

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

3. CITIZEN INPUT 2

4. APPROVE AGENDA 6

5. APPROVE MINUTES..... 6

6. CONSENT AGENDA 7

7. PUBLIC HEARING 8

 7.01: PUBLIC HEARING: Adopt Resolution #24-228 Vacating a Portion of Drainage and Utility Easement at 14220 Basalt Street NW (Project No. 24-118); Case of Quad Logic 8

8. COUNCIL BUSINESS..... 9

 8.01: Adopt Ordinance #24-06 and Adopt Resolution #24-212 for Haviland Fields (Presbyterian Homes) - Rezoning and Site Plan Review for a Multi-Family Residential Development at 14501 Nowthen Blvd. NW 9

 8.02: Adopt Resolution #24-232 approving a variance and encroachment agreement for a lean-to structure at 6960 148th Lane NW (Curtis Forster)..... 10

9. MAYOR, COUNCIL AND STAFF INPUT 12

10. ADJOURNMENT 12

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

The Ramsey City Council conducted a regular meeting on Tuesday, August 27, 2024, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: None

Also Present: City Administrator Brian Hagen
Planning Manager Todd Larson
City Attorney 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

None.

3. CITIZEN INPUT

Tim Tetens, 17390 Baugh Street. came forward to discuss the ongoing issues he is experiencing with his neighbor at 17400 Baugh Street. He shared that the current owner purchased this property at the end of 2023 to create passive income for himself. He noted that this property owner is trying to pursue a dog park business and is currently boarding horses. He stated his neighbor has applied for a land use application for a setback variance for a stable that is currently on his property. He added that this neighbor even constructed a fence that is on Mr. Tetens property. He explained that there were people this weekend using his neighbor's property as a dog park. He noted that the horse boarding has brought in about 12 people. He shared his concern with the fence that is constructed on his property and how it is a liability to him and his insurance. He asked the Council to help the City move forward with enforcing the City Code that does not allow the fence to be on his property.

City Attorney Knaak shared that it is his understanding that there are many pending applications before Staff on this matter. He noted that fence disputes are ordinarily private matters and is not typically something that the City would get involved with.

Mr. Tetens asked if the Council would be able to put forth an amendment to Code 106.485 so that it would be a requirement to get a zoning permit for fencing. He noted that as a taxpayer, he pays taxes on this land and there is a Code specifically for locating the boundary lines. He said it should be in Code that would require the landowner to accurately locate their boundary lines prior to putting up the fence.

City Attorney Knaak asked if the City currently has a permitting process for fencing.

Planning Manager Larson explained that they used to have fencing permits; however, they found that people would submit their plans for the permit then they would end up doing the fencing wrong or the fence would be put up without a permit. He noted they cut the permitting out altogether.

City Attorney Knaak said they could modify City Code and make new requirements; however, it is still the responsibility of the individual to do things in accordance with the law. He explained that if the neighbor's fence is on Mr. Tetens' property, then it is up to him to enforce his rights under the law.

Mr. Tetens asked if the Council would just abolish Code 106.485 if it is unnecessary and people are not having to follow it. He noted there seems to be no point of the Code.

City Attorney Knaak explained that in a situation like this, they have a legal standard, similar to a speed limit. He added that he would not want to urge the Council to eliminate this legal standard.

Mr. Tetens said he would not want to eliminate it, but rather amend the Code to put forth a zoning permit, which would be enforced by inspections.

Councilmember Howell shared that she understands the Code in the same way as Mr. Tetens. She stated that she understands that this is not the City's fight; however, she does not understand why they would not be asking the neighboring property owner to be subjected to the Code. She suggested that Mr. Tetens put up a temporary fence to block off his property.

Mr. Tetens said putting up a temporary fence is his next step; he is just trying to be civil throughout this process.

Councilmember Musgrove shared that she was very bothered when she received Mr. Tetens' email and seeing the plight that he is having to go through as the property owner who is being violated. She noted that she asked Staff a number of questions about this situation, and she was told that there is a Code violation; however, it is suspended as the neighboring property owner is applying for some kind of permit.

Planning Manager Larson shared that there have been a lot of things that have come through the Code Enforcement process where they have not made people tear down things and then get permission to rebuild them. He said the neighbor is going through the due process of getting the permits needed.

