injuries of users.
5. That the Owners have submitted a signed Right-of-Way License Agreement understanding the use of the public right-of-way is for the benefit of the public and that the use of the rink may be removed at any time if it is in the public need to do so.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

That the Ramsey City Council hereby grants approval of a right-of-way permit (“Permit”) to construct, maintain, and use an ice rink upon the following conditions:

CONDITIONS

1. That this Permit is valid until April 1, 2023, at which time all elements of the ice rink must be removed from Krypton Street.
2. That the ice rink is open and accessible to anyone wishing to use it.
3. That the Owners will maintain insurance across the rink during the duration that it is in place.
4. That the Owners will apply annually for a new permit and provide current insurance and sign a right-of-way license agreement before the rink is constructed.
5. That if the Owners fail to adhere to any of the above conditions, the City of Ramsey will invoice the Owners for any costs associated with removal of the rink.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, that the Mayor and City Clerk may sign the Right-of-Way License Agreement.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 10th day of January, 2023.

Mayor

ATTEST:

City Clerk



Allstate[®]

You're in good hands.

Sniezek Group Agency
9630 Colorado Lane N
Brooklyn Park MN 55445
www.allstate.com/GregSniezek

To Whom It May Concern,

I'm confirming that the Allstate home insurance policy for Eric Mjolhus, policy number 922527023 includes \$300,000 in liability coverage that would extend liability coverage for his ice rink on the city street. He also has the Allstate umbrella policy number 811389971 which includes an additional \$1,000,000 in liability coverage which would also extend coverage for any issues that would arise for the rink such as an injury to a child in neighborhood or a car crashing into the rink while driving down the road. The liability on the home and umbrella policies would extend a total of \$1,300,000 in liability coverage for any incidents related to the ice rink.

Thank you,

Matt Gamm

Allstate Insurance – Sniezek Group Agency

Ph: (763) 205-5322

Fax: (763) 205-5332

MattGamm@Allstate.com

Personal Umbrella Policy Declarations

Your policy effective date is December 29, 2022



Total Premium for the Premium Period (Your bill will be mailed separately)

Excess Liability \$219.16

Total \$219.16

Your bill will be mailed separately. Before making a payment, please refer to your latest bill, which includes payment options and installment fee information. If you do not pay in full, you will be charged an installment fee(s).

Your policy premium has been developed using the following information:

- 2 Vehicles
- Supporting Allstate Home and/or Auto Policy(ies)
- 2 Operators in the household

Your Policy is a legal contract between you and Allstate Indemnity Company.

Read Your Policy Carefully

Discount (included in your total premium)

Multiple Policy Discount -
Auto and Property 33%

Operators in the household*

Jacqueline Mjolhus

Eric Mjolhus

**The operators named are currently listed on your auto policy. If there are any other operators in your household or if any of the operators named have left your household, please contact your agent or producer of record to have your policy updated.*

Policy Coverages and Limits of Liability

Coverages	Limits of Liability
Excess Liability - Bodily Injury and Property Damage Annual Aggregate Limit	\$1,000,000 each occurrence \$2,000,000 during the current policy period
Excess Liability - Personal Injury Annual Aggregate Limit	\$500,000 each occurrence \$1,000,000 during the current policy period
Additional Dwelling Rented To Others	Not purchased*

*** This coverage can provide you with valuable protection. To help you stay current with your insurance needs, contact your agent to discuss available coverage options and other products and services that can help protect you.**

Information as of December 28, 2022

Summary

Named Insured(s)
Jacqueline Mjolhus, Eric J Mjolhus

Mailing address
**5649 157th Ave NW
Ramsey MN 55303-4044**

Policy number
811 389 971

Your policy provided by
Allstate Indemnity Company

Policy period
Begins on **December 29, 2022** at 12:01 A.M. standard time, with no fixed date of expiration

Premium period
Beginning **December 29, 2022** through **December 29, 2023** at 12:01 A.M. standard time

Your Allstate agency is
Sniezek Group Agcy
9630 Colorado Ln N
Brooklyn Park MN 55445-2384
(763) 205-5322
SniezekAgency@allstate.com

Some or all of the information on your Policy Declarations is used in the rating of your policy or it could affect your eligibility for certain coverages. Please notify us immediately if you believe that any information on your Policy Declarations is incorrect. We will make corrections once you have notified us, and any resulting rate adjustments, will be made only for the current policy period or for future policy periods. Please also notify us immediately if you believe any coverages are not listed or are inaccurately listed.



