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

The Ramsey City Council conducted a regular meeting on Tuesday, March 9, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Police Chief Jeff Katers
Administrative Services Director Colleen Lasher
Deputy City Administrator Timothy Gladhill
City Engineer Bruce Westby – attended remotely
Economic Development Manager Sean Sullivan – attended remotely
City Attorney Joe Langel

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: Swearing In Ceremony for the Ward 1 Councilmember, Mr. Ryan Heineman

Administrative Services Director Lasher conducted the ceremonial swearing-in for Councilmember Heineman.

2.02: State of the City 2021: Mayor's Address

Mayor Kuzma presented the State of the City which provided a recap of the City operations, updates, and news from the past year, as well as a look ahead as to what is to come in the new year.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

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

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

5. CONSENT AGENDA

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

- 5.01: Receive January 2021 Financial Reports – General Fund and Enterprise Funds
- 5.02: Receive Cash and Investments for Period Ending January 31, 2021
- 5.03: Receive Cash and Investments for Period Ending February 28, 2021
- 5.04: Approve the following Meeting Minutes:
 - 1) City Council Work Session dated February 23, 2021
 - 2) City Council Regular dated February 23, 2021
- 5.05: Approve Business Licenses
- 5.06: Adopt Resolution #21-059 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of February 18, 2021 through March 3, 2021
- 5.07: Adopt Resolution #21-049 Approving Abatement of 5420 142nd Avenue NW (Case of Anna and Pytor Vlasyuk)
- 5.08: Adopt Resolution #21-063 Releasing Agreements for Outlot B, Alpha Development; Case of US Home Corporation (Lennar) and the City of Ramsey
- 5.09: Adopt Resolution #21-065 Approving Final Version of Preliminary Plat in Regard to Density Transitioning and Tree Preservation for Northfork Meadows, Case of Lennar (20-135)
- 5.10: Adopt Resolution #21-038 Hiring a Patrol Officer
- 5.11: Adopt Resolution #21-069 Updating the Council Board, Authority and Committee Appointments Due to the Finalized Ward 1 Councilmember Election

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

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Adopt Resolution #21-050 Approving a Non-Traditional Animal License at 5751 Lane NW (Project No. 21-107); Case of Miguel and Breeka Jaramillo

Deputy City Administrator Gladhill reviewed the staff report and recommendation to adopt Resolution #21-050 approving a Non-Traditional Animal License for Miguel and Breeka Jaramillo to maintain one fainter/mini-cross goat at 5751 150th Lane NW. He noted that one person submitted written communication opposing the request while multiple people are available online and in person to speak about the request. He noted that an online petition was received with multiple signatures and staff is working to determine the locations of those that signed the petition. He noted that while this is not a public hearing, the Council could allow members of the public to speak if desired.

Councilmember Howell stated that it appears this property is a combination of three lots and received confirmation of that by staff. She stated that if two lots were sold, that would leave one quarter acre lot which would seem small for a goat. She suggested that a minimum lot size be included in the approval.

Deputy City Administrator Gladhill confirmed that an agreement could be attached specifying those details if desired.

Mayor Kuzma invited the property owner to come forward.

Breeka Jaramillo, 5751 Lane NW, stated that the animal is hers and she and her father rent the property. She stated that she has 43 Ramsey resident signatures in support of the request. She stated that her online petition has 449 signatures in support of the request. She noted that all but two of her neighbors signed in support of her request, one of which was not home and the other is the neighbor that filed the complaint.

Councilmember Musgrove appreciates that the residents were willing to work with staff on any other code violations. She asked if the residents have spoken with the neighbor about their concerns.

Ms. Jaramillo stated that her neighbor said that he did not have a problem with the goat being there but that the lot was not up to Ramsey standards.

Councilmember Musgrove stated that she was not aware the property was being rented. She asked if all three lots are being rented.

Ms. Jaramillo confirmed that they rent the properties and received a signature of support from the property owner.

Councilmember Musgrove stated that she is not opposed to the request but believes that additional specification is needed as to the lot size. She also wanted to ensure that the other code enforcement items could be addressed.

Ms. Jaramillo provided a site plan with the housing and grazing information for the goat. She stated that although the property is classified as three lots it is one property.

Councilmember Specht stated that he supports the ability for the family to have the goat and suggested that in the future City staff should be able to approve these requests with the ability for residents to appeal to the Council.

Councilmember Woestehoff commented that it does not appear that the lots are reasonably splittable as two of the lots are encumbered by buildings. He agreed that the approval could be tied to lot size. He asked if staff would have more negotiation in terms of enforcement if this were approved and an agreement were in place.

Deputy City Administrator Gladhill stated that staff would support tying the approval to lot size. He confirmed that this could be used as an enforcement tool as the license could be revoked if the animal becomes a nuisance.

