

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

The Ramsey City Council conducted a City Council Work Session on Tuesday, September 22, 2020, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor John LeTourneau
Councilmember Mark Kuzma
Councilmember Jeff Menth
Councilmember Debra Musgrove
Councilmember Chris Riley
Councilmember Dan Specht

Also Present: City Administrator Kurtis Ulrich
Finance Director Diana Lund
Police Captain Timothy Frankfurth
Public Works Superintendent Grant Riemer
Administrative Services Director Colleen Lasher
Deputy City Administrator Timothy Gladhill
City Attorney Joe Langel

1. CALL TO ORDER

Mayor LeTourneau called the City Council Work Session to order at 5:30 p.m.

2. TOPICS FOR DISCUSSION

2.01: Review Draft Letter to Utility Customers

Finance Director Lund reviewed the staff report.

City Administrator Ulrich stated that part of the Franchise Agreements requires this letter to be sent out from the City.

Councilmember Musgrove asked for clarification on cable franchise fees.

Finance Director Lund stated that the City did not include cable franchise fees.

City Administrator Ulrich provided additional details on the Franchise Fee for cable services which goes through the Joint Powers Agreement through QCTV.

Councilmember Musgrove stated that she would like to eliminate a portion of the last statement, as she does not believe it is accurate. She believed the sentence should end at “benefiting properties”.

Finance Director Lund explained the reason the statement was included.

Members of the Council and staff provided alternate suggestions for the language of that sentence.

City Administrator Ulrich explained the intent of the statement, noting that there are multiple ways to convey that.

Councilmember Musgrove stated that she prefers less language to provide a more concise and less convoluted statement.

Mayor LeTourneau stated that the statement addresses the concern with the potential of double taxing. He stated that the intent would be to explain that this would replace one funding source with another.

Finance Director Lund explained that special assessments only covered 25 percent of the cost of road improvements, therefore if the remainder of the sentence is removed, that does not explain the other 75 percent of the funding that was used for that funding method.

Councilmember Riley suggested adding the word anticipated, that this “is anticipated to eliminate”.

Councilmember Musgrove agreed that would be more truthful.

Councilmember Riley suggested having different letters for business and residential customers.

Finance Director Lund asked if the Council would like to have the letter included with the utility billing or as a separate letter. She commented that some customers receive billing electronically and therefore staff would not be able to differentiate between the customer type.

Councilmember Riley commented that he would like to see the information specific to the type of customer to make the information more applicable and clearer.

Councilmember Musgrove stated that she has received questions from residents as to what businesses will be paying and believed that all the information should be included in one letter. She believed that people would be able to read and understand the portion that applies to them.

Councilmember Kuzma stated that he would support the separate letter method differentiating between residential and commercial customers.

Finance Director Lund stated that she could move the residential portion to the top, which would make it easier for that information to be found and differentiate between the two.

Councilmember Musgrove stated that she would prefer one letter as it would cause additional staff time and cost to complete a separate mailing.

Councilmember Menth asked and received confirmation that the City's utility billing will be sending the mailing. He believed it would then be easy to differentiate between residential and commercial customers.

Finance Director Lund stated that could be a possibility but noted that she would need to verify whether the customers that receive their bill electronically could be differentiated.

Councilmember Menth stated that he likes the idea of keeping it simple and creating one residential and one commercial letter.

Finance Director Lund confirmed the consensus of the Council to create one residential letter and one commercial letter. She stated that she will follow up to determine how the determination could be made on who receives which letter.

Councilmember Specht suggested using additional communication methods such as the City website and social media. He stated that perhaps all the information could be placed on the website and social media for those that would be interested in both residential and commercial rates.

Finance Director Lund confirmed the consensus of the Council to send the letter separately if the differentiation cannot be made through the utility billing.

2.02: Discussion Regarding Executive Order 20-81 – Face Mask Mandate

City Administrator Ulrich reviewed the staff report.