Policy number: **811 389 971**

Policy effective date: December 29, 2022

Required Underlying Insurance Limits

You must maintain the Required Underlying Insurance, at or above the limits as shown below at all times for each liability exposure any insured person has. Please refer to the "Required Underlying Insurance" provision of the policy.

Coverage	Required Underlying Limit
Personal Liability - Bodily Injury and Property Damage Liability	Combined Single Limit
1. Homeowners, Condominium, Renters, Mobilehome, Manufactured Home or other Personal Liability Policy	\$300,000 per occurrence
2. Incidental Office, Private School or Studio	
One, Two, Three or Four Family Residential Rental Property - Bodily Injury and Property Damage Liability	\$300,000 per occurrence
Automobiles and Motor Homes	Bodily Injury \$250,000 each person \$500,000 each occurrence Property Damage \$100,000 each occurrence or Combined Single Limit \$500,000 per occurrence
Motorcycles, Motor Scooters, Mopeds and Recreational Vehicles	Bodily Injury \$100,000 each person including Passenger Liability when available \$300,000 each occurrence Property Damage \$100,000 each occurrence or Combined Single Limit \$300,000 per occurrence Guest Passenger Liability \$100,000 each person (when available as a separate limit) \$300,000 each occurrence or Combined Single Limit \$300,000 per occurrence
Personal Watercraft such as jet skis and wet bikes	Bodily Injury \$100,000 each person \$300,000 each occurrence Property Damage \$100,000 each occurrence or Combined Single Limit \$100,000 per occurrence
Watercraft Liability Craft under 26 feet and up to 50 horsepower (U.S. horsepower)	Bodily Injury \$100,000 each person \$300,000 each occurrence Property Damage \$100,000 each occurrence or Combined Single Limit \$100,000 per occurrence
Watercraft Liability Craft 26 feet and over or greater than 50 horsepower (U.S. horsepower)	Bodily Injury \$250,000 each person \$500,000 each occurrence Property Damage \$100,000 each occurrence or Combined Single Limit \$250,000 per occurrence

(continued)

Personal Umbrella Policy Declarations
Policy number: **811 389 971**
Policy effective date: December 29, 2022



Coverage

Employers' Liability - if Workers' Compensation or similar coverage for Domestic Workers is required or purchased voluntarily

Required Underlying Limit

\$300,000 each occurrence
\$300,000 each employee
\$500,000 policy aggregate

Your policy documents

Your Personal Umbrella policy consists of the Policy Declarations and the following documents. Please keep them together.

- Personal Umbrella Policy - AS400
- Minnesota Personal Umbrella Policy Amendatory Endorsement - AS429-1

Important payment and coverage information

Here is some additional, helpful information related to your coverage and paying your bill:

- ▶ Please note: This is not a request for payment. Any adjustments to your premium will be reflected on your next scheduled bill which will be mailed separately.

Allstate Indemnity Company's Secretary and President have signed this policy with legal authority at Northbrook, Illinois.

Handwritten signature of William Hill in black ink.

William Hill
President

Handwritten signature of Susan L. Lees in black ink.

Susan L. Lees
Secretary



Amended Homeowners Policy Declarations

Your policy effective date is August 31, 2022



Total Amount Due for the Premium Period

Premium for property insured	\$2,779.01
Minnesota Fire Insurance Surcharge	13.90
Total	\$2,792.28

Your bill will be mailed separately. Before making a payment, please refer to your latest bill, which includes payment options and installment fee information. If you do not pay in full, you will be charged an installment fee(s).

Discounts (included in your total premium)

Age of Utilities	6%	Protective Device	2%
Claim Free	15%	Home and Auto	35%

Location of property insured

5649 157th Ave NW, Ramsey, MN 55303-4044

Rating Information*

Please review and verify the information regarding your insured property. Please refer to the Important Notice (X67831-2) for additional coverage information. Contact us if you have any changes.

The dwelling is of frame construction and is occupied by 1 family

Your dwelling is 1 mile to the fire department

Dwelling Style:

Built in 2003; 1 family; 1800 sq. ft.; 2 stories

Foundation:

Below grade basement, 100% Standard finish, 100%

Attached structures:

One 3-car attached garage Wood deck, 175 sq. ft.

