

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

 2.01: Board and Commission Member Oath of Office..... 2

 2.02: Fire Department of the Year Award 2

3. CITIZEN INPUT 3

4. APPROVE AGENDA 3

5. CONSENT AGENDA 3

6. PUBLIC HEARING 4

7. COUNCIL BUSINESS..... 4

 7.01: Adopt Resolution #21-099 Agreement to Terminate the Joint Powers Fire Protection Agreement Between the City of Ramsey and the City of Nowthen 4

 7.02: Introduce Ordinance #21-10 Prohibiting Targeted Picketing in Residential Neighborhoods..... 5

 7.03: Adopt Ordinance #21-01 Amending City Code Sections 117-111 (R-1 Residential District) and 117-112 (R-2 Residential District) Clarifying Subdistricts Based on Lot Size..... 5

 7.04: Adopt Ordinance #21-02 Amending City Code Section 117-148 Entitled Mississippi River Corridor Critical Area 7

 7.05: Adopt Resolution #21-101 Approving Preliminary Plat for Riverstone South Addition (Project No. 19-152) and Associated Approvals; Case of Capstone Homes 8

 7.06: Adopt Resolution #21-096 Approving Donation Agreement and Acquisition of Outlots C and D, Sweetbay Ridge 11

 7.07: Follow-Up Discussion and Questions Surrounding Resolution #21-067 12

 7.08: Adopt Resolution #21-098 Approving Abatement of 7111 175th Ave NW (Case of Tracy Phillippi) 15

8. MAYOR, COUNCIL AND STAFF INPUT 17

 8.01: Council Staff Input – Regarding Public Data Request 17

9. ADJOURNMENT 19

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

The Ramsey City Council conducted a regular meeting on Tuesday, April 13, 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
Fire Chief Matt Kohner
Police Chief Jeff Katers
Parks and Assistant Public Works Superintendent Mark Riverblood
Administrative Services Director Colleen Lasher
Deputy City Administrator Timothy Gladhill
City Engineer Bruce Westby – 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: Board and Commission Member Oath of Office

Administrative Services Director Lasher completed the ceremonial swearing in of Ms. Rachal Johnson, Mr. William MacLennan, and Mr. Michael Olson who have joined the Economic Development Authority, and Mr. Dean Olson who has joined the Park and Recreation Commission.

2.02: Fire Department of the Year Award

Fire Chief Kohner stated that annually, the Minnesota State Fire Department Association (MSFDA) awards a MN Fire Department the honor of Fire Department of the Year.

Mark Rosenblum, MSFDA President, stated that he is excited and proud to be honoring the Ramsey Fire Department as Fire Department of the Year. He read part of the nomination for Ramsey from the Firefighters for Healing organization. He stated that the MSFDA Board could not agree more with the submission and congratulates the Ramsey Fire Department. He presented the award to Fire Chief Kohner along with a flag that can hang in the station.

Fire Chief Kohner accepted the award on behalf of the department and could not be prouder to be part of the organization. He acknowledged the members of the department present at the meeting tonight.

Mayor Kuzma congratulated the Fire Department and Fire Chief Kohner.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

City Administrator Ulrich stated that there has been a request from a property owner to remove Item 5.13 from the Consent Agenda. It was noted that item would be considered as Item 7.08.

Councilmember Specht asked if that item should appear earlier in the agenda to allow the resident to speak sooner.

Mayor Kuzma commented that the item will appear as Item 7.08.

Motion by Councilmember Riley, seconded by Councilmember Musgrove, to approve the agenda as amended.

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

5. CONSENT AGENDA

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

- 5.01: Receive February 2021 Financial Reports – General Fund and Enterprise Funds
- 5.02: Approve the following Meeting Minutes:
 - 1) City Council Special Work Session dated March 16, 2021
 - 2) City Council Work Session dated March 23, 2021
 - 3) City Council Regular dated March 23, 2021
- 5.03: Approve Business Licenses
- 5.04: Approve Rental Licenses