Councilmember Musgrove stated that she appreciates the process of members of the Commission coming to staff to ask for clarification. She stated that she would have hoped that the matter would have come to the Council before going to outside sources for information. She stated that she appreciated Planning Commission Chairperson Bauer reaching out to her through email. She noted that the Council is very receptive. She asked if paragraph 10C can be interpreted in more than one way.

City Attorney Langel replied that it probably could be interpreted in more than one way because it is a broad statement but believed that the intent is clear.

Councilmember Musgrove stated that she believed that the decision of the Council was that once seated and socially distanced, the members of the Council would not be required to wear masks as that would comply with the rules and would also ensure that members of the public could clearly hear the words of the Councilmembers.

Councilmember Riley stated that he believes this is a solution looking for a problem. He stated that modifications have been made to the meetings and safety protocols have been implemented, therefore he did not find a reason to change things further. He stated that emails do not take the

place of Executive Orders. He stated that he believes that a lot of things are left to interpretation, such as the word temporary within the phrase “temporarily remove face coverings”. He stated that while he is seated at the dais would be a temporary period of time. He stated that good changes have already been made and he is not interested in changing things further.

Councilmember Specht agreed with the members of the Council that have spoken thus far. He stated that when viewing other Councils and government bodies, not everyone is wearing their mask for the entire length of the meeting. He stated that he believes that social distancing measures have been implemented and remote attendance is an option, therefore he did not see a reason to change things further. He stated that there are other issues he would rather address and sees this as a solution looking for a problem and something that is taking up time that could be spent more productively.

Councilmember Menth stated that when in a restaurant you are required to wear a mask while walking but once you are seated with your group, you do not have to wear your facemask. He stated that he would interpret this as the same, where when walking around you should wear your facemask, but once seated in your socially distanced space, you are not required to wear your mask.

Mayor LeTourneau asked for input from City Attorney Langel.

City Attorney Langel stated that the Executive Order states that you are required to wear a face covering when in a public indoor space. He stated that there are exceptions provided, such as a temporary removal when speaking or testifying at a governmental meeting subject to the open meeting law. He stated that the question would then be what constitutes testifying or speaking at the meeting; whether that means that you must wear the mask at all times unless you’re speaking or whether once seated at the dais you would be considered as speaking in an ongoing matter. He stated that it is the decision of the Council as to what it does, but the language is open to interpretation in regard to what it means to be testifying or speaking when you are a member of the Council.

Councilmember Kuzma stated that it would appear that it is up to the Council to make the determination whether or not masks should be worn when sitting.

City Attorney Langel confirmed that ultimately it would be up to the Council as to how to comply with the Executive Order and what constitutes as testifying and speaking.

City Administrator Ulrich stated that Plexiglas was added to the Council Chambers in order to separate the different seating areas at the dais and provide another level of separation/social distancing.

Mayor LeTourneau stated that he would agree with the tone and context of the conversation thus far. He stated that the Council made a determination on how to interpret this language and believed that the Council made a good decision based on what was known. He stated that there are people within the ranks of the City that are experiencing/interpreting this in another way and therefore he would like to remain open and respectful to their positions as well. He noted that the concern came from the Planning Commission and therefore welcomed comments for those present.

Planning Commission Chairperson Bauer stated that he would disagree with the statement that this is a solution looking for a problem, noting that the problem was created by the pandemic. He stated that his wife worked in public health for 45 years and worked through serious outbreaks. He stated therefore she has a much different experience and outlook on public health measures. He stated that his wife is very concerned about the proper interpretation of the Executive Order. He stated that his concern is that they, as civic leaders need to show leadership. He stated that if leadership is not shown, you cannot expect others watching to do the same. He stated that temporary is meant to be interpreted as only when you are speaking. He stated that the Plexiglas installed does not meet the requirement to have four walls and high enough to cover the breathing area or when standing.

