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

The Ramsey City Council conducted a regular meeting on Tuesday, May 14, 2024, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: Councilmember Matt Woestehoff

Also Present: City Administrator Brian Hagen
City Planner Adam Martin
Parks and Assistant Public Works Director Mark Riverblood
Planning Manager Todd Larson
City Attorney Fritz Knaak
Assistant City Engineer Joe Feriancek
City Engineer/Public Works Director Bruce Westby

1. CALL TO ORDER

Mayor Kuzma called the regular meeting of the Ramsey City Council to order at 7:03 p.m., followed by the Pledge of Allegiance led by Mayor Kuzma.

2. PRESENTATION

2.01: Proclamation declaring the month of May 2024 as ALS Awareness Month

Mayor Kuzma read the proclamation declaring May 2024 as Amyotrophic lateral sclerosis (ALS) Awareness Month.

3. CITIZEN INPUT

Michelle Powers, 6821 146th Circle NW, came forward to discuss challenges that she is currently having with her property. She shared that her family moved into their home in the fall of 2016. She explained that with being in a cul-de-sac, their backyard is an odd shape and beyond the yard there is a slope that leads to a chain link fence with a paved walking path behind the fence. She shared that when they moved in there was a significant amount of weed growth encroaching on their fence, and despite their efforts to remove these weeds, they continued to grow through the

fence. She explained that last summer they invited someone from the City out to talk to them about what can be done. She said they were told by this individual that he values this wildlife and was not interested in helping the homeowners maintain this area. She added that they were also told that their fence was likely on City property. She noted that they decided to do this project on their own dime this spring. She shared that they planned on leveling out some of this area in their backyard and building a retaining wall that would hopefully help with the weeds and privacy. She explained that they hired a surveyor and a contractor to do this work. She noted that during this project, someone from the City, Code Enforcement Officer Swalchick would show up and talk to the landscapers and contractors telling them that they could not build that way and needed to build it at least five feet in from the property line and if it were even an inch closer to the line then he would send someone out to tear down the wall. She shared that Code Enforcement Officer Swalchick called the police on her hired workers and even showed up to their shop and treated them in a rude manner. She explained that because of this they felt pressured to move their retaining wall farther in to make sure it was at least five feet from the property line which leaves them with very little yard space and will cause difficulty when mowing. She added that when they hired a fence company to come out, they discovered that another piece of their yard, including a section of their fence, is on City property, which was not revealed to them when they purchased their home. She stated that the fence is over 30 years old so she is unsure of whether or not the original homeowners had the City's permission to put their fence where it is. She said they are now seeking permission to put up their vinyl fence in the same place. She noted that the section of land that their fence surrounds cannot be used for anything practical as it cannot be developed and is not a large enough space to build on. She explained that if they are not able to keep their fence where it is then it will be an inconvenience to their next door neighbors as they will also have to reconfigure their fence. She shared that she has reached out to several City employees, yet no one has granted them permission to keep their fence line and some Staff have not even answered their emails. She added that they are being told that just because the fence has already been there for 30 years it is not a good enough reason to keep the fence line. She said their new fence is scheduled to be installed on May 23 and they would like written permission to keep their fence where it is and would be willing to allow the City onto the property at any time if any work is necessary. She said they would also like compensation for the hassle that Code Enforcement Officer Swalchick put them through during this process. She stated that once all invoices are paid, they have spent a total of \$28,533.50 on this whole project. She explained that they love the wildlife and nature view that they have in their backyard and said they are not trying to ruin the beauty of the City.

Councilmember Specht thanked Ms. Powers for coming forward and voicing her concerns. He asked Staff if they can make this a priority to look at.

City Administrator Hagen explained that there are options in this situation that they can look at to resolve this issue. He said Staff can look into this and find potential solutions.

Councilmember Howell shared she would love for solutions to be thoroughly explored for this issue. She said the City has obviously not had a need for this property area in over 30 years and this should be taken into consideration.

Mayor Kuzma asked City Attorney Knaak about the compensation request.

City Attorney Knaak explained that when there is an encroachment like this where the encroachment was unknown to the City, they have granted licenses to property owners to utilize City property. He added that they could also work out an encroachment agreement of some sort.

Councilmember Riley stated that an encroachment agreement seems to make a lot of sense in this area. He said he would like to have a discussion on this or to have Staff figure out what this could look like. He stated that he does not support any kind of compensation for a private project.