Motion by Councilmember Specht, seconded by Councilmember Heineman, to Adopt Resolution #21-050 Approving the Issuance of a Non-Traditional Animal License to Maintain One Miniature Fainting Goat on the Property Generally Known as 5751 150th Lane NW and Declaring Terms of Same, contingent upon an agreement stipulating that the license is tied to the three properties and providing guidance that future license requests of this nature could be reviewed and approved by City staff.

Further discussion: Deputy City Administrator Gladhill noted that the ability for staff approval would require a change to City Code that would need to come back to the City Council for approval. Councilmember Woestehoff asked if that portion of the motion should be removed in order for the license approval to be adopted tonight. Councilmembers Specht and Heineman confirmed that they would accept that change.

The motion was amended as follows:

Motion by Councilmember Specht, seconded by Councilmember Heineman, to Adopt Resolution #21-050 Approving the Issuance of a Non-Traditional Animal License to Maintain One Miniature Fainting Goat on the Property Generally Known as 5751 150th Lane NW and Declaring Terms of Same, contingent upon an agreement stipulating that the license is tied to the three properties.

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

7.02: Adopt Ordinance #21-09 Amending City Code Section 26-852 Entitled Massage Therapist License

Economic Development Manager Sullivan reviewed the staff report and recommendation to adopt Ordinance #21-09.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to waive the City Charter requirement to read the Ordinance aloud and Adopt Ordinance #21-09 Amending City Code Section 26-852 Entitled Massage Therapist License.

Further discussion: Councilmember Musgrove stated that during the worksession discussion Councilmember Woestehoff referenced the use of City Clerk versus City Administrator and asked if that verbiage should be changed. Deputy City Administrator Gladhill stated that City Clerk is found in State Statute whereas City Administrator is not. He clarified that staff could look at a broader language change in the future without inhibiting this change. Councilmember Musgrove asked why that change would not be made now. Deputy City Administrator Gladhill stated that Statute related to licensing references City Clerk noting that the organization has flexibility to designating licensing to appropriate staff. He stated that staff feels that this has the right language to support the duties of staff. Economic Development Manager Sullivan noted that the duties have been moved from the City Clerk to the economic development staff and therefore the language was amended to appropriate staff.

A roll call vote was performed:

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

Motion carried.

7.03: Introduce Ordinance #21-02 Amending City Code Section 117-148 Entitled Mississippi River Corridor Critical Area

Deputy City Administrator Gladhill reviewed the staff report and recommendation of the Planning Commission to adopt the ordinance.

Councilmember Riley commented that there has been a lot of discussion on this topic overall and in regard to protecting property rights.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to introduce Ordinance #21-02 Amending City Code Section 117-148 (Mississippi River Corridor Critical Area).

Further discussion: Mayor Kuzma commented that this will be beneficial for the City in terms of development and as related to the Capstone project.

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

7.04: Adopt Resolution #21-056 Accepting Bids and Awarding Contract for 2021 Crack Seal Improvements, Improvement Project #21-06

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #21-056 accepting bids and awarding a contract for 2021 Crack Seal Improvements, Improvement Project #21-06 to Northwest Asphalt and Maintenance in the amount of \$110,428.07. This work will be funded entirely from the \$200,000 that was budgeted for annual crack seal improvements.

Mayor Kuzma asked if the City has worked with this contractor before.

City Engineer Westby confirmed that this contractor completed the crack seal work two years prior and did a good job.

Motion by Councilmember Musgrove, seconded by Councilmember Riley, to Adopt Resolution #21-056 Accepting Bids and Awarding Contract for Project 2021 Crack Seal Improvements, Improvement Project #21-06.

Further discussion: Councilmember Riley commented that he looks forward to the additional road maintenance that could be completed with the remaining funds that were budgeted for the year.

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

7.05: Adopt Resolution #21-061 Ordering Plans and Specifications for Improvement Project #21-08, Water Treatment Plant Trunk Watermain Improvements

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #21-061 ordering plans and specifications for Improvement Project #21-08, Water Treatment Plant Trunk Watermain Improvements. Funding for this project is proposed to come from water enterprise funds.

Mayor Kuzma commented that it will be prudent and most cost effective to have this work done prior to the County completing its work.

Councilmember Musgrove noted that the Public Works Committee also discussed this case and recommended approval.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to Adopt Resolution #21-061 Ordering Plans and Specifications for Improvement Project #21-08, Water Treatment Plant Trunk Watermain Improvements.

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

7.06: Adopt Resolution #21-057 Accepting Bids and Awarding Contract for Improvement Project #21-00, Riverdale Drive Reconstruction, Feldspar Street to Sunfish Lake Boulevard

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #21-057 accepting bids and awarding a contract for construction of Improvement Project #21-00, Riverdale Drive Reconstruction, Feldspar Street to Sunfish Lake Boulevard, to Kuechle Underground, Inc. in the amount of \$771,913.13. Funding will be a mix of Municipal State Aid Funds and Stormwater Funds. Costs related to sanitary sewer and/or watermain work will be paid through the respective enterprise fund.