Councilmember Musgrove noted that while the neighbor is in the process of getting his permits, Mr. Teten has had to go to the County, the Police Department, the City, and back and forth to all of them while the neighbor who is violating Code has had his violation suspended. She said she does not understand why they are not requiring the neighbor to take his fence down and require him to get a survey before putting the fence back up. She added that she would be in favor of amending the Code to require permitting for fences.

Councilmember Woestehoff noted that the home occupation permit is separate from the fence issue. He said that punishing a resident for a fence that is unrelated to an application does not seem to be fair.

Councilmember Musgrove shared that the Code violation is separate so they can impose it while he works on his home occupation application.

Mr. Tetens explained that he shared the survey report with his neighbor that showed exactly where the property lines are, and his neighbor ignored this and put the fence up anyway.

Councilmember Woestehoff asked if the City has a remedy to enforce this violation.

City Attorney Knaak said they could criminally cite this property owner. He shared that there would have to be proof beyond a reasonable doubt in order to cite him criminally.

Planning Manager Larson shared that the City would have to come up with the proof and they do not have access to the defendant's property to do a survey as all City enforcement actions have to occur from the public right-of-way. He said Staff does not have the ability to gather the proof needed to bring against enforcement actions about the property owner. He added that this could be remedied more easily between the two property owners.

Councilmember Specht said he does not understand how they can enforce structures like lean-tos when they are too close to a property line, but they cannot enforce fencing when it is over a property line.

Community Development Director Hanson shared that with the recent issue they had with a lean-to, they were able to see this issue from the public right-of-way, which is why they were able to enforce it.

Mr. Tetens added that he has invited Staff to come out to his property at least four times via email to take a look at the fence being over his property line and no one ever responded to his emails. He shared that he also sent Staff two different survey reports depicting the fence and the lot lines.

City Attorney Knaak explained that in these situations there is typically a dispute as to where the property line is, which the City has no business intervening in. He said this situation deals with someone who is flagrantly violating City Code and they can establish that this property owner is flagrantly violating the Code and they would have enforcement options for this.

Mayor Kuzma stated that he would like Staff to look into this matter further before they are able to enforce the Code.

Councilmember Musgrove said she has seen it several times where Staff will present diagrams of a property that they are dealing with and the lines outlining where issues are. She stated that she knows they have the capacity to do this and since Mr. Tetens has paid to have a survey done, she does not see why they could not get this information needed to enforce the Code.

Councilmember Riley stated that there is a City Code in place and the City has the ability to enforce it.

Councilmember Howell agreed and noted that if they are not going to enforce the Code then she does not understand why Mr. Tetens would have to pay taxes. She reiterated that she does not understand why this would be in Code if they are not going to enforce it.

Community Development Director Hanson asked if there was an official survey done on the property.

Mr. Tetens shared that there was a survey report that he obtained when he purchased the house and there was also a survey report from the previous property owner who paid to have it done.

Community Development Director Hanson said she was not aware of these surveys.

The Council directed Staff to look into enforcing the Code for this situation. They thanked Mr. Tetens for coming forward to share his concerns.

Roxanne Tersteeg, 6263 Rivlyn Avenue, came forward and gave the Council an update on her house which was involved in the sewage leak that happened on June 8. She shared that around the time she addressed the Council last month, most of the affected neighbors had work to their basements, but no one had any work done to their upper levels. She explained that in the last month, she has been working on cleaning and bleaching everything in her home and doing other work, like rebuilding their stairs and painting. She noted that they are in the home stretch of this project and by the next Council meeting they should be done and back in their house. She explained that the other affected homes have not had any progress made on them. She added that they have been upgraded to working with insurance coverage that deals with biological hazards. She asked the Council if they had been made aware of how this was progressing.

Mayor Kuzma thanked Ms. Tersteeg for coming forward with an update.

Councilmember Specht asked if there were any updates from the County on this situation.

City Administrator Hagen shared that he has not heard from the County or any of the property owners so he can only assume that the property owners are satisfied with the progress being made. He noted that the County is working on reviewing the cleanup and reconstruction costs and these are being approved as they come in.