Councilmember Olson agreed and said it seems logical to make an encroachment agreement in this area; however, he also does not support any kind of compensation to be given.

Councilmember Musgrove asked for consideration for a quick claim deed. She stated she is not sure if this would be an appropriate use of a quick claim deed; however, she is not sure if the City would even be using this land and with it being such a small, awkward shaped area, she does not see a need for the City to maintain the land.

City Attorney Knaak shared that it is his understanding that this is platted park land and selling park land is one of the more difficult things for the City to do.

Councilmember Specht asked if the license or encroachment agreements are for a set amount of time or if they expire at a certain time.

City Attorney Knaak said it would be up to the Council. He noted that when they are doing a license, it would be based on the individual where an encroachment agreement would be a document in the public record.

Councilmember Olson asked if the encroachment agreement would transfer ownership if the current homeowners were to sell their property.

City Attorney Knaak said it can and that most situations like this would transfer.

Mayor Kuzma asked City Administrator Hagen to work directly with Ms. Powers to get this issue resolved.

Councilmember Specht asked if they could also proactively set up agreements for the other neighbors along this same path who are likely in the same situation.

City Attorney Knaak said what they do for one property owner they will likely have to do for all property owners in this same situation. He noted that they do not have to do these agreements all at once; however, it would be unfair to allow it for one neighbor and not the others down the line.

Councilmember Howell agreed with Councilmember Specht. She said this situation needs to be prioritized; however, they have time to be able to look at all of the properties along this path to see how they can address it with every other property owner.

City Attorney Knaak noted that there is nothing wrong with a City employee defending the City's property interests that are being encroached on. He said Code Enforcement Officer Swalchick was not doing something wrong in this case.

Justin Dahl, the owner of Lawn Monster, the landscaping company doing the work for the Powers family, came forward and shared that he has been in Ramsey for over 15 years and he has never seen anything like this. He explained that what he and his crew went through to try to protect the Powers' land was over-the-top with how City Staff treated them. He said he does work in many cities and has never seen a Code Enforcement Officer jump out of a vehicle and walk up to one of his employees and give them a ticket and ask them questions like "are you hard of hearing?" and accuse his employees of moving the property stake. He stated this treatment of his employees was repetitive and over-the-top. He shared that the only reason that Code Enforcement Officer Swalchick even knew about this job is because he reached out to him to ask him about the setback distance from the bike patch. He added that he is aware that Code Enforcement Officer Swalchick treats other contractors this way as well. He asked the Council to take this into consideration. He noted that the bill to the Powers went up astronomically because of Code Enforcement Officer Swalchick. He added that Code Enforcement Officer Swalchick called the police on his staff.

Mayor Kuzma interrupted Mr. Dahl and said they have enough information on how to handle this situation.

Councilmember Howell said this is citizen input and it is the Council's opportunity to hear from a City business owner in the City that may have some concerns. She said she would like to hear all that Mr. Dahl has to say on this.

Mayor Kuzma said City Administrator Hagen will look into this and they can discuss this further in the future if needed.

City Administrator Hagen asked Council if they would be agreeable to allow himself, City Attorney Knaak, other Staff, and the property owners come to an agreement and sign it before the Council due to the tight turnaround time.

Councilmember Specht stated that as long as the residents are happy with the decision then he is fine with Council not seeing the agreement before it is signed.

Councilmember Musgrove agreed.

Councilmember Howell agreed.

Councilmember Olsen agreed.

4. APPROVE AGENDA

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

A roll call vote was performed:

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

Motion carried.

5. CONSENT AGENDA

Mayor Kuzma shared that they will be pulling item 5.12 and will be discussing it during Council Business as Case 7.8