Planning Commissioner VanScoy thanked all the Council and staff members for the service and effort they put into serving the community. He stated that this issue is serious to him as he has been remotely attending the meetings. He stated that by him attending remotely, it allows additional space in the Chambers for those that attend. He stated that during a meeting of the Planning Commission there was one person that did not wear a mask for the entire length of the meeting, so he inquired about that. He stated that on the City website he found the statement that public meetings do not require a mask. He stated that he then inquired at the State and received different feedback. He apologized if that offended someone by going to City staff, but to him it was a question on the City policy and where that information came from. He stated that he disagrees with the City policy as he believes that the Executive Order is very clear. He thanked the Council for taking the time to discuss this matter tonight.

Councilmember Musgrove asked if it concerns Commissioner VanScoy that there are exemptions in the Executive Order for Elected Officials within the legislative or judicial branches.

Planning Commissioner VanScoy stated that he does have that concern, but that is an exemption.

Councilmember Musgrove stated that a virus does not discriminate based on whether a person is elected. She stated that if the mandate were better written it would not have given exclusions to those within the legislative and judicial branches. She stated that when you take a mask on and off it only increases the number of germs you are introducing to your system. She stated that wearing a mask is only one element of hygiene such as washing hands, etc. She stated that repeatedly taking a mask off and on only increases germ transmission. She commented for the benefit of transcription and for members of staff and the public to be able to clearly hear the comments of the Council she believes that it is better that the masks are not worn once seated in the socially distanced positions at the dais. She commented that if someone is uncomfortable attending, a member can choose to attend remotely. She stated that the Council reviewed this and came to its consensus based on how they can best communicate their messages to each other and the public during a public meeting.

Planning Commissioner VanScoy commented that he does not believe that interpretation complies with Executive Order #20-81.

Mayor LeTourneau asked for the legal opinion on whether the City is complying with Executive Order #20-81.

City Attorney Langel stated that it would go back to the interpretation of the phrase “when testifying and speaking at a government meeting subject to open meeting law”. He stated that if you interpret that conservatively, then the Council would not be complying, whereas if you interpret it more broadly, the Council would be complying.

Councilmember Specht commented that he fully respects the concerns people have and noted that allowing remote attendance seems to be a good solution for those that feel more at risk, or uncomfortable attending in person. He referenced the language “when performing” noting that the Council could be considered performing a task. He stated that he would not see the Plexiglas accomplishing much as he believes that is more a matter of show rather than adequate protection.

Planning Commissioner VanScoy stated that he received an email from the State related to temporary removal of masks and received confirmation that the email was shared with the Council prior to the meeting.

Councilmember Menth commented that it would seem the statement in the email is clear.

Councilmember Riley commented that the statement in the email is a statement of what someone would like the language to state but it is not in the in Executive Order.

City Attorney Langel stated that the email can certainly be read in a fashion consistent with the Executive Order that a mask must be worn inside unless speaking and only when six feet away from others. He stated that is certainly consistent with the Executive Order under conservative interpretation. He stated that he would expect members of the public to follow that direction, they should wear their mask when seated and/or when walking to the podium but can remove their mask when speaking at the podium. He stated that it is not that the interpretation is wrong, it is one interpretation of testifying/speaking for the Council. He stated that he has seen Council meetings in other cities where Councilmembers do not wear masks the entire time and also others where the Council wears their masks the entire time.

Mayor LeTourneau stated that he would like to show up as an individual that is doing as much as they can to help control what the virus is doing and how it impacts people’s lives. He stated that he would prefer taking a more conservative approach to how this is interpreted and to allow people to feel safe and comfortable with attending meetings.

Councilmember Musgrove stated that she believes the current interpretation of the Executive Order to be sufficient. She stated that if people really wanted to protect themselves from a virus, they would need hazmat suits. She commented that viruses are around and moving all the time, whether a mask is worn or not. She commented that continuously touching a mask contaminates it further. She believed that social distancing and hand washing are more important measures and members can remove their masks once seated at the dais.

Councilmember Specht respected the 35 years of experience Musgrove has within the medical field and believes that the Council meets the mandates and does not need to wear masks when seated at the dais.