Ms. Tersteeg explained that all of the testing and reviewing of costs are not actual work that is being done in people's homes, which is the frustrating part. She shared that when the incident first occurred, they were assured that the contracting company working on the road was fully responsible and would take care of everything; however, they were a pain to work with and were denying taking care of everything affected, such as the washer and dryer, and furnace. She added that an adjuster had told her that a fair number for her home would be \$30,000-\$35,000 for all the work that needed to be done. She explained that the cost to clean a home that has been affected by sewage can cost up to \$20,000 per floor and she has three floors in her home. She noted that the person from the County was telling her the same things. She said that someone should go around to all of the affected home to check with each property owner on the progress and see if there is anything else that they can help with.

Councilmember Musgrove asked if they could connect with the County on this to determine the steps and processes for these homeowners to get payment for their losses.

City Administrator Hagen shared that it is his understanding that all of the initial cleanings are done and they are not in the process of reviewing the reconstruction estimates on a number of these homes and assessing what all needs to be paid out. He said he can check with the County.

Ms. Tersteeg stated that some of the people who were supposed to be involved in helping with this have removed themselves from the communication chain of dealing with this. She shared that the insurance company waited two months to facilitate testing and because of how much time has passed, the testing may not be as accurate.

Mayor Kuzma said he would like Staff to get a hold of the County to see if they can get some of these things taken care of by applying pressure.

4. APPROVE AGENDA

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

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

5. APPROVE MINUTES

Motion by Councilmember Howell, seconded by Councilmember Olson, to approve the following meeting minutes:

- 5.01: City Council Work Session dated August 12, 2024
- 5.02: City Council Regular Session dated August 12, 2024
- 5.03: City Council Canvassing Board dated August 16, 2024

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

6. CONSENT AGENDA

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to approve the following items on the Consent Agenda:

- 6.01: Receive July 2024 Finance Reports - General Fund, EDA, and Enterprise Funds
- 6.02: Acknowledge the Addition of a Play Component for Woodland Green Park.
- 6.03: Approve Business License Applications.
- 6.04: Adopt Resolution #24-246 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 8, 2024 through August 21, 2024.
- 6.05: Adopt Resolution #24-211 Approving Final Payment to Veit & Company for Improvement Project #23-02; Central Park Parking Lot Reconstruction.
- 6.06: Adopt Resolution #24-216 Approving Partial Payment to Enebak Construction Company for Improvement Project #23-20, The COR Mass Grading.
- 6.07: Adopt Resolution #24-217 Approving Final Payment to Reshetar Systems for Improvement Project 22-17, Ramsey Villas North Sound Wall Improvements.
- 6.08: Adopt Resolution #24-219 Approving Change Order #2 for Improvement Project #21-09, Centralized Water Treatment Plant
- 6.09: Adopt Resolution #23-221 Authorizing Partial Payment No. 14 to Magney Construction, Inc. for Improvement Project 21-09; Centralized Water Treatment Plant.
- 6.10: Adopt Resolution #24-222 Approving Partial Payment to GMH Asphalt Corporation for Improvement Project #24-03; 2024 NE Ramsey Street Reconstructions.
- 6.11: Adopt Resolution #24-223 Approving Partial Payment to Northwest Asphalt, Inc. for Improvement Project #24-05; MSA Xkimo Street Reconstruction.
- 6.12: Adopt Resolution #24-224 Authorizing Execution of Right of Re-Entry Agreement and Approval of Partial Refund of Purchase Price for Outlot B, Stone Brook Academy; Case of Stories Foundation
- 6.13: Adopt Resolution #24-225 Approving Partial Payment to Sir Lines-A-Lot for Improvement Project #24-10, 2024 MSA Pavement Marking Improvements.
- 6.14: Adopt Resolution #24-226 Approving Partial Payment to North Valley, Inc. for Improvement Project #24-01, Barthel's Rum River Acres and White Pines Estates Street Reconstruction.
- 6.15: Adopt Resolution #24-231 approving Change Order #3 for Halls Dover Acres Street Reconstructions, Improvement Project #24-02
- 6.16: Adopt Resolution #24-234 Approving Partial Payment to Douglas-Kerr Underground, LLC for Improvement Project #23-19, The COR Infrastructure Improvements.