Councilmember Riley commented that the Council has talked about this project several times. He stated that a very favorable bid was received and noted that this project will provide a substantial benefit to all residents. He explained that the City patching crew spent a significant amount of time on this stretch of road the previous year and therefore would be able to spread that time over other areas of the City in the future.

Motion by Councilmember Riley, seconded by Councilmember Musgrove, to Adopt Resolution #21-057 Accepting Bids and Awarding Contract for Improvement Project #21-00, Riverdale Drive Reconstruction, Feldspar Street to Sunfish Lake Boulevard.

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

7.07: Adopt Resolution #21-067 Instructing that No City Resources be Utilized in the Enforcement of Executive Order 20-81

City Administrator Ulrich stated that this resolution has been brought forward for consideration by Councilmembers Heineman and Howell. He noted that City Attorney Langel and Police Chief Katers are present tonight to provide input on the ability of the City to not enforce certain laws as well as suggested language changes within the draft resolution.

City Attorney Langel commented that as he understands the proposed resolution it is an assertion that the Executive Order is unconstitutional and violates State law and that the City resources not be used in any way to uphold or enforce the order. He provided background information on the Executive Order and noted that a number of legal challenges have come forward through the summer and fall in both State and Federal courts, not a single challenge has been successful and none of the Executive Orders have been deemed unconstitutional. He disagreed with the premise of the whereas clause in the draft resolution that states that these Executive Orders have undermined the constitutions of the State and Federal government as that has not been found and no court has agreed with that statement. He stated that unless and until the court overrules the Executive Orders, they are law. He stated that if the Council approved this resolution it would contradict the current status of Minnesota law, which he did not think was a good position to be in. He was fairly certain that the Attorney General would take note if this were adopted. He stated that enforcement is primarily done by law enforcement and based on the State policy is approached

with education on the first offense. He stated that the City Council cannot direct law enforcement to not enforce State law as it does not have the jurisdiction to do so.

Councilmember Howell referenced State Statute related to peacetime emergencies and asked if that language would release the City from the declaration.

City Attorney Langel commented that determination has already been made by the Governor and is based upon the fact that the pandemic is a statewide issue that has resulted in roughly 6,000 Minnesotans dying and many more being impacted, which no individual city has the resources to deal with. He stated that the orders were issued under Chapter 12 and are law until they are declared otherwise, therefore every city is subject to the orders whether they agree or disagree with them.

Councilmember Heineman referenced an Executive Order issued by Abraham Lincoln, noting that it was a five-year process to overrule. He asked if the opinion of the attorney would be that everyone should stop pursuit of overturning the Executive Order they deem unconstitutional just because the challenges thus far have been unsuccessful.

City Attorney Langel replied that the wall has been hit multiple times in both State and Federal courts. He commented that fight can continue but in the meantime the law is clear, and it cannot be ignored simply because it is disagreed with. He stated that the law still exists as set forth in Executive Order.

Councilmember Heineman stated that there are three different types of Executive Orders and asked the duty of individuals to reconcile the fact that an Executive Order supersedes and/or could conflict with existing laws.

City Attorney Langel commented that Executive Orders are promulgated under the Emergency Management Act, which are triggered by unique circumstances. He stated that one point of the EMA is to allow government to circumvent processes in the event of an emergency situation. He stated that when the circumstance exists the authority is fairly broad. He stated that reconciliation is not necessary as this is a temporary change.

Councilmember Howell commented that this is day 352 of a temporary change. She stated that March 8th recognizes International Women's Day, noting the process for women to earn the right to vote took over 100 years. She stated that in 1941 in response to the Japanese bombing of Pearl Harbor and in fearful response Americans of Japanese descent were placed in internment camps based on an Executive Order by President Roosevelt. She commented that just because something has become a law or mandate does not mean it is moral or just. She stated that while it was considered legal at the time, there are moments in the history of our country where the government has acted unlawfully and reprehensibly from a moral and Constitutional perspective. She stated that according to the 14th Amendment, the state cannot deprive us of life or liberty. She commented that the governor and Executive Council do not have the right to restrict someone's right to breath as that is the decision of an individual and not the government.

Councilmember Musgrove asked how much money Ramsey receives from the State government to enforce the mask mandate.

City Attorney Langel replied that he is unsure of that answer.

Councilmember Musgrove commented that she believes that funding has come from the Federal government but is not aware of funds that have come from the State for COVID.

City Administrator Ulrich confirmed that the City did receive CARES Act Funds but was unsure that anything was specifically dedicated to enforcement. He noted that CARES Act funds were Federal money distributed through the State.

