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

The Ramsey City Council conducted a regular meeting on Tuesday, November 28, 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
City Engineer/Public Works Director Bruce Westby
Planning Manager Todd Larson
City Attorney Fritz Knaak
City Clerk Katie Schmidt

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: 2023 Pothole Patching Update

City Engineer/Public Works Director Westby reviewed the Staff report and gave an update on the 2023 pothole patching projects, as well as the plan moving forward with the roads in the future.

Councilmember Specht asked about the skim patching and how this covering would prevent the patching from sinking into the existing pothole.

City Engineer/Public Works Director Westby explained that they clean the streets then blow out the potholes and then apply tack and bituminous. He added that they do roll the patching so if there is any settling at all it should be very minor. He stated that these fixes are temporary fixes and are not intended to be a 15-20 year fix.

Councilmember Woestehoff thanked City Engineer/Public Works Director Westby and his team for their work on the roads. He noted that 47% of roads were addressed in Ramsey last year.

Councilmember Musgrove thanked City Engineer/Public Works Director Westby and his team as well for a job well done.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

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

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

5. CONSENT AGENDA

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

- 5.01: Schedule Public Hearing for Adoption of 2024-2033 Capital Improvement Plan
- 5.02: Approve the following Meeting Minutes:
 - 1) City Council Work Session dated 11/14/2023
 - 2) City Council Regular dated 11/14/2023
- 5.03: Approval of Alpine Park Cell Tower Lease Extension
- 5.04: Adopt Resolution #23-306 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of November 9, 2023 through November 24, 2023.
- 5.05: Adopt Resolution #23-224, Approving Final Payment to A & B Construction LTD, for IP #22-10, Public Works Salt Shed.
- 5.06: Adopt Resolution #23-259 Establishing Precinct and Polling Locations for the 2024 Election Year
- 5.07: Adopt Resolution #23-274 Approving Partial Payment to Meyer Contracting, Inc. for IP #23-11; Lift Station 10 Improvements.
- 5.08: Adopt Resolution #23-276 Approving Partial Payment to Douglas-Kerr Underground, LLC. for Improvement Project #23-10; HY-10 Ramsey Improvements.
- 5.09: Adopt Resolution #23-285 Approving Partial Payment to Veit & Company, Inc. for Improvement Project #23-02, Central Park Parking Lot Reconstruction.
- 5.10: Adopt Resolution #23-286 Approving Partial Payment to Douglas-Kerr Underground LLC., for improvement project #23-05, Barthel's Rum River Acres 2nd Street Reconstruction.
- 5.11: Adopt Resolution #23-287 Approving Partial Payment to Landall Services, LLC for Improvement Project #23-10, Whispering Pines Estates Plat 3 Street Reconstruction.

- 5:12: Adopt Resolution #23-288 Approving Partial Payment to North Valley, Inc. for improvement project #23-07, 2023 Neighborhood Pavement Overlay Improvements.
- 5:13: Adopt Resolution #23-289 Approving Partial Payment to North Valley, Inc. for Improvement Project #23-06; 2023 MSA Pavement Overlay Improvements.
- 5:14: Adopt Resolution #23-290 Approving Partial Payment to Enebak Construction Company for Improvement Project #23-20; COR Mass Grading.
- 5:15: Adopt Resolution #23-291 Approving Partial Payment to Asphalt Surface Technologies Corp. for Improvement Project #23-04; 167th Avenue Reconstruction.
- 5:16: Adopt Resolution 23-292 Not Waiving Statutory Tort Limits
- 5:17: Adopt Resolution #23-295 Authorizing Partial Payment No. 5 To Magney Construction, Inc. for Improvement Project #21-09; Centralized Water Treatment Plant.
- 5:18: Adopt Resolution #23-297 Approving Plans and Specifications and Authorizing Advertisement for Bids for Barthel's Rum River Acres and White Pines Estates Street Reconstructions, Improvement Project #24-01
- 5:19: Adopt Resolution #23-298 Ordering Plans and Specifications for 2024 MSA Pavement Overlay Improvements, Improvement Project #24-06
- 5:20: Adopt Resolution #23-299 Ordering Plans and Specifications for 2024 Neighborhood Pavement Overlay Improvements, Improvement Project #24-07
- 5:21: Adopt Resolution #23-302 Adopting the 2024 Parking Ramp Maintenance Budget and Adopt Resolution #23-304 Allocating the Parking Ramp Maintenance Costs per the Adopted 2024 Budget.
- 5:22: Adopt Resolution #23-303 Authorizing Final Payment to Diversified Pavement, Inc. for Improvement Project #23-21, Deep Pothole Patching Contracted Services.

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

6. PUBLIC HEARING

6.01: Public Hearing - Approve On-Sale, including Sunday Sales, Liquor License for Bossman, Inc dba Chanticlear Pizza

Presentation

City Administrator Hagen reviewed the staff report in regard to the requested liquor license for Chanticlear Pizza.