- 5.05: Adopt Resolution #21-086 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing During the Period of March 18, 2021 through April 7, 2021
- 5.06: Adopt Resolution #21-085 Approving Plans and Specifications and Authorizing Advertisement for Bids for Tiger Street Reconstruction, Improvement Project #21-02
- 5.07: Adopt Resolution #21-064 Granting an Easement Encroachment Agreement on Multiple Lots in Riverstone 5th Addition (Project No. 20-130); Case of Riverstone Development LLC
- 5.08: Adopt Resolution #21-091 Authorizing the Application for Metropolitan Council Environmental Services (MCES) 2020 Municipal Inflow & Infiltration (I&I) Grant
- 5.09: Adopt Resolution #21-092 Approving the Lease Agreement of 6745 Highway 10 NW with RM Golf Carts
- 5.10: Adopt Resolution #21-093 Approving the Lease Agreement of 6781 and 6745 Highway 10 NW with Mille Lacs Motor Sports II
- 5.11: Adopt Resolution #21-095 Approving Easement Encroachment Agreement for Certain Lots in the Preserve at Northfork
- 5.12: Adopt Resolution #21-097 Approving Grading agreement for Northfork Meadows; Case of US Home Corporation dba Lennar (Project 20-135)
- 5.13: ~~Adopt Resolution #21-098 Approving Abatement of 7111 175th Avenue NW (Case of Tracy Phillippi)~~ Item removed from Consent Agenda and considered as Item 7.08
- 5.14: Adopt Resolution #21-100 Authorizing On-Call Duty Officer Compensation in the Fire Department

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

6. PUBLIC HEARING

There were none.

7. COUNCIL BUSINESS

7.01: Adopt Resolution #21-099 Agreement to Terminate the Joint Powers Fire Protection Agreement Between the City of Ramsey and the City of Nowthen

City Administrator Ulrich reviewed the staff report and recommendation to adopt the resolution terminating the Joint Powers Fire Protection Agreement between the City of Ramsey and the City of Nowthen.

Mayor Kuzma asked if the mutual aid agreement will remain in place with Nowthen.

Fire Chief Kohner confirmed that a mutual aid agreement will remain similar to the other surrounding communities.

Councilmember Musgrove commented that as a member of the Joint Powers Board they have worked hard on this and it is exciting that this is moving forward. She thanked all the members of the Board and wished Nowthen well as it moves forward.

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to Adopt Resolution #21-099 Terminating the Joint Powers Fire Protection Agreement Between the City of Ramsey and the City of Nowthen.

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

Mayor Kuzma wished Nowthen luck with its own department.

7.02: Introduce Ordinance #21-10 Prohibiting Targeted Picketing in Residential Neighborhoods

Police Chief Katers reviewed the staff report and recommendation to introduce Ordinance #21-10 creating Section 133 of the Ramey City Code Chapter 34, Article IV, entitled Targeting Picketing in Residential Neighborhoods.

Motion by Councilmember Musgrove, seconded by Councilmember Heineman, to introduce Ordinance #21-10 creating Section 133 of Ramsey City Code Chapter 34, Article IV, entitled Targeted Picketing in Residential Neighborhoods.

Further discussion: Councilmember Woestehoff commented that he believes that this is an important ordinance but will not be supporting this because he would prefer an exclusion for elected officials. He commented that while he does not believe that staff or residents should be subject to picketing, the public should have the right to do so for elected officials. Councilmember Heineman agreed with Councilmember Woestehoff. He stated that public officials sign up for a higher level of scrutiny and believed that those officials can be held accountable. He stated that he does like that this ordinance would protect residents but also will not be supporting this because it does not exclude public officials. Councilmember Musgrove asked if someone could second a motion they will not support. City Administrator Ulrich confirmed that could be done.

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

7.03: Adopt Ordinance #21-01 Amending City Code Sections 117-111 (R-1 Residential District) and 117-112 (R-2 Residential District) Clarifying Subdistricts Based on Lot Size

Deputy City Administrator Gladhill reviewed the staff report and recommendation from the Planning Commission to adopt Ordinance #21-01.

Councilmember Specht stated that it is his understanding that if a development meets the requirements of R-1, the City would have to approve it and asked if this would mean the City would need to approve the 60-foot lots if all other requirements are met.

Deputy City Administrator Gladhill commented that these would remain as separate districts and would still require the City to rezone the property to these districts as properties are not currently zoned in this manner. He explained that the R-1 properties are traditional detached single-family homes with different categories while R-2 are detached townhomes, therefore this could better categorize and better define the districts.

Councilmember Musgrove asked if there are any properties currently zoned in this manner.

Deputy City Administrator Gladhill commented that the City would not proactively zone properties in this manner but would instead react to development requests, using the example of the Riverstone South development that appears on the agenda tonight. He stated that there are currently two locations zoned for R-2 villa, with 65-foot lots. He recognized that there is concern as to how this could be applied to Trott Brook North but noted that area would remain as 80-foot lots.

Councilmember Riley commented that R-1 is 80-foot lots, unless the Council decides that an area would be zoned for smaller lots.

Councilmember Musgrove referenced minimum lot size and width and asked for details on those changes.

Deputy City Administrator Gladhill stated that this was already allowed and there was simply clarity added to the language and description for the detached townhomes.

Councilmember Musgrove referenced the five-foot side yard setback and asked if that is required from each home, which would create ten feet between homes.