Councilmember Musgrove stated that Ramsey recently passed a resolution to encourage local legislators to work with the Governor to release the State from taxing funds received from the Federal government. She believes that the mandates have come down at a great cost to the citizens of Minnesota. She commented that the mask mandate is the visible thing that can be seen and comes without funding for local cities to enforce. She noted that the Governor is not providing criteria on when the pandemic will be considered over and asked whether the masks would continue to be worn for three or four years. She believed that this would need to go back to court in order to have answers for those questions and for businesses to be allowed to reopen and lives to return to normal.

Councilmember Heineman stated that he is hearing that if a certain set of conditions occur and the Governor issues an Executive Order, it would be holistically lawful regardless of preexisting laws and statutes and whether it is perceived as unconstitutional.

City Attorney Langel commented that it is not that simple. He stated that the EMA has a process that has to be followed and an Executive Order issued by the Governor is only good for a number of days unless accepted by the Executive Council. He noted that it is presumed legal until such time a court says otherwise. He commented that in Minnesota that has not yet happened.

Councilmember Heineman asked whether it is the duty of all to follow an Executive Order as law until it is deemed a violation.

City Attorney Langel replied that it is the duty under State law to adhere to the Executive Order until it has been deemed illegal and overturned.

Councilmember Woestehoff replied that City Attorney Langel has commented that the first whereas statement is not within the authority of the City. He referenced the second whereas statement, specifically the references at the end that make note of different sections. He noted that those seem related to a healthcare facility and a patients bill of rights and asked for input from legal counsel.

City Attorney Langel commented that without going through the details of the different statutes he is not aware of any violation of the patients bill of rights under EMA created by the Executive Orders. He commented that the whereas statement reflects arguments that have been made

in different cases but have not been proven or upheld in any court. He noted that the mask law was litigated in Federal court and was dismissed. He was not aware of any basis under any of those statutes that would invalidate the Order.

Councilmember Woestehoff noted that there are reasonable exemptions for medical conditions for people who are unable to wear masks.

City Attorney Langel confirmed that those exemptions are in place and may be included in the Executive Order.

Councilmember Howell referenced Chapter 12, Section 12.39, Subdivision 2, and stated that it is not her understanding that the Governor can place the entire state under medical treatment. She stated that if you reference the healthcare bill of rights, it mentions experimental treatment. She commented that in the course of history an entire country or state has never been required to wear masks which restrict their breathing, therefore there is no precedent and asked how that is not considered experimental research. She asked how it is fair for the Governor to place the entire population under medical treatment.

City Attorney Langel commented that wearing a mask is not considered medical treatment and stated that as just discussed there are exceptions for those with medical conditions or personal objection. He did not see experimental research coming into play with this Executive Order. He stated that 12.39 indicates that if there is an Executive Order, healthcare providers have to provide notice of the right to refuse examination or treatment. He stated that nothing in the Executive Order advocates or impacts that requirement for notice.

Mayor Kuzma commented that there are a number of residents that have indicated they would like to speak.

Dan Kane, 16219 Iodine Street NW, stated that he would like to speak against the resolution. He recognized that this has been a long course that has been frustrating. He stated that no one likes the preventative measures that they are forced to take, but it is so close to the end of this and did not want to see people let up on those precautions prematurely. He commented that the Supreme Court has already ruled that such mandates are constitutional and provided the related link <https://www.law.cornell.edu/supremecourt/text/19A1044>. He stated that even if someone has the opinion that the interpretation is wrong and the mandate is unconstitutional, this would not be the place to challenge whether the mandate is constitutional. He stated that the proper arena for that discussion would be in court or through petition to the legislature or Governor. He stated that while people have opinions, the Council does not have the authority to overrule this. He stated that individuals have the ability whether or not to follow a mandate but then leave themselves up to the consequences that may come with that, using the example of speed limits in construction zones which are also temporary.

Carolyn Hemmer, 16010 Potassium Street NW, commented that she supports the resolution with the reasoning that no parameter has been given for when the mask mandate will end. She stated that she and several of her children have medical exemptions and those are not honored at many

businesses. She stated that she and her children have been yelled at, threatened, and refused service because they do not have masks on. She supports that the City not spend its resources to enforce the mandate. She stated that she would like to visit businesses locally and feel safe doing so. She explained that the alternative to going to the grocery store would be to have those goods delivered, which has an additional fee. She noted that many residents are struggling financially during this time or using EBT for groceries and therefore would not be eligible to use those delivery sources.

Jennifer Leistico, 15790 Neon Street NW, commented that originally, she planned to watch and attend the meeting as a member of the Park and Recreation Commission specific to the next agenda item. She stated that she noticed this agenda item, as well as the next, and was interested in the Council discussion. She asked the problem the City is attempting to solve, as this is phrased in a way that suggests the City is expending resources enforcing the mandate. She asked the number of hours City staff has spent on enforcement and the resources that have been used. She asked the number of citizens and employees of the City that have provided input to the members of the Council in support and opposition. She asked if the City looked into liability if this does pass. She stated that it sounds like people do not like the law and therefore are challenging it, but it seems that the City would expend many more resources to legally challenge this above what would be spent on enforcement. She commented that she does not support this action unless there are numbers and data showing that the City is financially suffering because of the mandate.