Interior details:

One basic kitchen One basic half bath
One basic full bath One gas fireplace
Two basic three-quarter baths

Exterior wall types:

95% vinyl siding 5% brick on frame

Interior wall partition:

100% drywall

Heating and cooling:

Information as of December 12, 2022

Summary

Named Insured(s)
Jacqueline and Eric J Mjolhus

Mailing address
**5649 157th Ave NW
Ramsey MN 55303-4044**

Policy number
922 527 023

Your policy provided by
**Allstate Property and Casualty
Insurance Company**

Policy period
Begins on **August 31, 2022** at 12:01 A.M.
standard time, with no fixed date of
expiration

Premium period
Beginning **August 31, 2022** through
August 31, 2023 at 12:01 A.M. standard
time

Your policy change is effective
December 13, 2022

Your Allstate agency is
Sniezek Group Agcy
12908 Main St
Rogers MN 55374-8998
(763) 428-0051
gregsniezek@allstate.com

Some or all of the information on your Policy Declarations is used in the rating of your policy or it could affect your eligibility for certain coverages. Please notify us immediately if you believe that any information on your Policy Declarations is incorrect. We will make corrections once you have notified us, and any resulting rate adjustments, will be made only for the current policy period or for future policy periods. Please also notify us immediately if you believe any coverages are not listed or are inaccurately listed.

(continued)



Policy number: **922 527 023**
 Policy effective date: August 31, 2022

Rating Information* (continued)

Average cost heat & central air conditioning, 100%

Additional details:

One sliding glass door Interior wall height - 8 ft, 100%

Fire protection details:

Fire department subscription - no 1 mile to fire department

Roof surface material type:

Composition
 • 100% asphalt / fiberglass shingle

**This is a partial list of property details. If the interior of your property includes custom construction, finishes, buildup, specialties or systems, please contact your Allstate representative for a complete description of additional property details.*

Mortgagee

WELLS FARGO BANK NA 936 ITS SUCCESSORS &/OR ASSIGNS
 P O Box 100515, Florence, SC 29502-0515
 Loan number: 0494528938

Additional Interested Party:

City of Ramsey
 7550 Sunwood Dr NW, Ramsey, MN 55303-4044

Coverage detail for the property insured

Coverage	Limits of Liability	Applicable Deductible(s)
Dwelling Protection - with Building Structure Reimbursement Extended Limits	\$458,993	• \$1,500 All peril
Other Structures Protection	\$45,900	• \$1,500 All peril
Personal Property Protection - Reimbursement Provision	\$344,245	• \$1,500 All peril
Additional Living Expense	Up to 12 months	
Family Liability Protection	\$300,000 each occurrence	
Guest Medical Protection	\$5,000 each person	
Water Back-Up	\$5,000	• \$500 Water Back-Up



► **Other Coverages Not Purchased:**

- Business Property Protection*
- Business Pursuits*
- Electronic Data Processing Equipment*
- Electronic Data Recovery*
- Extended Coverage on Cameras*
- Extended Coverage on Jewelry, Watches and Furs*
- Extended Coverage on Musical Instruments*
- Extended Coverage on Sports Equipment*
- Fire Department Charges*
- Home Day Care*
- Identity Theft Expenses*
- Incidental Office, Private School Or Studio*
- Increased Coverage on Money*
- Increased Coverage on Securities*
- Increased Silverware Theft Limit*
- Loss Assessments*
- Satellite Dish Antennas*

* **This coverage can provide you with valuable protection. To help you stay current with your insurance needs, contact your agent to discuss available coverage options and other products and services that can help protect you.**

Scheduled Personal Property Coverage

Your policy does not include Scheduled Personal Property Coverage. This coverage can provide you with valuable protection. To help you stay current with your insurance needs, contact your agent to discuss available coverage options and other products and services that can help protect you.

Your policy documents

Your Homeowners policy consists of the Policy Declarations and the following documents. Please keep them together.

- Homeowners Policy - APC486
- Water Back-up Endorsement - APC479
- Minnesota Amendatory Endorsement form - APC511-1
- Extended Protection Amendatory Endorsement - APC626
- Guaranteed Renewal for Claims Endorsement - APC308
- Minnesota Standard Fire Policy Provisions - AS225
- Depreciation Amendatory Endorsement - AP4983

Important payment and coverage information

Here is some additional, helpful information related to your coverage and paying your bill:

- The Property Insurance Adjustment condition applies using the Marshall Swift Boeckh Publications building cost index.
- Do not pay. Mortgagee has been billed.