Public Hearing

Mayor Kuzma called the public hearing to order at 7:18 p.m.

Citizen Input

There was none.

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

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

The public hearing was closed at 7:19 p.m.

Council Business

Motion by Councilmember Riley, seconded by Councilmember Specht, to approve an On-Sale Liquor License, including Sunday Sales, for Bossman, Inc dba Chanticlear Pizza, contingent upon completion and approval of background investigation by the Police Chief.

Further discussion:

Councilmember Musgrove shared a welcome to this new restaurant which will be in the COR area.

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

6.02: Public Hearing - Adopt Ordinance #23-17: 2024 Schedule of Rates, Fees and Charges

Presentation

City Clerk Schmidt reviewed the staff report concerning the 2024 schedule of rates, fees and charges.

Public Hearing

Mayor Kuzma called the public hearing to order at 7:20 p.m.

Citizen Input

There was none.

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

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

The public hearing was closed at 7:21 p.m.

Council Business

Motion by Councilmember Woestehoff, seconded by Councilmember Olson, to waive the City Charter Requirement that the Ordinance be read aloud and Adopt Ordinance #23-17: 2024 Schedule of Rates, Fees and Charges.

A roll call vote was performed:

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

Motion carried.

7. COUNCIL BUSINESS

7.01: Consider Request to Construct Private Ice Rink on Krypton Street NW, North of 157th Avenue NW

City Engineer/Public Works Director Westby reviewed the Staff report and shared the request for a private ice rink. He stated that the rink was in the same area last year and there were no known issues with the public that Staff is aware of.

Councilmember Specht stated that he believes this is a great idea as it adds a lot of value to residents and they do enjoy it. He noted that he would be in agreement with the suggested restrictions.

Councilmember Howell shared that she is glad to see a sub street being used. She stated that she is not concerned with anything being constructed in this area over the winter. She noted that she would not have any issue with supporting this as long as all conditions were met.

Motion by Councilmember Specht, seconded by Councilmember Howell, to approve the request of the property owner to construct a private ice rink on Krypton Street NW, North of 157th Avenue NW, with the outlined conditions as stated in the case.

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

7.02: Settlement Hearing: Animal violation of Chapter 10 for the keeping of a rooster on property less than 2.5 acres in size, located at 6025 177th Ln NW, Ramsey, MN.

City Attorney Knaak reviewed the Staff report concerning an animal violation for the Trouts for keeping a rooster on their property. He reviewed the process of a settlement hearing. He shared that the property owner has stated that this animal is an emotional support animal.

Councilmember Musgrove commented on the delicate nature of the ADA and accommodations and how this plays into trying to work with residents. She noted that it is not always black and white with this. She stated that it would be beneficial to hear from the resident on this matter.

Derek and Lanie Trout, 6025 177th Lane NW, came forward and shared that they submitted a statement to the City over the weekend. Mr. Trout stated that there have been false complaints and police reports about him for a different matter, so he is not sure if the complaints pertaining to this matter are legitimate complaints. He added that one of the families who stated that they have been affected by the rooster have loud chickens on their property. He shared that he has been reading Ramsey's Code and he has found that the City allows dangerous wild animals within the City limits. He added that his rooster already has the required enclosure with more than the required setback distances. He shared that when they first got their rooster at the beginning of the year they were under the impression that the minimum lot size was 1.5 acres so there would have been no need for the emotional support animal recognition. He added that over the last few months the City has changed their goat regulations down to a minimum lot size of 0.5 acres. He shared that there is a minimum lot size of 2.5 acres for swine; however, there is no minimum lot size requirement for potbelly pigs. He stated that he does not understand the City Code as it pertains to these animals. He noted that it may be beneficial to review the rooster ordinance. He shared that he also requested a reasonable accommodation that would ensure that the animal was put away during normal quiet hours for City Code. He added that a typical lawn mower would be twice as loud as their rooster.

Councilmember Howell asked if there have been other instances where there have been code violations when there was a need for emotional support animals based on recognized disabilities.

City Attorney Knaak said yes and explained that in the instance he is thinking of there was no balancing of disability interests as there is in this case.

Councilmember Musgrove asked if there have been other instances where there was an accommodation made for someone with a disability, but it did not include a rooster.

City Attorney Knaak said yes and explained there was an accommodation made. He noted that what was not present in this other situation was the mitigating factor. He added that the resident already has neighborhood relationship problems that could drive this in a different direction; however, that is not relevant for this discussion.

Councilmember Musgrove stated that it is hard for her to make a decision on this as there are some factors about the other disability that are not known. She noted that they have made exceptions for people who have had code violations. She asked if this could be tabled, and the Council could look at the rooster code issue since they are already reviewing the code in Work Sessions.

City Attorney Knaak shared that if the Council needs more time on this then they can take it.