- 6:17: Adopt Resolution #24-235 Approving Partial Payment to Dave Perkins Contracting, Inc. for Improvement Project #24-02, Halls Dover Acres Street Reconstruction.
- 6:18: Adopt Resolution #24-236 Approving Partial Payment to Northdale Construction Co. Inc. for IP #21-08, WTP Trunk Watermain Improvements.
- 6:19: Adopt Resolution #24-237 Approving Final Payment to Landall Services, LLC. for Improvement Project #23-10 Whispering Pines Estates Plat 3 Street Reconstruction.
- 6:20: Adopt Resolution #24-238 Authorizing Staff to Process Partial Reductions of Financial Security for Soderholm & Associates Building Expansion Project at 7150 143rd Avenue NW (Project No. 23-100); Case of Soderholm & Associates
- 6:21: Adopt Resolution #24-239 Approving Partial Payment to Northwest Asphalt, Inc. for IP #24-11, MSA Alpine Drive Reconstructions.
- 6:22: Adopt Resolution #24-240 Accepting Design Services Proposal and Authorizing Bids or Quotes for Improvement Project #24-14, Ramsey Gateway Mississippi River Outfall Removal.
- 6:23: Adopt Resolution #24-241 Approving 2025 Clean Water Fund Competitive Grant Application for Street Sweeper
- 6:24: Adopt Resolution #24-233 Accepting Quotes and Awarding Contract for Improvement Project #24-59, Lift Station No. 2 Pump Replacements

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

7. PUBLIC HEARING

7.01: PUBLIC HEARING: Adopt Resolution #24-228 Vacating a Portion of Drainage and Utility Easement at 14220 Basalt Street NW (Project No. 24-118); Case of Quad Logic

Presentation

Planning Manager Larson reviewed the Staff report in regard to the vacation of easement request at 14220 Basalt Street NW.

Public Hearing

Mayor Kuzma called the public hearing to order at 7:40 p.m.

Citizen Input

There was none.

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

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

The public hearing was closed at 7:41 p.m.

Council Business

Motion by Councilmember Woestehoff, seconded by Councilmember Olson, to adopt Resolution #24-228 vacating a portion of drainage and utility easement at 14220 Basalt Street NW.

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

8. COUNCIL BUSINESS

8.01: Adopt Ordinance #24-06 and Adopt Resolution #24-212 for Haviland Fields (Presbyterian Homes) - Rezoning and Site Plan Review for a Multi-Family Residential Development at 14501 Nowthen Blvd. NW.

Planning Manager Larson reviewed the Staff report concerning the rezoning and site plan review for Haviland Fields.

Sam Jagodzinski, the applicant with Presbyterian Homes, came forward and gave the Council a more in-depth presentation on this project.

Councilmember Musgrove thanked Mr. Jagodzinski for adding some trees to the design along Highway 47. She asked when they plan to break ground and what types of construction traffic they will anticipate for this project. She added that she is curious how the neighborhood will respond on transition during construction.

Mr. Jagodzinski stated that they would ideally like to break ground in spring or summer of 2025. He added that the construction traffic would come in on Nowthen Boulevard. He explained that they have been working with Staff and will continue to work with them to ensure that they have a very thorough construction plan.

Councilmember Woestehoff asked about the phasing of this project.

Mr. Jagodzinski shared that the phasing is not finalized at this point and a lot of it will depend on financing.

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to waive the City Charter provision to read an ordinance aloud and adopt Ordinance #24-06 Amending Section 106-120 "Official Zoning Map" Rezoning Haviland Fields Addition from R-1A, R-2, and R-3 to Planned Unit Development.

A roll call vote was performed by the Recording Secretary:

Councilmember Olson aye
Councilmember Woestehoff aye
Councilmember Specht aye

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

Motion carried.

Motion by Councilmember Woestehoff, seconded by Councilmember Musgrove, to adopt Resolution #24-212 Approving the Site Plan Review of Haviland Fields.

Further discussion:

Councilmember Specht shared that he is not generally in favor of more apartments in the City; however, since this has been approved, he will be voting in favor of this.

Councilmember Howell shared that she is very concerned about the amount of traffic that the number of units in this development will put on the roads.

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

8.02: Adopt Resolution #24-232 approving a variance and encroachment agreement for a lean-to structure at 6960 148th Lane NW (Curtis Forster)

City Attorney Knaak shared that there was a piece of correspondence that the Council had all received individually that has now been submitted as part of the record and the Council is able to use this for consideration. He explained that the Council can make a decision on whether or not they want to have a policy about the kinds of correspondence they will accept.