Allstate Property and Casualty Insurance Company's Secretary and President have signed this policy with legal authority at Northbrook, Illinois.

William Hill
President

Susan L. Lees
Secretary



Important notices

Policy number: **922 527 023**
 Policy effective date: August 31, 2022

Dwelling Profile

Allstate has determined that the estimated cost to replace your home is: \$458,993

The enclosed Policy Declarations shows the limit of liability applicable to Dwelling Protection-Coverage A of your homeowners insurance policy. The estimated replacement cost of your home is the minimum amount for which we will insure your home.

The decision regarding the limit applicable to your Dwelling Protection-Coverage A is your decision to make, as long as, at a minimum, your limit equals the estimated replacement cost as determined by Allstate and does not exceed maximum coverage limitations established by Allstate.

It is important to keep in mind that your Coverage A limits reflect a replacement cost that is only an estimate based on data that was available to us when we made this estimate (this information is described in the "Rating Information" section of your Policy Declarations). The actual amount it will cost to replace your home cannot be known until after a covered total loss has occurred.

How is the replacement cost estimated?

Many factors can affect the cost to replace your home, including its age, size, and type of construction. For example, the replacement cost uses construction data, such as labor and materials, that are available to us when we made this estimate. This estimate is also based on characteristics of the home, which include information that you provided to us. You might have chosen to insure your home for a higher amount than the estimated replacement cost shown above.

Note to customers renewing their policy

The estimated replacement cost for your home may have changed since the last time we communicated this information to you. This is because, at renewal, Allstate uses the home characteristics that you have provided to us to recalculate and update the estimated replacement cost. Using updated labor and material rates for your zip code, Allstate takes the home characteristics you have provided and determines the updated estimated replacement cost. The information about your home's characteristics is provided in the "Rating Information" section of your Policy Declarations.

Please note: Your Dwelling information is used to estimate your home replacement cost. It's important to review and update this information so we're using the most accurate details to estimate your home's replacement value.

If the information about your home shown in your Policy Declarations requires any change or if you have any questions or concerns about the information contained in this Important Notice, please contact your Allstate representative, or call us at 1-800-ALLSTATE®.

X67831-2

Right-of-Way License Agreement

In exchange for the consideration of \$115.00 (right-of-way road closure permit fee amount), receipt of which is acknowledged, this agreement, made this 23rd day of DEC, 2022, between the City of Ramsey, Minnesota (hereinafter "the City") and Jacqueline V. Mjolhus and Eric J. Mjolhus, (hereinafter "the Licensee"), is as follows:

The Licensee will utilize a portion of a platted right of way consisting of approximately 2,000 square feet located in the City as an improved and paved stub as part of Krypton Street Northwest immediately joining the licensee's property located at 5649 157th Avenue Northwest. The encroachment will solely consist of flooding the right of way to create a sheet of ice with surrounding boards, boundaries and lighting for an ice skating/hockey rink. This license shall commence upon approval of the City Council and be valid until March 31, 2023, unless terminated earlier under the terms herein, or extended with the express permission in writing of the City.

A representation of the area to be used is attached and incorporated by reference as **Attachment A**.

It is expressly understood that the subject property of this encroachment license is located on a public right of way held in trust by the City for the benefit of the public. This proposed use shall at all times be subordinate to the public interest including, but not limited to, access at any time for utility or road work. The license is held by the licensee alone and may not be transferred or extended without the express consent in writing of the City.

The City or its agents may enter upon the licensed area at any time when, in its full discretion it is necessary to do so. Any ice or structures may be removed by the City at any time and any expense incurred as the result of the placement of the ice or structures on the right of way shall be borne entirely by the licensee.

The Licensee agrees to hold the City harmless from any all injuries or other liability as may be incurred by the Licensee or other third parties on the Licensed Premises for the period provided in this license. The Licensee shall maintain insurance coverage for any liability as may be incurred on the licensed premises and the City shall be a designated beneficiary of said insurance coverage.