Jane Covart, 5621 121st Lane NW, stated that she disagrees with the resolution as she does not believe it undermines basic human rights. She also did not believe City resources are wasted on this. She recognized that everyone is tired of this situation but commented that this is not the right venue for this challenge. She stated that she does not want the City Council to lead this challenge and believed that City funds could be better used in different ways. She stated that the CDC has statistics that support that mask use is beneficial in preventing the spread of illness. She stated that Minnesota has experienced 6,000 deaths and that this pandemic is a marathon, and they are near the end and did not want to see precautions lifted this close to the end. She referenced the next proposed resolution on the agenda and read a statement from the draft resolution. She then read that same language replacing the City with the State which would make it seem that the City would be hypocritical in not following the State but then in its next potential action direct residents and Commissions to follow the Council.

Councilmember Woestehoff asked about the resources that the City has been spending on the mask mandate.

Police Chief Katers replied that resources were a concern from the beginning. He commented that law enforcement plays a role but recognize that they will not be able to police the health pandemic. He stated that the number of complaints to the Police Department were high in March, April, and May with a total in the past year of 43 complaints related to masks and/or social distancing. He stated that there was one complaint which required follow up with a State regulatory agency. He stated that these were calls for service and noted that law enforcement has asked that the calls not be reported through the 911 system and citizens have been great about that. He did not have a dollar amount or hours spent on those 43 calls. He stated that law enforcement uses education rather than enforcement. He noted that it is always a concern with use of resources as the Ramsey

Police Department replies to over 1,000 calls for service per month which range in severity from ordinance complaints to crime and resources are allocated appropriately.

Councilmember Woestehoff commented that it would seem then that less than one percent of calls per month are related to the Executive Order or mandates.

Police Chief Katers commented that sometimes laws have civil or criminal violations, but some violations are also regulatory (liquor or tobacco licenses).

Councilmember Woestehoff asked if the one case that required regulatory documentation and referral required more or less time than the response to a drunk/disorderly complaint.

Police Chief Katers replied that he can only say the department replied to the one call that required regulatory follow up.

Councilmember Heineman commented that he believes that the narrative is being pushed to misrepresent the draft resolution. He stated that the intention is not to challenge or override a declaration. He commented that the Council has the authority to delegate how its resources are being spent. He stated that the resolution would not override the Governor and or challenge his authority but would instead state that the City will not allocate its resources on enforcement. He asked if an Executive Order is the same as State law.

City Attorney Langel replied that the EMA states that an Executive Order has the full effect of law.

Councilmember Heineman asked if the City can direct the police to not enforce the Executive Order or law.

City Attorney Langel replied that the City Council does not have the authority to direct its police department to not enforce State law.

Councilmember Heineman asked for clarification on the direction of Minneapolis to direct its police to not complete enforcement related to marijuana or sanctuary cities.

City Attorney Langel commented that he is not familiar with that and cannot expound on it. He stated that the police always have their own discretion, and the prosecutor has its own discretion. He stated that the City Council does not have the jurisdiction to tell law enforcement to stop enforcing speed zones or an Executive Order. He stated that his comments are not intended to belittle the Council, but to explain that the Council only has the jurisdiction it has been delegated.

Councilmember Heineman commented that it would seem that authority exists related to marijuana enforcement and Federal immigration laws. He commented that Minneapolis has decriminalized marijuana and believed that the City Attorney should have knowledge on this topic. He asked if any other metro communities have passed this type of resolution.

City Attorney Langel replied that he is not aware of a City that has passed this type of action. He stated that he is familiar with cities that have passed resolutions supporting businesses but not stating that the city will not expend resources including law enforcement for Executive Orders.

Councilmember Heineman asked if the City Attorney is familiar with Oak Grove's Resolution #20-047.

City Attorney Langel replied that he is not.

Councilmember Heineman commented that he believes that is a problem.

City Attorney Langel stated that if Oak Grove passed a resolution with this language, his opinion would be the same in that the city does not have the jurisdiction to do so. He stated that he can only provide the Council with his understanding of the law as someone that has practiced the law for a number of years as well as the history of the past year and the unsuccessful challenges that have occurred during that time.

Mayor Kuzma recognized that there are additional public speakers that would like to provide input.

Justin Loss, 5635 156th Lane NW, commented that he appreciates that the Council is concerned with the dollar value of the resources. He noted that the discussion also seems to include the staff time and where that time could be better spent. He stated that when the mandate came out the Anoka County Sheriff made the statement that they would not be policing this matter. He recognized that if there is an escalation between a customer and business owner, the police would respond. He recognized the comment that there is not a set date for this to end as that bookmark keeps moving.