Deputy City Administrator Gladhill confirmed that to be true. He again provided clarity on the detached townhomes that the Council has allowed and the additional standard descriptions that were added.

Councilmember Woestehoff commented that it seems that some of the confusion from Councilmember Musgrove is related to the 50-foot lot and those standards, which would still exist but just be moved to the R-1 section.

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to waive the City Charter requirement to read the Ordinance aloud and adopt Ordinance #21-01 Amending City Code Sections 117-111 (R-1 Residential District) and 117-112 (R-2 Residential District) Clarifying Subdistricts Based on Lot Size.

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.

7.04: Adopt 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 Ordinance #21-02.

Mayor Kuzma recognized that a lot of work has been put into this process that has gone back three or four years.

Councilmember Musgrove commented that on the last page there is one numbered line. She asked if that could be removed in order to remove the last page.

Deputy City Administrator Gladhill commented that when the final version is codified the numbering would become irrelevant and it would not be published in this exact format. He confirmed that the empty line could be removed.

Councilmember Musgrove referenced the native species declared and the area identified, asking for clarification.

Deputy City Administrator Gladhill commented that there is a natural resources inventory, and any major development will have an environmental review.

Councilmember Musgrove asked if the existing inventory would be used or whether that would need to consistently be updated.

Deputy City Administrator Gladhill commented that native plant species planted on an individual lot would not be impacted by this ordinance.

Motion by Councilmember Woestehoff, seconded by Councilmember Howell, to waive the City Charter requirement to read the Ordinance aloud and adopt Ordinance #21-02 Amending City Code Section 117-148 (Mississippi River Corridor Critical Area).

A roll call vote was performed:

Councilmember Heineman aye
Councilmember Woestehoff aye

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

Motion carried.

7.05: Adopt Resolution #21-101 Approving Preliminary Plat for Riverstone South Addition (Project No. 19-152) and Associated Approvals; Case of Capstone Homes

- **Accept Final Environmental Assessment Worksheet (EAW) and Determine Environmental Impact Statement (EIS)**
- **Adopt Ordinance #21-03 Amending Official Zoning Map**
- **Approve Deviation from Street Name Grid**
- **Approve Preliminary Plat**

Deputy City Administrator Gladhill reviewed the staff report and stated that the Planning Commission recommends approval of this project and also recommends that the City not change the name of Unicorn Street to Pearson Street (technically a denied variance to this request). The Park and Recreation Commission recommends that park dedication be satisfied through the dedication of a one-acre parcel and cash contribution of \$350,000. The Environmental Policy Board recommends that the City preserve the seven-acre tree preservation area.

Councilmember Musgrove stated that she would support the street name change to Pearson and noted that discussion occurred at the Public Works Committee as well. She asked for the timeline related to payment for the seven acres and whether the HRA fund would be used for street funding.

Deputy City Administrator Gladhill replied the fund would be a source for Riverdale Drive and confirmed there were sufficient funds for both activities. He stated that from the perspective of staff, Riverdale Drive will not move forward until the funding is secured per the cost-share agreement which would be in June or July. He stated that the developer would like clarity on the seven-acre payment prior to that time in order to move forward on its Purchase Agreement.

Councilmember Musgrove commented that the Planning Commission discussion noted that the residents wanted the preservation of the seven acres, which was then part of the Development Agreement and the City would find the dollars for that. She asked for clarification from staff.

Deputy City Administrator Gladhill replied that staff feels that it was made clear that outside funding would be needed for that purchase and acknowledged that was not fully agreed upon by the developer, but the Council agreed with that direction. He stated that the developer is asking the Council to agree to use the HRA fund if the outside funding cannot be gained. He stated that staff wants to ensure that too much is not being done by the City to support this project.

Councilmember Specht referenced previous discussions related to the wooded area and the desired barrier between the development and Bowers Drive. He stated that the City agreed that the wooded area is an asset and while an outside source should be pursued it would not be fair to put that on

the developer as that was a desire of the City and its residents. He stated that he supports the road name change and everything else proposed in the case.

Deputy City Administrator Gladhill commented that there was earlier discussion related to park dedication and if cash were taken the full amount would be about \$800,000. He stated that this area is underserved in terms of park recreation and therefore the recommendation from the Park and Recreation Commission was to take a one-acre parcel and \$350,000 in order to create a park in this location. He agreed that the preservation of the wooded area was an ask from the residents and City. He stated that if the Council wants to back the \$350,000 from City funds, he would recommend a source outside of park dedication dollars as those funds are planned to be used to build the actual park.

Councilmember Musgrove stated that it appears there are two contingencies related to funding, the cost of the seven acres along with the one acre and \$350,000 for park dedication. She asked if the price of the seven acres is actually \$350,000.