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

- 5.01: Note the following Boards, Commissions and Meeting Minutes:
- Planning Commission Meeting Minutes Dated March 28, 2024.
 - Economic Development Authority Meeting Minutes Dated March 14, 2024.
 - Public Works Committee Meeting Minutes Dated March 19, 2024.
 - Parks and Recreation Commission Meeting Minutes Dated March 14, 2024.
- 5.02: Receive Cash & Investments for Period Ending April 30, 2024
- 5.03: Receive March 2024 Financial Reports - General Fund, EDA and Enterprise Funds
- 5.04: Approve the following Meeting Minutes:
- 1) City Council Work Session dated April 23, 2024
 - 2) City Council Regular dated April 23, 2024
- 5.05: Approve Business Licenses
- 5.06: Approve Request to Declare Surplus Equipment
- 5.07: Approval of Quit Claim Deeds for Northfork Meadows Outlots
- 5.08: Approve Updated JPA with the Anoka-Hennepin Narcotics and Violent Crimes Task Force
- 5.09: Authorization to Hire a Building Maintenance Worker
- 5.10: Adopt Resolution #24-133 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of April 18, 2024 through May 8, 2024
- 5.11: Adopt Resolution #24-116 Approving a Final Plat for "Donna Farms"
- 5.12: ~~Adopt Resolution #24-120 Approving Change Order No. 1 for COR Infrastructure Improvements, Improvement Project #23-19~~ **Please Note: This item was removed from the Consent Agenda and moved to the Regular Agenda as item 7.8**
- 5.13: Adopt Resolution #24-126 Ordering Plans and Specifications for Fox Ridge Estates 1st and 2nd Street Reconstructions, Improvement Project #24-13
- 5.14: Adopt Resolution #24-127 Approving the Final Plat and Development Agreement for Harmony Farms 2nd Addition.

5:15: Adopt Resolution #24-134 Approving Construction Contingency Expense No. 5 for Improvement Project #21-09, Centralized Water Treatment Plant

A roll call vote was performed:

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

Motion carried.

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Introduce Ordinance #24-02: Rezone a Portion of the Ramsey Landfill from I-1 to CL Northwest of Sunwood Drive and Sunfish Lake Blvd. NW (Connexus Energy).

Planning Manager Larson shared that this was brought before the Council in February when the motion failed. He noted that in order to reconsider this topic they will need a Councilmember from the prevailing side of the motion to make another motion to reconsider the topic.

Councilmember Specht shared that he went on to this site and toured it with a representative from Connexus Energy and other Councilmembers. He noted that the concerns with this that he heard from the residents were with how it will affect the park trail and the wooded area by the sledding hill near Alpine Park. He said this location is pretty deep down the property and will not be viewable from the roads and will not affect the park trail or wooded area. He noted that it is important to look at different energy options for the future. He shared that his concerns were answered and he would be supporting this project now.

Councilmember Olson shared that he also toured the location. He said when he voted against this he felt as though he did not have enough information to make a decision. He noted that he is very pleased with the fact that if Connexus is able to move forward with this that it will be virtually unseen from the roads and surrounding areas. He added that this location seems to be an ideal spot for Connexus as there is nothing else the area can really be used for. He said he would like to look at a limit for solar gardens in the City.

Councilmember Musgrove shared that she strongly opposes this reconsideration. She said there is no new information on this item and the only thing that is new is that Councilmembers have toured the location. She stated this would be Ramsey's third solar garden. She said she opposes this reconsideration as well as the request as a whole. She added that she also does not like the Net

Zero policy at the State level. She shared that she is disappointed that they are not trying to help keep Ramsey less of a solar garden.

Councilmember Specht agreed that the Net Neutral policy is a horrible energy policy; however, he does not see that argument being relevant to this discussion.

Motion by Councilmember Specht, seconded by Councilmember Riley, to reconsider introducing Ordinance #24-02 rezoning a portion of the Ramsey Landfill from I-1 to CL at the northwest of Sunwood Drive and Sunfish Lake Boulevard NW.

Further discussion:

Councilmember Howell shared that she is very disappointed to see this item come back. She noted that Ramsey is rapidly becoming more suburban and less rural, and this will affect the wildlife in the area. She shared that in California, they are turning landfills into nature preserves. She added that Connexus Energy is not a private enterprise and the City will be forced to buy electricity from them and they are not a private business. She said they need to keep this in mind while they move forward with this. She noted that they have discussed previously that the City would like to look into possibly buying land that they can preserve for nature and this site is an opportunity for that. She added that the State has no way of properly disposing of the pollution of solar panels when they are retired. She explained that it is her understanding that when the solar panels are retired, they are being shipped to other states where they become the other state's issue and she does not think this is a way of being a good steward of the environment and does not set a good precedent for the residents. She said she does not support this.

A roll call vote was performed:

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

Motion carried.

Planning Manager Larson reviewed the Staff report in regard to the rezoning request.

Brian Burandt with Connexus Energy came forward and shared that this site is extremely cost effective, and this is the rationale behind why they have chosen this site. He noted that the solar panels will hardly be seen from the road given the topography and the trees. He added that the berm will not be going away and will be planted with native grasses which will be great for habitat and wildlife.