Kristy Kane, 16219 Iodine Street NW, commented that she is speaking against the resolution. She stated that she is a mental health provider and has been working remotely to the extent possible. She stated that the mask mandate allows her to see clients that need to be seen in person. She stated that the pandemic has placed additional stressors on people and therefore those issues need to be able to be treated. She noted that many of her clients are immune compromised, as are members of her family, and that is why the mask mandate is important. She recognized that there are problems that arose from the past year. She commented on the stress that the youth are facing with distance learning. She stated that if people can stay the course, the ultimate goal will be reached faster. She stated that ignoring the mandate is only delaying the time necessary to go back to normal. She commented that the illness is mutating as well. She was concerned with the timing of this item being added to the agenda, noting that the item was placed on the agenda last minute and she was only made aware of it five minutes before the meeting which is ingenious to residents of Ramsey.

Carey Christian-Greg, 14670 Helium Street, echoed the comments of the last speaker. She stated that people go into businesses without masks using the guise of medical exemptions. She commented that she feels bad that businesses cannot enforce anything, especially if there is not support from the police department. She commented that her son is 13 and has had two surgeries for his medical condition but is not quite available to receive a vaccination. She commented that

mask use is not hard for people as they put it on to go into a business and then take it off when they go out.

Councilmember Specht thanked the police for doing a great job and taking the approach of education during the pandemic, which he appreciates. He thanked everyone that came and spoke on both sides, recognizing that this is a passionate topic. He stated that people need to remember that 32 percent of the states do not have a mask mandate and therefore if the mandate were reversed it would not be unique. He stated that this would not be a reversal of the mandate but simply a direction that Ramsey resources would not be spent on this matter. He noted that some states without mask mandates are faring better than states with mandates, while some are faring worse and therefore the masks are not the determining factor for success. He commented that residents are allowed to wear masks if they want to and if people choose not to, the City will simply not expend its resources to enforce that.

Councilmember Riley commented that Councilmember Specht's comments were well stated. He stated that he does not like the mask mandate or powers of the Governor. He recognized that this was an emergency but is no longer. He stated that there has been discussion related to what the City dislikes and disagrees with and the City Attorney has pointed out that there is a process that has gone to the courts several time. He commented that the legislature has the power to stop this but unfortunately continues to vote not to do so. He stated that while people may be unhappy, there is a process, and this would not be the appropriate route to take. He commented that people can reach out to legislators and urge them to speak up and revoke this emergency power. He noted that he will not be supporting this action tonight as this is not the right path forward.

Mayor Kuzma commented that he recently recovered from COVID. He stated fortunately no one in his circle was infected that he had contact with, noting that he has been careful to wear masks but still contracted the illness. He stated that he cannot support this action. He does not feel that wearing masks is that big of a deal and did not believe businesses would change their practices because of this action. He stated that he will not be supporting this request.

Councilmember Woestehoff stated that he appreciates the comments tonight but cannot support this mainly because it flirts with legality. He noted that the 55303 zip code is the fourth highest ranking for COVID cases. He stated that he has received a number of calls and emails from residents in the past four hours and this is an issue that is not appropriate at a City level. He commented that Police Chief Katers and his department have done a great job attempting to promote compliance while not bringing forth enforcement issues and instead using education. He stated that there are people that come to Ramsey to work and therefore this is not just a Ramsey issue.

Councilmember Heineman commented that data and science are important factors but can be viewed in a way that supports one's point. He noted that the article referencing 55303 being ranked the fourth highest zip code for cases also included data on cases per 1,000, which puts that zip code much lower in ranking. He stated that there are many factors to consider such as mental health, financial wellbeing, health problems because of mask use, increases in chemical dependency and the impact of isolation on mental health. He stated that it is his opinion that this Executive Order is a violation of the Bill of Rights. He stated that social contracts are relied on

throughout time and the notion that not enforcing an Executive Order is wrong seems to be in conflict of cities that choose not to enforce marijuana laws or immigration laws. He did not think there is precedent for this and believes that this action is worthy of a resolution.

Motion by Councilmember Heineman, seconded by Councilmember Howell, to Adopt Resolution #21-067 Instructing that No City Resource be Utilized in the Enforcement of Executive Order 20-81 as amended.

Further discussion: Mayor Kuzma commented that he will not support this resolution and was concerned with the liability that could be placed on the City. He did not believe the City has resources to support a potential lawsuit. Councilmember Musgrove commented that this resolution is being conflated with people not caring but clarified that this is specific to the City's ability to control what it spends its resources on. She stated that she supports this action and that does not mean that COVID is fake or people should not wear a mask. She stated that the mask mandate allows the Governor to mandate who wears a mask without medical opinion and there are no metrics as to when this will be done. Mayor Kuzma asked the liability the City could look forward to if this motion passes. City Attorney Langel stated that the issue of liability is not clear as the resolution is very broad. He commented that whether this is passed or not passed, it is his belief that the Council cannot direct law enforcement to not enforce the law and the police will need to continue to enforce the law. He stated that there should not be liability in that manner unless the police do not do their job. He stated that the potential liability would come from the office of the Attorney General and whatever action they may take against Ramsey. Councilmember Riley asked if the legal opinion would be that this is contrary to State law. City Attorney Langel confirmed that it is his legal opinion that the City Council does not have authority to state that its law enforcement cannot enforce an Executive Order. He recognized that people could have differences of opinion and respects that, but the Council would need to have authority or jurisdiction and he is not aware of anything that would give the City the right to do what this resolution states. Mayor Kuzma commented that he is disappointed in the Council in bringing this resolution forward.