Deputy City Administrator Gladhill commented that the contingencies for funding are related to the seven acres and Riverdale Drive. He stated that the park dedication is satisfied through one acre in land and \$350,000 in cash contribution as recommended by the Park and Recreation Commission. He stated that the developer is asking for \$350,000 in order to preserve the seven acres, which is separate from park dedication.

Mayor Kuzma asked if this could move forward tonight, with the contingencies, if the HRA fund were identified for the funding source.

Deputy City Administrator Gladhill commented that from the perspective of staff that would be allowed. He stated that the resolution could be amended to include the ask from the County for use of the HRA fund. He stated that the Council could also ask the developer for input on their schedule.

Steve Bona, Capstone Homes, commented that this has been a long process and they appreciate the time that City staff has spent on this along with the Council and Pearson family. He stated that they also appreciate the support of the Public Works Committee to change the street name. He stated that in reference to the tree preservation, when the framework was developed the obligation of Capstone was to provide seven acres of tree preservation. He stated that the concept plan was redesigned to incorporate that tree preservation area, which was a major change that removed about 20 homes from the plan. He stated that they agree to it and believe that it makes the development better. He stated that as they moved forward with the work for preliminary plat and the environmental worksheet, they believe they are fulfilling their obligation under the framework. He commented that finding the tree preservation money is difficult and Capstone would like a backup plan to be in place if those outside funds cannot be found. He stated that if approved, Capstone has provided the tree preservation area and would like the assurance that the \$350,000 would be provided in one way or another before expending additional funds on construction plans. He stated that he is not attempting to undermine staff but want to ensure that the obligation will be fulfilled as the tree preservation was requested by residents and supported by the Planning Commission and City Council. He stated that Capstone simply wants to ensure that the funds will

be there in one way or another so they can continue to move forward. He referenced the comment of the City perhaps doing too much and noted that they do not believe that is the case as they are simply asking the City to fulfil what it agreed to.

Councilmember Woestehoff referenced the recommendation of the Public Works Committee, the recommendation of the Planning Commission and asked for clarity on where Pearson would be placed.

Deputy City Administrator Gladhill commented that the developer is waiting to amend its plan. He reviewed the recommendation of the Public Works Committee, which would rename Unicorn Street/Street A as Pearson while the other roads would follow the street naming grid.

Councilmember Specht commented that the completion of Riverdale Drive will benefit all residents. He stated that he also feels that the tree preservation area was a request of the City, especially in support of the residents along Bowers Drive and as a natural resource. He stated that he would like the City to work to find a funding source for the tree preservation area and did not feel it would be appropriate to put that on the developer.

Motion by Councilmember Specht, seconded by Councilmember Musgrove, to Adopt Resolution #21-101 Determining that an Environmental Impact Statement (EIS) is not Necessary and Granting Preliminary Plat for Riverstone South Addition and Associated Approvals for Riverstone South, contingent upon compliance with Staff Review Comments and subject to final review by the City Engineer and authorize use of the County HRA or other City source of funding for the tree preservation area.

Further discussion: Councilmember Musgrove asked if language would need to be included in the motion. Deputy City Administrator Gladhill commented that the name change is included in the resolution as proposed. Councilmember Riley commented that he would support the change from Unicorn to Pearson as identified in the resolution. He asked if additional street names would need to be listed that would follow Riverstone North, as those are deviations from the grid. Deputy City Administrator Gladhill commented that he could clarify that Quintana and Snowy Owl would be used. Councilmembers Specht and Musgrove accepted an amendment to the motion to include the deviation in street names for Quintana and Snowy Owl. The amended motion reads as follows:

Motion by Councilmember Specht, seconded by Councilmember Musgrove, to Adopt Resolution #21-101 Determining that an Environmental Impact Statement (EIS) is not Necessary and Granting Preliminary Plat for Riverstone South Addition and Associated Approvals for Riverstone South, contingent upon compliance with Staff Review Comments and subject to final review by the City Engineer, to authorize use of the County HRA or other City source of funding for the tree preservation area, and to approve the additional street name deviations of Quintana and Snowy Owl.