Councilmember Musgrove asked if this garden would be considered small, medium, or large in size.

Mr. Burandt said this is small on the scale of a utility project; however, this garden would be slightly larger than the current solar garden off of Llama Street.

Councilmember Musgrove asked if the cost of this would be around \$10,000,000.

Mr. Burandt said yes.

Councilmember Musgrove asked if the \$1,000,000 that will be saved through Brownfield credits is a benefit of Connexus Energy.

Mr. Burandt explained that every Ramsey resident is a Connexus Energy customer. He shared that his job is to bring forward cost effective solutions and this site qualifies for additional credits because it is on a landfill. He noted that the federal government realizes that landfills have minimal other uses and they are encouraging development on these sites with additional tax credits. He added that this site is more cost effective for Ramsey residents.

Councilmember Musgrove asked if these tax credits go to the residents or to Connexus Energy members.

Mr. Burandt explained that the tax credit buys down the power purchase agreement price that Connexus pays and every Connexus member will benefit from this by having lower power supply expenses.

Councilmember Musgrove asked if every Connexus member is going to benefit from having this solar garden, Ramsey is going to get 20% of tax revenue, and the County will be getting 80%. She asked if the City would be able to get more than 20%.

Mr. Burandt said no due to State statute.

Councilmember Musgrove shared her frustration with this solar garden being in Ramsey while all other Connexus members outside the City will be benefiting from it. She added that it is her understanding that smaller scale installations like this one end up being less cost effective than larger installations.

Mr. Burandt explained that this solar power will feed into the substation next to the Ramsey Fire Hall off of Alpine. He said all of this power will stay within the local area, benefiting Ramsey. He added that this project has cleared the hurdle of the mobilization expense for the solar to be developed.

Councilmember Specht asked about the lifespan of the solar panels.

Mr. Burandt said the solar panels would have a 30 year life expectancy with a warranty.

Councilmember Howell asked how long the credit to the members will last and what kind of anticipated savings members can expect.

Mr. Burandt explained that the power purchase agreement dollar per megawatt rate is fixed for the period of 30 years. He shared that the investment tax credits are monetized over the first seven years.

Councilmember Howell asked what will be done with the solar panels when they reach the end of the lifespan.

Mr. Burandt explained that in the State of Minnesota, the retired solar panels are classified as e-waste. He said these panels have to be recycled.

Councilmember Howell asked if it was true that these panels are shipped out of State to be recycled.

Mr. Burandt said he is not sure where Councilmember Howell got this information as the panels they have had to recycle have been recycled in the State.

Motion by Councilmember Olson, seconded by Councilmember Specht, to introduce Ordinance #24-02 rezoning a portion of the Ramsey Landfill from I-1 to CL at the northwest of Sunwood Drive and Sunfish Lake Boulevard NW.

Further discussion:

Councilmember Riley shared that while people may disagree with the State and the direction that the State has indicated that they are going with energy, this is not the question that the Council is being asked. He noted that this is land that will not otherwise get used as it is unusable for any other purpose which is what makes this a very good spot to consider this solar garden.

Councilmember Specht shared that it is his understanding that Connexus started looking at this site in 2018 when they were working with the State on this at which time the zoning would have allowed it. He said that during the Council's rezoning work, this area got changed to the I-1. He said they are not rezoning this area to allow it; they are rezoning it back to what it used to be.

Councilmember Howell stated that electing officials constantly come and go and to act like a State has a mandate that will last indefinitely with this energy policy is a mistake. She explained that this is not sustainable renewable energy and if they install this third solar garden in the City then they are stuck with it in the City.

Councilmember Musgrove said they do have the ability to not rezone this. She shared that she has spoken to residents since this item was added back onto the agenda and almost every resident had no idea this was being discussed again and that they do not want another solar garden in Ramsey. She noted that this is an opportunity for the City to say to the State that they do not support more solar gardens and that they want to preserve open land and natural areas.

Councilmember Specht shared that Connexus had to appoint a Board Member from Ramsey because no one ran for the open spot. He said this is a great way for residents to get involved and have their voices heard.

A roll call vote was performed:

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

Motion carried.

7.02: Introduce Ordinance #24-08: Rezone Property in the Donna Farms plat from B-2 to B-3

City Planner Martin reviewed the Staff report concerning the request to rezone property in the Donna Farms plat. He shared the Planning Commission's recommendation of approval.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to waive the City Charter provision to read the ordinance aloud and introduce Ordinance #24-08, Approving a Zoning Map Amendment from B-2 to B-3 for Donna Farms.