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

7.08: Adopt Resolution #21-068 Directing City of Ramsey Staff, Authorities, Boards and Commissions to Take and Follow Direction from Ramsey City Council

City Administrator Ulrich stated that Councilmembers Heineman and Howell have requested consideration of the proposed resolution. He noted that there are some questions as to how this could be interpreted by the Commissions and Boards as well as staff.

Councilmember Howell commented that the goal of Councilmember Heineman and herself was to establish a baseline policy going forward to ensure that policies from the Council are followed by staff and the Boards and Commissions. She stated that as a liaison for a Commission she experienced a Chair not following the Council guidance related to mask wearing and sent out a letter with his own direction to the group. She stated that she wants to ensure that does not happen

again. She stated that members of Boards and Commissions have the right to attend in person and should not be given contrary direction from their Chair.

Councilmember Heineman stated that he has received feedback on the opinion that this is overreach by Councilmember Howell and himself. He stated that the intent is to prevent a situation where someone creates their own rules that supersede the direction from the Council. He stated that staff does an amazing job, and this resolution is meant to address the situation where a Board or Commission member attempts to provide their own rules. He stated that he would entertain adding the language that this does not supersede statutory requirements. He stated that the intent is to provide a policy and baseline to support the organizational chart within the City.

Councilmember Riley commented that he found it interesting that during the previous case a resident read this resolution back in the guise of the Governor's mandates. He stated that in his mind this seems to create a big rule to address one incident and does not want to ever do that in his life. He stated that an incident can be handled rather than making a resolution. He noted that it goes without saying that the City Council sets the direction. He stated that this gives the impression that the Council does not care about the input from the Commission members and what those members say. He stated that if the Council is under the impression it is the only voice that matters, there would be no point to have Commissions. He stated that the outcome of this would seem to create "yes committees" in that there are no other opinions welcome, and someone could not disagree with the Council. He commented that he would be concerned that this would be interpreted that someone can have an opinion as long as it does not vary from the Council.

Councilmember Howell commented that the intent of the resolution is that staff works for the Council and while they can have independent opinions, staff is to follow the direction of the Council. She stated that when Commission members send out emails directing members to follow their direction rather than the Council and directing QCTV to cut people off, that is in violation. She stated that she does not see a problem with a gentle but firm reminder.

Councilmember Specht commented that this seems to be status quo that the Commissions follow the direction of the Council and therefore did not see a problem with a simple reminder.

Mayor Kuzma commented that this has not been a problem during his time on the Council. He did not feel that this needs to rise to this level and would not support the resolution as he believed issues could be handled internally.

Councilmember Musgrove commented that this topic was discussed in a previous worksession and she spoke with staff earlier this week related to a letter she received from a Commission. She stated that the letter did not follow the direction of the Council. She was unsure who wrote the letter but noted that the letter content went above and beyond the direction of the Council. She agreed that it could be helpful to reiterate the role of the Commissions and the role of the Council. She commented that the Council is elected to represent the residents and provide guidance to City staff and the Commissions related to policy. She noted that the resolution seems to reinforce the organizational chart within the City.

Mayor Kuzma suggested that members of the public be allowed to speak.

Jennifer Leistico, 15790 Neon Street NW, commented that she is a member of the Parks and Recreation Commission and Charter Commission. She stated that she would like more information on the basis of this. She commented that it seems the instigating matter again seems related to masks and enforcement. She asked what problem this would be solving for the residents of Ramsey and noted that it seems this could have been handled through a memorandum rather than resolution. She commented that the Commissions are composed of citizens of Ramsey who have opinions, take information from other residents, and provide a recommendation to the Council which ultimately decides the matter. She stated that the resolution appears to state that the Council will direct staff and others to do things, which she believes is accurate for staff. She stated that there is nothing a Commission could do to act in opposition of the Council as they are only a recommending body. She commented that there was a reference in the previous resolution about mincing words, which is what needs to be done for ordinances and resolutions. She stated that the original intent is not coming across in this resolution language. She stated that she does not support this action as a citizen of Ramsey or as a member of multiple Commissions within the City.