Further discussion: Councilmember Riley commented that this motion includes the City finding the funding source for the tree preservation area. He asked if the City is likely to obtain County HRA funds for this purpose. Deputy City Administrator Gladhill stated that he feels more confident in that funding source than the others pursued thus far. He stated that staff feels strongly

and fairly confident at the fund could be used. Councilmember Riley asked what funds would be used if the HRA could not be used. Deputy City Administrator Gladhill commented that has not yet been defined and he did not have a solid answer at this time. He stated that staff does not support use of park dedication for this tree preservation area. Councilmember Woestehoff asked if the motion should be made contingent upon receipt of County HRA funds and whether that would make the City more likely to receive the funds. Deputy City Administrator Gladhill commented that it would not hurt or help the request to the County. Mayor Kuzma commented that the County HRA fund has dollars paid by the residents of Ramsey and asked for the fund balance. Deputy City Administrator Gladhill commented that at the last check there was over \$1,000,000 in the account and the account is used for development projects within Ramsey. Mayor Kuzma commented that it would then seem appropriate to ask for these funds to use in this purpose. Councilmember Musgrove asked for clarification as to how the \$350,00 in park dedication could be used and whether it must be used for the one-acre park or whether those funds could be used towards the overall area. Parks and Assistant Public Works Superintendent Riverblood commented that park dedication funds can be used outside of the development area if used for a community park but stated that there should be a nexus between the funds contributed and the families that live in that area. He stated that the City has made a lot of amendments to make this project work, including a change in the location of the one acre of park land to be in the wooded area to further preserve trees. He stated that the \$350,000 in cash is needed in order to build a neighborhood park in that one-acre location. He stated that there will not be a surplus of park dedication from this park project.

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

Motion by Councilmember Specht, seconded by Councilmember Riley, to waive the City Charter requirement to read the Ordinance aloud and adopt Ordinance #21-03 Amending Official Zoning Map.

A roll call vote was performed:

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

Motion carried.

7.06: Adopt Resolution #21-096 Approving Donation Agreement and Acquisition of Outlots C and D, Sweetbay Ridge

Deputy City Administrator Gladhill reviewed the staff report and stated that staff recommends adoption of Resolution #21-096 approving Donation Agreement and acquisition of Outlots C and D, Sweetbay Ridge as presented, subject to City Attorney review.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to Adopt Resolution #21-096 Approving Donation Agreement and Acquisition of Outlots C and D Sweetbay Ridge subject to City Attorney review.

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

7.07: Follow-Up Discussion and Questions Surrounding Resolution #21-067

City Administrator Ulrich reviewed the staff report and stated that Councilmembers Howell, Heineman and Musgrove have requested that this item be on the agenda to allow additional discussion.

Councilmember Heineman commented that the resolution passed on March 9th and since then there have been questions on both sides of the issues and he continues to receive questions related to the legal counsel that was received during the meeting. He asked the role and purpose of the City's legal counsel.

City Attorney Langel replied that the role of the City Attorney is to provide legal advice to the Council and staff as requested.

Councilmember Heineman asked if that legal advice is intended to be in the best interest of the City.

City Attorney Langel commented that the legal advice is intended to protect the City. He commented that he is not present to make everyone happy but to provide the advice that protects the City of Ramsey and recognized that can make people happy or not happy.

Councilmember Heineman appreciated that the goal of legal counsel is to provide an unbiased opinion. He stated that the resolution did pass and asked what steps the City Attorney has taken since that time to defend the decision and what case law has been studied to support the decision of the Council.

City Attorney Langel replied that he has not been asked to do specific research on this matter by the Council since the March 9th meeting. He stated that at that time he discussed at length his understanding of the law with respect to this resolution. He stated that he does not undertake legal work on behalf of the City unless it is directed, as that is work he would need to bill the City for. He noted that he had stated his positions at the March 9th Council meeting and the resolution did pass. He stated that since that time he has not been requested to do specific work on this matter.

Councilmember Heineman stated that when the group last spoke, legal counsel stated that there is no precedent that would allow a City to not put resources towards enforcing laws, whether

Executive Orders or not. He stated that at that time he referenced other cities that have instructed their police not to enforce certain laws and legal counsel stated that he was not aware of those instances. He asked if any research has been done by legal counsel on those matters. He commented that perhaps if there are directly applicable cases it would be wise for the legal counsel to be aware of those cases.

City Attorney Langel commented that he has not been asked to follow up on those matters since the original discussion and the case topic was very broad for tonight. He stated that it would seem that the references Councilmember Heineman made were related to immigration actions from various cities. He explained that immigration involves federal law, and it is his understanding that the federal government cannot force local government to enforce its laws and these cities have instructed their staff not to help the federal government do its job. He stated that is very different than this discussion.

Councilmember Heineman used the example of Minneapolis decriminalizing marijuana use.

City Attorney Langel commented that it is his understanding that it was not the City of Minneapolis but the decision of the Hennepin County Attorney not to process marijuana crimes under a certain level which is a matter of prosecutorial discretion. He commented that if someone in the City of Ramsey were charged with a misdemeanor for a mask violation, the Anoka County Attorney's Office would have the discretion as to whether to enforce that and not the City of Ramsey.

Councilmember Heineman referenced a comment that ongoing challenges were dismissed at the court level and there were no ongoing cases challenging the Governor at that time.