A roll call vote was performed:

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

Motion carried.

7.03: Consider a Zoning Map Amendment and Site Plan for Norhart Ramsey at 7975 and 7979 Sunwood Drive NW

City Planner Martin reviewed the Staff report in regard to the requested zoning map amendment and site plan review for Norhart Ramsey. He shared the Planning Commission's recommendation of approval for both the zoning map amendment and the site plan review.

Mary Beth Wise, the applicant, came forward and gave a presentation to the Council on the background of Norhart, the plan for this project, and the timeline.

Councilmember Musgrove asked about the change order that was submitted for this item that she had previously asked City Administrator Hagen about.

City Administrator Hagen explained that the change order that she is referring to has to do with case 7.8, which is related to this project but is not related to this item they are discussing.

Councilmember Musgrove said she likes this project and likes the new layout. She noted that it should blend well with the tall building structure of the hotel. She added that she also likes that the building will be faced in such a way that the parking will be on the inside behind the hotel.

Ms. Wise added that they also positioned the pool along Zeolite Street to block any views of Zeolite into the parking lot.

Councilmember Olson asked if Norhart will be seeking users for the retail space.

Ms. Wise said yes.

Councilmember Olson asked what kind of retail users are typical for these buildings.

Ms. Wise said they are at the design phase right now and they will need to plan ahead depending on the type of retail user. She shared that she envisions this space being split in two and having two separate users. She noted that they have put feelers out to see what retailers would be interested. She said she is getting a lot of interest.

Motion by Councilmember Musgrove, seconded by Councilmember Olson, to waive the City Charter provision to read the ordinance aloud and introduce Ordinance #24-07, rezoning a portion of the COR from COR-4b to COR-4c for Norhart Ramsey.

Further discussion:

Councilmember Specht stated he has heard from a lot of residents that they do not want more apartments downtown. He said he will agree with the rezoning and noted that the design looks very nice.

A roll call vote was performed:

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

Motion carried.

Motion by Councilmember Riley, seconded by Councilmember Olson, to adopt Resolution #24-114, Approving a Site Plan for Norhart Ramsey at 7975 and 7979 Sunwood Drive NW, contingent upon rezoning the property.

A roll call vote was performed:

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

Motion carried.

7.04: Adopt Resolution #24-131 Accepting Bids, Awarding Contract and Authorizing Funding for Improvement Project #24-54, The Waterfront

Parks and Assistant Public Works Director Riverblood reviewed the Staff report concerning the improvement requests for The Waterfront project.

Councilmember Musgrove shared her excitement for this project as it came in under budget. She said she is excited to see how this can turn into something really nice and beautiful with all of the amenities.

Motion by Councilmember Musgrove, seconded by Councilmember Specht, to Adopt Resolution #24-131 Accepting Bids, Awarding Contract and Authorizing Funding for Improvement Project #24-54, The Waterfront.

A roll call vote was performed:

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

Motion carried.

7.05: Adopt Resolution #24-125 accepting bids and awarding contract for MSA Xkimo Street Reconstruction, Improvement Project #24-05

Assistant City Engineer Feriancek reviewed the Staff report in regard to the MSA Xkimo Street reconstruction project.

Motion by Councilmember Riley, seconded by Councilmember Musgrove, to adopt Resolution #24-125 accepting bids and awarding a contract for MSA Xkimo Street Reconstruction, Improvement Project #24-05, to Northwest Asphalt for the total bid in the amount of \$842,253.75.

A roll call vote was performed:

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

Motion carried.

7.06: Adopt Resolution #24-130 Accepting Bids and Awarding Contract for Improvement Project #24-55, 2024 Pavement Patching Contracted Services

City Engineer/Public Works Director Westby reviewed the Staff report concerning the 2024 pavement patching contracted services.

Motion by Councilmember Olson, seconded by Councilmember Specht, to adopt Resolution #24-130 accepting bids and awarding a construction contract for Improvement Project #24-55, 2024 Pavement Patching Contracted Services, to GMH Asphalt Corporation in the amount of \$276,560.

Further discussion:

Councilmember Musgrove asked if the remaining funds were going to be used for the spray patching areas.

City Engineer/Public Works Director Westby said yes.

A roll call vote was performed:

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

Motion carried.