Randy Bauer, 14942 Quintana Circle, Chair of the Planning Commission echoed the comments of Councilmember Riley in that the previous resolution states that the Council wants to go against the higher authority and this resolution would seem to do the opposite stating that the Council is the higher authority, and everyone must do as it says. He agreed that both the prior resolution and this action seem to focus on the issue of masks, which unfortunately has become a political issue rather than an issue of public health. He stated that his wife has worked in public health for over 45 years and he and his wife were wearing masks before they were mandated and continue to do so. He stated that when the Planning Commission did gather in person, he did encourage people to keep their masks on. He commented that this resolution is very broad and gives the impression that the Council is on top and everyone must follow. He stated that the Planning Commission has the authority to grant a variance, noting that decision could be appealed to the City Council, but that authority lies with the Planning Commission. He stated that this resolution appears to be looking for a problem that does not exist and again focuses on masks. He commented that everyone is aware of the organizational chart that already exists.

Gary VanScoy, 5851 147th Lane NW, commented that he has been a member of the Planning Commission for 18 to 19 years. He stated that when he read this resolution he was appalled with the broad language and potential impact and was concerned with what was driving this request. He stated that his impression was similar to the comments of Councilmember Riley. He echoed the comments of the previous speaker in that it seems there was one issue related to masks that brought this forward. He stated that he has contacted the State regarding the Council's interpretation to 20-81, specifically that masks should be taken off when speaking and then replaced, whereas the Council's opinion is that the masks could be removed once seated. He stated that the direction of the Council is counter to that of the State law. He recognized that is a choice the Council made but did not want to see what he deems to be an improper choice imposed on the Commissions. He commented that as written this language is so broad that it is appalling. He stated that he believes this is unnecessary and would bring potential issues for the Council and Commissions. He stated that as written he did not believe he could continue to participate in a Commission that would be told how to make its decisions.

Councilmember Specht thanked all the people that serve on Commissions noting that the City would not be as successful without the contributions of those that volunteer their time to serve on those bodies. He stated that when he read the resolution it seems to reiterate the status quo in that the Council has the final say. He stated that he feels bad that the language is being interpreted differently by some people as he does not feel it devalues the work of the Commissions.

Councilmember Heineman referenced the statement that the Council is wanting to have its cake and eat it too and likening this to the State Executive Orders as well as the comment that Councilmember Howell and himself are being inconsistent. He stated that the issue with the Executive Order is that it goes against the constitution while this resolution simply reaffirms the organizational chart that already exists. He stated that it is apparent that readers are taking this in a direction it was not intended and stated that he would amend the resolution to include the language “to not supersede statutory requirements or independent opinions or to influence the Commissions”. He referenced the statement that Mayor Kuzma made related to a process that exists but noted that he has not seen that in writing.

Mayor Kuzma believed that process is outlined in the manual given to new Councilmembers on procedures.

Councilmember Woestehoff echoed the concerns of the Board and Commission members and was disappointed. He was worried that this would cause the City to lose valuable volunteer members of Boards and Commissions because of an issue that could have been handled administratively. He stated that according to the personnel policy, the Council is not supposed to wear jeans and believed that the Council should spend its time focusing on issues that actually matter.

Mayor Kuzma commented that he feels that this resolution is an overreach by the Council and did not feel that this would be necessary. He stated that in the eight years he has been on the Council there has not been an issue that could not be worked out. He felt that this could cause the City to lose members of its Commissions.

Councilmember Riley asked if there is a procedure in the policy that addresses how a member of a Commission could be removed for attendance and/or conduct.

City Administrator Ulrich confirmed that to be true.

Councilmember Riley commented that this is an isolated incident and there are policies in place to deal with this. He stated that this is broad language and if this is an issue with masks, it should be stipulated. He commented that it is clear that the language of this resolution is not being interpreted well by members of Commissions. He stated that the amendment proposed by Councilmember Heineman would make it better but believes the issue could be handled specifically with that person if there is an issue. He stated that as Councilmembers some latitude should be given as everyone has the best intentions in serving their community.

City Administrator Ulrich clarified that a motion has not been made thus far.

Motion by Councilmember Heineman seconded by Councilmember Howell, to Adopt Resolution #21-068 Directing City of Ramsey Staff, Authorities, Boards and Commissions to Take and Follow Direction from the Ramsey City Council.

Further discussion: Councilmember Riley asked if Councilmember Heineman proposes to add the additional language he mentioned. Councilmember Heineman commented that if appropriate he could include that language.

He amended his motion as follows with support from Councilmember Howell:

Motion by Councilmember Heineman seconded by Councilmember Howell, to Adopt Resolution #21-068 Directing City of Ramsey Staff, Authorities, Boards and Commissions to Take and Follow Direction from the Ramsey City Council Not to Supersede Statutory Requirements or Independent Ideas or to be Influenced.

Further discussion: Mayor Kuzma commented that he again is disappointed in this resolution as well as it is an overreach.

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

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced upcoming meetings and events.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 9:50 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Katie M. Schmidt
Deputy City Clerk

Drafted by Amanda Staple, *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.