City Attorney Langel commented that there have been a number of cases that have come forward in both state and federal district courts. He commented that it would be difficult to track whether there are ongoing cases.

Councilmember Heineman stated that on March 9th there was an ongoing case against the Governor and the Governor did terminate the portion of the Executive Order related to church capacity. He recalled a comment that precedent has been set by the district court and asked if that is, or was, true at the time.

City Attorney Langel commented that the religious liberty cases are the one area where challenges have been successful throughout the country but has nothing to do with the resolution adopted in March. He commented that there have continued to be cases in court and to his knowledge none of those have been successful to this point.

Councilmember Heineman commented that the resolution passed related to the Executive Order said that no City resources will be used to enforce the Executive Order related to the mask mandate. He stated that resolution helped to provide security to those churches in the community before that court case was settled and therefore believes the resolution was tied to religious freedoms. He commented that district court does not set precedent, which was pointed out to him by multiple people noting that precedent is set by trial, appellate and supreme courts. He stated therefore the

opinion that precedent would be set overruling the resolution would appear to not be well researched.

City Attorney Langel explained that his comment was that there have been cases that used the arguments within the resolution in court and those cases have failed. He confirmed that a district court order is technically not precedent setting but is indicative to an argument. He stated that the point he was making at the Council meeting was simply that a number of different arguments have been made in the state and federal courts, outside of religious liberty, that have failed.

Councilmember Howell commented that a district court ruling does not set precedence and the mandate is of disputed legality and contradictory to other state law. She commented that her issue with the legal advice is that the City does not have a right or obligation to choose sides between a dispute between branches of the government. She commented that there is continued litigation stating that the Governor's Orders are unconstitutional. She stated her position is that the City choosing a side would make it liable for enforcing such action that is later deemed unconstitutional. She asked why the resolution would not protect the City from facing liability.

City Attorney Langel disagreed with the characterization that the Executive Order is of dubious legality. He stated that until such time the Executive Order is overturned by a court, it is considered state law. He stated that these Executive Orders have been challenged multiple times and with the exception of religious liberty challenges, the Orders have been upheld and remain state law. He stated that someone can disagree with it, just like they could disagree with whether a seatbelt has to be worn, but it still remains as law until such time it is overturned. He commented that therefore there is not liability for the City to enforce the law, similar to enforcement of the speed limit. He stated that there is not a conflict the City has to stay out of. He commented that the job and obligation of law enforcement is to enforce the law.

Councilmember Howell commented that there is state statute, 609.735, that requires someone not to wear a mask or cover their face and therefore the Executive Order would conflict with that. She stated in her opinion this would be choosing one law over another to enforce.

City Attorney Langel commented that 609.735 is the mask law which has been challenged a few times and has been overruled in federal court. He stated that the idea of 609.735 is that you are not permitted to conceal your identity and the argument has been that a mask mandate is not meant to conceal one's identity. He stated that Councilmember Howell may have the opinion that there is an issue or conflict but that has not been upheld by a court to this point.

Councilmember Howell commented that the statute exists and therefore enforcing the mask mandate would be in violation of the state statute.

City Attorney Langel commented that the two courts that have looked at this had no hesitation that 609.735 impacts or is relevant to the mask mandate because they go after different things, a health issue and concealing one's identity for a criminal act. He stated that he has no difficulty telling any Council that statute is not a valid basis for telling a police officer not to enforce an Executive Order.

Councilmember Heineman commented that while it is easy to make a comparison to seatbelt wearing, there is no statute stating that you must wear a seatbelt and an Executive Order stating that you must not wear a seatbelt and therefore he does not believe that is an accurate comparison. He stated that this whole thing is about enforcing Executive Orders that are considered unconstitutional. He stated that this resolution states that if an Executive Order infringes on someone's rights, the City is directing its police not to enforce that. He stated that this resolution would protect the rights of a church if capacity were again limited. He stated that there is not a definition of individual rights within the Executive Order and therefore the language referencing transgression of individual rights seems to be a catch all that was included in the instance it needs to be used in the future.

Mayor Kuzma asked the position on the resolution according to state law and whether the City could face liability as a result of this resolution.

City Attorney Langel commented that the resolution cannot change the obligations of law enforcement under state law. Therefore, as long as the law enforcement officers continue to do what they are sworn to do, he would think it would be okay. He stated if that were to change there would be potential for liability. He stated that as he understands it, the police department has continued to do the very little necessary with respect to enforcement of the Executive Order.

Mayor Kuzma asked and received confirmation that Councilmembers Howell and Heineman were comfortable with the responses provided.