Councilmember Kuzma stated that he is elected by the residents of his Ward and the Council are leaders in the community, therefore he supports wearing masks unless speaking.

Councilmember Riley commented that many changes have been implemented to keep people safe and does not believe additional changes are needed.

Councilmember Menth commented that it is extremely frustrating that they listen to legal experts and still do not have an answer. He stated that no one takes things seriously until it impacts them or someone near them. He stated that if the Council is going to be leaders, they should wear the masks unless speaking.

Charter Commissioner Benson commented that he believes the safety measures implemented already are sufficient. He asked the consequences that would be proposed, whether there would be a further mandate or consequence for those not wearing their mask at the dais. He stated that he does not believe the definition of leader equates to creating the maximum level of control over others.

Mayor LeTourneau stated that he does not hear that desire from the Council to enforce consequences.

City Attorney Langel stated that any violation of an Executive Order would be a misdemeanor. He stated that if a member of the public attended a meeting and did not wear a mask, the first step would be education and a request to wear a mask. He stated that if the member of the public refused to wear the mask, they could be asked to leave. He stated that when you get back to the issue of elected officials, it comes back to the interpretation of “testifying or speaking” and whether that falls into the exemption.

Mayor LeTourneau asked if the Council would like to change the way it interprets the language or become more punitive. It was the consensus of the Council to continue to interpret that language the same and focus on education.

Planning Chairperson Bauer stated that people brought in additional chairs for the Planning Commission public hearing, which then violates the capacity of the Chambers. He stated that he told people that they could not bring in additional chairs but asked what could be done in that situation.

Mayor LeTourneau commented that a member of staff or the police department could then provide additional assistance in explaining the protocols for the Chambers. He noted that additional members of the public could wait in the lobby until their time to speak and follow that process.

City Administrator Ulrich stated that practices will be continued as is and individual members of the Council and Commissions can choose to wear their masks as they see fit.

2.03: Discuss Council Committee Appointments due to the Ward 1 Vacancy

City Administrator reviewed the staff report.

Councilmember Specht commented that he would be willing to serve on the Joint Law Enforcement and Highway 10 groups.

Councilmember Kuzma commented that he is willing to serve as the primary for the Fire Board. He stated that he would be interested in taking the Highway 10 assignment.

Mayor LeTourneau commented that Councilmember Kuzma is standing in line for the potential Mayor position. He stated that he feels that it would be important for Councilmember Kuzma to be in that role as it is an important position of representation to the Highway 10 group.

Councilmember Riley commented that these appointments would only be through the end of the year as appointments are reviewed annually.

Councilmember Musgrove commented that she would be willing to serve as the Park and Recreation Commission Liaison through the end of this year.

Mayor LeTourneau asked if Councilmember Specht would be interested in serving on the Joint Law Enforcement group and allowing Councilmember Kuzma to serve on the Highway 10 group.

Councilmember Specht stated that he would be interested in serving on the Highway 10 group as well but would support the consensus of the Council.

It was the consensus of the Council that Councilmember Musgrove to serve as the Park and Recreation Commission Liaison, Councilmember Specht to serve on the Joint Law Enforcement group, Councilmember Kuzma to serve on the Highway 10 group, Councilmember Kuzma would serve on the Fire Board, and Councilmember Menth as the Youth First alternate.

City Administrator Ulrich noted that formal approval of the appointments will appear on a future Consent Agenda for adoption.

2.04: Discuss 2020 Citizen Survey

City Administrator Ulrich asked if there is consensus on whether the question related to the franchise fees should be included on the citizen survey.

It was the consensus of the Council that the franchise fee question should be removed from the survey.

Mayor LeTourneau noted that perhaps it would be helpful to review the entire document at a future worksession.

3. TOPICS FOR FUTURE DISCUSSION

3.01: Review Future Topics/ Calendar

Noted.

4. MAYOR / COUNCIL / STAFF INPUT

None.

5. ADJOURNMENT

The Work Session of the City Council was adjourned at 6:53 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Katie M. Schmidt
Administrative Assistant

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.