7.07: Adopt Ordinance #24-09 Amending Chapter 2 Regarding the Protection of Data on Residents

City Administrator Hagen reviewed the Staff report in regard to amendments to Chapter 2 of the City Code concerning the protection of data on residents.

Councilmember Howell noted that the case mentioned that the regulations in the ordinance are only applicable to the City and could also be placed in a policy to the same effect. She stated that if a Council in the future were to rescind this ordinance, it would give the public an opportunity to make comments on this which would be valuable. She shared that she believes this should be an ordinance and not just a policy.

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to waive the City Charter provision that an ordinance is read aloud and adopt Ordinance #24-09 amending Chapter 2 Regarding the Protection of Data on Residents.

A roll call vote was performed:

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

Motion carried.

7.08: Adopt Resolution #24-120 Approving Change Order No. 1 for COR Infrastructure Improvements, Improvement Project #23-19 - Please Note: this item was removed from the Consent Agenda (5.12) and moved to the Regular Agenda as item 7.8

City Engineer/Public Works Director Westby reviewed the Staff report concerning the change order for the COR infrastructure improvements.

Councilmember Musgrove noted the amount of the change order was not in the resolution and asked if the resolution was updated.

City Engineer/Public Works Director Westby shared that they did not change the resolution from what was initially attached to the case.

Councilmember Musgrove stated that it was not identified that Norhart would be reimbursing for this amount. She said she wants to make sure that this resolution speaks to the additional conversations that were had as well as the new information that they received today.

City Administrator Hagen said if Council wants to memorialize the City's intent to get reimbursed from all of these costs, then they can add a second clause in the resolution that would state that the City would be working with the developer to be reimbursed for all or some of the Change Order No. 1 amount and recognize this as part of the developer's agreement for reimbursement. He added

that they would not be able to guarantee that the developer would agree to reimburse the whole amount of the change order.

Councilmember Musgrove shared that she agrees with the need for the change order; however, she just wants to ensure that it is documented that the City would like to see the reimbursement from the developer. She said that adding a second clause to address this would be needed in order to have the resolution follow Council direction.

Councilmember Howell asked if Councilmember Musgrove is just requesting that language surround Norhart reimbursing the City for these changes be incorporated into the resolution language.

Councilmember Musgrove said yes.

Mayor Kuzma asked about the dollar amount that this change order would be.

City Engineer/Public Works Director Westby said the total for the change order is just over \$31,000.

Mayor Kuzma shared that he would like to add to the resolution that Norhart would be responsible for reimbursing the whole amount.

City Administrator Hagen explained that the City has no legal authority to force Norhart to pay this amount.

Councilmember Olson asked if they could adopt this resolution as is and tag on to the motion to direct Staff to negotiate the reimbursement of this.

City Attorney Knaak said yes, they could do this; however, he would not recommend it. He explained that if they plan on negotiating this over time then they need to leave as much open and, on the table, as they can before a final decision is made.

Councilmember Riley suggested that they maybe should have discussed this before they rezoned. He added that this case is about paying for a change order that was approved and the work has been completed. He noted that the resolution is fine as is because it is paying the bill that is due. He asked if Staff would like some direction on how to address Norhart about the reimbursement or if they would like Council to add language to the resolution.

City Administrator Hagen said it is up to the Council. He added that Staff's plan has been to incorporate this reimbursement into the developer's agreement.

Motion by Councilmember Riley, seconded by Councilmember Olson, to adopt Resolution #24-120 approving Change Order No. 1 for COR Infrastructure Improvements, Improvement Project #23-19..

A roll call vote was performed:

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

Motion carried.

8. MAYOR, COUNCIL AND STAFF INPUT

8.01: Legislative Update

City Administrator Hagen shared the legislative updates can be found in the Staff packet. He announced upcoming meetings and events. He shared that Sunwood Drive near the water tower is closed down for the time being due to some work being done in the area.

City Engineer/Public Works Director Westby said the plan is to open cut Sunwood as it seems during their work a pipe has hit something under the road that is causing settling in the north shoulder. He shared that they have put up concrete barriers around the area of Sunwood that is closed. He added that all businesses still have access to their driveways. He said they will be putting out additional signage to show residents where detours will be.

9. ADJOURNMENT

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

A roll call vote was performed:

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

Motion carried.

The regular meeting of the City Council adjourned at 8:51 p.m.

Respectfully submitted,

Brian S. Hagen
City Administrator

ATTEST:

Katie M. Schmidt
City Clerk

Drafted by Ava Major
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.