For the City of Ramsey:

Mayor

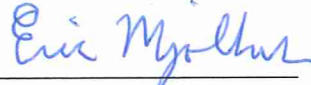
Attest:

Clerk

Licensee:



Jacqueline V. Mjolhus

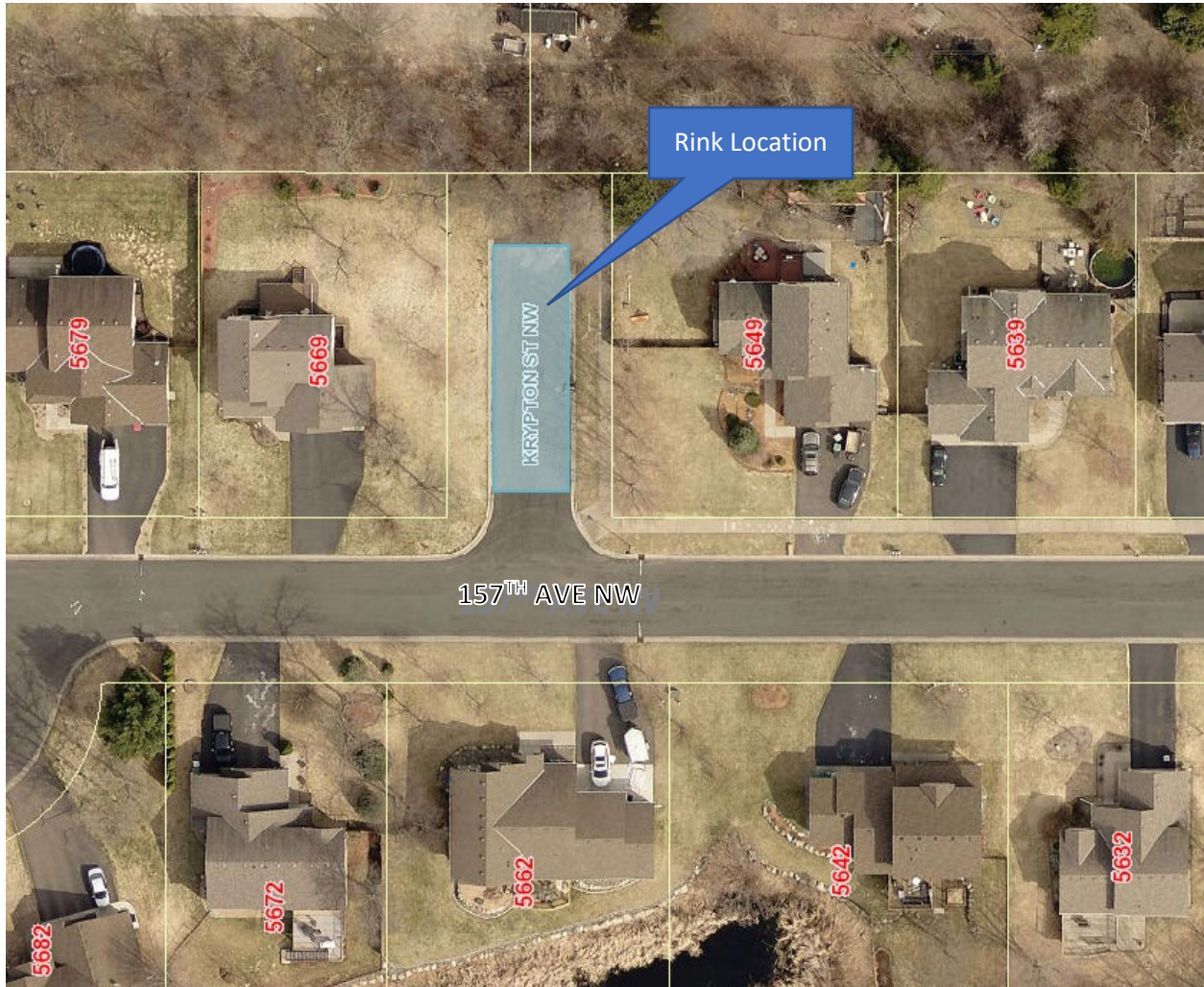


Eric J. Mjolhus

This instrument drafted by:

Frederic W. Knaak, Esq.
(MN. Lic. #0056777)
4501 Allendale Drive
North Oaks, MN 55127

Attachment A:
Location Map
(Approximate)



2020 Aerial Photo Courtesy of Anoka County Parcel Viewer

Photos of the ice rink (11/28/2022)