Councilmember Musgrove commented that there are conflicts between the Executive Order and state statute, recognizing that the County Attorney has the discretion on whether to prosecute. She stated that if there are issues related to mask wearing, they are often charged with other things, such as trespassing. She referenced the curfew that was issued the previous night and noted that some people received exemptions while others were required to stay home. She recognized that these continue to be difficult matters and people are often charged with other things. She stated that she stands confident in the passing of the resolution.

Mayor Kuzma commented that he did not support the resolution and is disappointed as it puts a burden on businesses to provide enforcement.

7.08: Adopt Resolution #21-098 Approving Abatement of 7111 175th Ave NW (Case of Tracy Phillippi)

Deputy City Administrator Gladhill reviewed the staff report and recommendation to adopt Resolution #21-098 approving an abatement of 7111 175th Ave NW to remove items in violation of City Code including the fence without a permit, unused construction materials, other refuse items, and vehicles until six vehicles remain on the property. The cost of the work will be assessed to the property taxes of the subject property. He recognized that the property owner would like to address the Council.

Tracy Phillippi, 7111 175th Ave NW, stated that she provided photographs of three other homes on her street that are in worse condition than her home. She stated that her son has cancer, and she

has not had the time or resources to clean up the property. She stated that she is a single mother and with COVID and the cancer treatments she has not had time to clean up her property. She stated that her son is in remission and she will be able to put more effort into her property. She stated that nothing has been done about the other homes on her street that are in worse condition.

Deputy City Administrator Gladhill commented that staff has been attempting to work through this for years and today is the first time he was alerted that there was an issue from the property owner. He stated that the Council could entertain a short extension, such as 30 days, to determine if improvement could be made. He noted that the three other properties mentioned have been entered into the system for follow up.

Councilmember Riley asked if the property owner is requesting an extension.

Ms. Phillippi replied that she wants fair and equal treatment and would appreciate an extension. She stated that there are three houses worse than hers and feels that she is being singled out and picked on.

Mayor Kuzma asked how far back this case goes.

Deputy City Administrator Gladhill replied that when you go back to the case history that involves changes in ownership. He stated that there is strong case history going back to 2019 and there is an understanding that this goes back further but ownership needs be lined up with the previous cases.

Councilmember Riley asked if the Council were to issue a 30-day extension, would the property be cleaned up within that period of time.

Ms. Phillippi replied that the property would be cleaned up, noting that she spoke with ACE Solid Waste today for a dumpster but there are delays because drivers are out due to COVID.

Councilmember Specht commented that the other three properties are being addressed at this time. He stated that he would be comfortable with a 30-day extension, if desired by the resident.

Deputy City Administrator Gladhill commented that staff has been instructed to follow up on those three properties mentioned. He stated that the City does operate on a complaint-based system rather than a proactive approach. He noted that a new Zoning Code Enforcement Officer began with the City this week to provide additional assistance in this area. He confirmed that all the cases are being followed up on and treated equally.

Councilmember Heineman asked when the additional cases were brought to the attention of City staff.

Deputy City Administrator Gladhill commented that this case was noticed to appear on the agenda tonight two weeks ago and the first he heard about the other three properties was this afternoon.

Councilmember Heineman noted that is important as he wants to relieve any ideas that there is selective enforcement. He stated that if the history of violations on this property goes back years and attention was just brought to the other properties today, that would explain why one property could feel singled out.

Motion by Councilmember Specht, seconded by Councilmember Howell, to grant a 30-day extension to allow the property owner to work with City staff and bring the property of 7111 175th Ave NW into compliance.

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

8. MAYOR, COUNCIL AND STAFF INPUT

8.01: Council Staff Input – Regarding Public Data Request

Councilmember Howell commented that residents would be well informed to know that the Mayor has been actively working behind the scenes to undermine the authority of Councilmembers. She stated that throughout the month of March, Mayor Kuzma was in correspondence with an activist political organization related to comments that she made in response to her disagreement with the City Attorney related to reconciling the constitution and other laws. She stated that in history bad things have happened when people fail to see that, and she provided examples. She stated that an activist organization chose to latch onto one of those examples and use it to propagate their own purposes. She stated that over a series of 10 to 11 days, Mayor Kuzma corresponded with the group and read aloud some of that correspondence. She commented that there is a section of City Code relating to the presiding officer, which would apply to Mayor Kuzma, as well as the obligation of Councilmembers. She provided examples of language from that section of City Code and stated that Mayor Kuzma invited members of the public to disparage her in front of the public. She commented that she never made a comparison to the suffering of the Japanese people and the mask mandate. She commented that she did disagree with the City Attorney when he said that there is not a reconciling and she provided examples in history. She stated that we've left off the fact that she also mentioned women's suffrage, that her statement was taken completely out of context and that this has been completely inappropriate. She commented that she will never be pressured to not uphold the constitution or say what she thinks is right. She stated that she will not ask Mayor Kuzma to apologize because this is clearly what he thinks.