Councilmember Woestehoff stated that the longer they wait to decide on this the longer the other resident is suffering. He noted that they would be making an accommodation to one resident and put the burden back on the other resident. He stated that the exotic animals that are addressed in

the code that Mr. Trout mentioned do not live outside and are quiet. He added that getting an emotional support animal can be done easily online. He noted that although this is a complicated case, he feels as though they just reviewed the animal code not long ago. He added that there are more factors than just noise or the danger of an animal that is taken into account for the code. He stated he is not in favor of tabling this item and is also not in favor of allowing the rooster to be on the property.

Councilmember Howell shared that she thinks it is inappropriate and insensitive to comment that getting an emotional support animal can easily be done online. She stated that they did discuss this code extensively which included discussing acreage for roosters. She noted that during this discussion she advocated for the lot size requirement to be two acres. She shared that she is of the opinion that the code could be tighter and there are not logical reasons behind every decision for acreage requirements. She noted that she would be in support of revisiting the code and would not mind tabling this discussion.

Mayor Kuzma stated that he would not support tabling this discussion and thinks it should be dealt with today. He added that he will not be supporting this.

Councilmember Riley explained that there is a rather newly written code that is clear. He stated that City Attorney Knaak has also laid out that there is a whole process that has been followed to enforce the rules that the Council has made. He noted that it seems like it is a rather easy decision as the Council has made a rule, Staff is following it, and now the Council should continue to follow this rule.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to approve Resolution #23-300, A Resolution Determining That a Violation of the Ramsey City Code Relating to Keeping a Rooster on a Parcel of Less Than 2.5 Acres Has Occurred at 6025 177th Lane NE and Directing City Staff and Law Enforcement Authorities Take Such Measure as May be Necessary to Remove the Animal Therein.

Further discussion:

Councilmember Specht added that he agrees that they could take another look at the code to see if it would be appropriate to change the lot size requirement for roosters. He shared that he has heard from other residents questioning some of the animal ordinances that the Council has worked on. He shared that he would be in favor of revisiting the code. He added that he would not be in support of the emotional support aspect of this but would be in support of tabling this and looking at the animal code as a whole.

Councilmember Olson stated that he does not understand why the acreage requirement does not align with the distance setbacks. He noted that it seems there are conflicting rules within the code.

Councilmember Musgrove stated that she will not be supporting the motion and added that Councilmember Olson brings up a good point. She noted that it is worth going back and looking at this again to make sure other issues like this will not continue to come forward.

Councilmember Howell agreed that Councilmember Olson made a good point and added that she will not be supporting the resolution.

Councilmember Riley asked if the acreage requirements and the setbacks are both being looked at in this case.

City Attorney Knaak stated that it is just the acreage requirements.

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

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to bring this back to the next Work Session for discussion.

Further discussion:

Councilmember Woestehoff asked if they can bring this case back or if it has to have substantial changes.

City Attorney Knaak explained that if there is a motion to table they can table this specific item and have it be considered at any meeting. He added that they are following a procedure and an appeal which is not normal Work Session material. He suggested that someone make a motion to table this item which would be the superior motion.

Councilmember Howell withdrew her motion.

Councilmember Musgrove withdrew her second.

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to table this item.

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

7.03: Adopt Ordinance #23-20, Amendment to Chapter 26, Licenses, Permits, and Miscellaneous Business Regulations, Article XVI. Tobacco, Division 2, Section 26-787(6)

Planning Manager Larson reviewed the Staff report in regard to the amendments to the tobacco licenses.

Motion by Councilmember Musgrove, seconded by Councilmember Specht, to waive the City Charter requirement to read the ordinance aloud and to adopt Ordinance #23-20, Chapter 26 Licenses, Permits, and Miscellaneous Regulations, Article XVI. Tobacco, Division 2, Section 26-787(6).

A roll call vote was performed:

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

Motion carried.

7.04: Adopt Resolution #23-305 Accepting Bids and Awarding Contract for Improvement Project #21-08, Water Treatment Plant Trunk Watermain Improvements

City Engineer/Public Works Director Westby reviewed the Staff report in regard to the water treatment plant trunk watermain improvements. He shared the recommendation to award the contract to Northdale Construction Company, Inc. in the alternate bid amount of \$6,671,414.

Motion by Councilmember Howell, seconded by Councilmember Olson, to to adopt Resolution #23-305 accepting bids and awarding a contract for Improvement Project #21-08, Water Treatment Plant Trunk Watermain Improvements, to Northdale Construction Company for the alternate bid in the amount of \$6,671,414.

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

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Hagen announced upcoming meetings and events.

Councilmember Specht shared that Brookside Elementary will be having a Craft Fair and Secret Santa Event on Saturday, December 2.

Councilmember Musgrove noted that it is great to have Highway 10 open. She noted that some roads will still be close and encouraged residents to watch for intermittent construction.

Councilmember Woestehoff added that ARAA is having their sponsorship dinner on Saturday, December 9 at Green Haven.

9. ADJOURNMENT

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

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

The regular meeting of the City Council adjourned at 8:19 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.