City Administrator Hagen suggested the Council address the anonymous letter that was included in the case first before moving forward.

Councilmember Specht shared that some of the accusations in the letter could be harmful to Mr. Forster and there is no basis for these accusations. He said he would not like it to be permanently kept with the case.

Councilmember Howell stated that it is her understanding that the City gets anonymous complaints all the time and she generally does not see them attached to cases. She added that they also require people to state their name and address for the record when they come forward to speak at Council meetings and she does not understand why they would require that when people could just send in something anonymously. She said she is empathetic to anonymous letters and people who are concerned with this. She added that there has not been any factor basis to the accusations being made in the letter and they actively attack the applicant and bring in his place of employment. She noted that she is not comfortable with seeing these accusations in the letter and would not like to consider them.

City Attorney Knaak shared that this letter was sent to Councilmembers and other individuals privately. He noted that they can publicly reject this letter if they so choose; however, leaving it in the record gives each Councilmember the opportunity to consider it.

Councilmember Riley said he would like the letter to be included in the consideration as it will allow the whole Council to weigh the letter personally.

Councilmember Musgrove shared that when she received this letter it seemed as though it came from someone on Council, Staff, or the Planning Commission as the author of the letter was very informed; however, things that were not pertinent to the case were added in. She added that the author also copied a lot of people on this email, seeming to want to get their point across to a wide audience, but they were not willing to come before the Council to address their concerns. She said the whole attitude of the letter does not belong in their consideration. She noted that if someone is willing to write a letter such as this then they should also be willing to come forward to speak on it. She said she would like to strike the whole letter and not have it as a part of the public record.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to strike the letter received regarding the Forster variance, received on August 16, 2024, from the record.

Further discussion:

Councilmember Riley noted that it was City Attorney Knaak's recommendation that they keep the letter in the record so the Council can decide for themselves how heavily they consider it.

Councilmember Howell reiterated that she has never seen any anonymous complaints attached to any cases in the past four years she has been on the Council.

Councilmember Woestehoff agreed that this letter should not be included in the record. He noted that the Council has already reviewed it and can weigh it as they see fit. He added that there are also not a whole lot of details in the letter that are directly related to the case, so he does not see its purpose. He said he does not want to discourage residents to bring forth their concerns and he would highly encourage this behavior with identification.

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

Planning Manager Larson reviewed the Staff report in regard to the variance and encroachment agreement for a lean-to structure at 6960 148th Lane NW.

Curtis Forster, 6960 148th Lane NW, the applicant, came forward and shared that some of his neighbors are in attendance this evening. He explained that he was able to find a product that meets fire standards that would help mitigate the fire hazard. He said he will be doing everything compliantly and will be working with Staff to make sure everything is done correctly.

Councilmember Musgrove asked if Mr. Forster agrees with the encroachment agreement that has been written by Staff.

Mr. Forster said yes.

Planning Manager Larson added that it is a standard encroachment agreement.

Councilmember Specht noted that the Council had a good robust discussion on this item last time and he does not think that they necessarily need to hear from every neighbor on their opinions.

Brian Nagel, 6940 148th Lane NW, the neighbor to the east of Mr. Forster, came forward and shared that everyone can drive around the City and see things that they do not like; however, the structure that Mr. Forster built looks nice and he does not see any issues with it.

Jacob Krone, 6820 148th Lane NW, came forward and shared that he lives at the end of the cul-de-sac and stated he does not see any issues with this structure that Mr. Forster built to protect his trailer.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to Adopt Resolution #24-232 approving a variance to side yard setback and encroachment agreement for a lean-to structure and concrete slab at 6960 148th Lane Northwest.

Further discussion:

Mayor Kuzma shared that he will not be supporting this as he has an issue with the applicant not applying for the permits up front, which he finds as unacceptable.

Councilmember Riley stated he will also be opposing this.

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

9. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Hagen announced upcoming meetings and events.

Councilmember Musgrove shared that in the Consent Agenda the Council approved some payments for Alpine Drive. She asked when Alpine Drive will be open.

Mayor Kuzma said it is open.

Councilmember Musgrove thanked Staff for all the work they have done with all of the road projects.

10. ADJOURNMENT

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

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

The regular meeting of the City Council adjourned at 8:24 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.