Councilmember Heineman pointed out that following the articles written about the City, Mayor Kuzma showed disappointment that the resolution was at fault for putting the City in the spotlight. He commented that after reading this, Mayor Kuzma asked activist groups, or organizations, to come to the City and berate a fellow member of the City Council and put further attention of the City. He referenced the comment in Mayor Kuzma's email that he wanted to censure Councilmember Howell and noted that either you do or do not; either you censure someone based on what is right or you do not and not base it on whether you think it would pass. He stated that he did not write the resolution based on whether it would pass but based on what he believes. He stated that if Mayor Kuzma feels it is appropriate to censure someone, he should bring that forward based on his belief and not whether it would pass.

Mayor Kuzma commented that he received communication from the JCL related to the comments of Councilmember Howell and he believed she made hurtful comments. He stated it was frustrating that Councilmember Howell stated that she would not apologize, and he believed the comments were hurtful.

Councilmember Howell commented that she never made a comparison and recommended that instead of reading the newspapers, Mayor Kuzma should watch the recording of the meeting again.

Councilmember Musgrove commented that she was very disappointed to read these comments. She stated that everyone on the Council has been elected by residents to represent them. She recognized that the Council will not agree on every issue and needs to treat everyone with respect. She stated that members of the Council will disagree as they represent residents that they speak with and give them direction, and no one should be slandered in this manner behind the scenes because of their vote. She referenced the comment that Councilmember Howell has some growing up to do and asked if that is because she does not agree with Mayor Kuzma's opinion. She stated that people have the right to have different opinions and the Council needs to treat each other with respect. She stated that the Council has been elected to represent the residents and not discourage and demean each other because they disagree. She recognized that this was difficult for Councilmember Howell to bring forward but believed it is necessary for the residents to see this information.

Councilmember Howell asked if staff could explain to Mayor Kuzma what the expectations are if he chooses to be in the role of presiding officer and invites guests in the community based on City Code.

City Attorney Langel commented that his answer would be brief in that Section 2-50 concerns Council conduct during Council meetings. He stated that to his knowledge there is nothing in the Code that would address decorum outside the Council meeting, noting that he is not taking a position on whether this was right, wrong, or otherwise.

Councilmember Howell referenced Section E, F, and G and whether those would apply to the public and whether the presiding officer would have the responsibility to enforce that. She stated that the individuals that spoke at the last meeting tried to tie her to murders that occurred in Atlanta, Georgia and to fetishizing Asian women. She stated that Mayor Kuzma put no stop to the disparagement of her character by two individuals at that meeting.

City Attorney Langel stated that she is asking him to be judge and jury on what occurred at that meeting. He stated that he understands how Councilmember Howell is characterizing what occurred at that meeting and explained that the meeting is not that fresh in his mind and he cannot say whether there was a violation of a rule of decorum or Mayor Kuzma's role as presiding officer. He stated that certainly section 2-50 applies during that scenario.

Councilmember Howell stated that her question was whether it would be the role of a presiding officer, during the meeting, to put an end to such abusive comments if they were to occur.

City Attorney Langel commented that if abusive comments occur by a member of the public against a Councilmember that would be the role of the presiding officer.

City Administrator Ulrich commented that if there is abuse going on it would be the role of the presiding officer, but the other members of the Council can also bring that to light if there is abuse and even overrule a presiding officer. He recognized that comments can be taken in different ways. He stated that there is an expectation that people conduct themselves in a respectful manner.

Councilmember Howell noted that both City Administrator Ulrich and City Attorney Langel were present at the meeting and aware of City Code and also allowed the disparagement to occur. She asked how they would answer for not making the Mayor stay on task when such behavior was occurring, as she believes it was their obligation to step in.

City Attorney Langel commented that it is not his job to become the super presider of the meeting as he is not elected and is the City Attorney. He stated that if there were violence perhaps, he would look to the law enforcement officer, but he does not tell the presiding officer how to run the meeting unless they are doing, or about to do, something illegal.

City Administrator Ulrich commented that he would defer to the comments he just made. He noted that people interpret comments in different ways. He stated that the organization was respectful in its comments and comments throughout the night were disparaging, depending upon someone's viewpoint. He stated that there were not direct personal attacks and people were voicing their first amendment rights to voice their opinions.

Councilmember Howell recommended that the meeting video be revisited as she was personally disparaged. She stated that she would not be censuring Mayor Kuzma, although she believes he is deserving of such action, but believed that he should revisit his role of Mayor and obligations to the Council and community.

Mayor Kuzma asked if there is other staff input.

City Administrator Ulrich announced upcoming meetings and events.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 9:27 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.