

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

The Ramsey City Council conducted a City Council Work Session on Tuesday, July 17, 2007, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Pro Tem David Elvig
Councilmember John Dehen
Councilmember David Jeffrey
Councilmember Matt Look
Councilmember Mary Jo Olson
Councilmember Sarah Strommen

Members Absent: Mayor Thomas Gamec

Also Present: Interim City Administrator Heidi A. Nelson
Public Works Director Brian Olson
Management Intern Timothy Gladhill
Police Chief James Way

CALL TO ORDER

Mayor Pro Tem Elvig called the City Council Work Session to order at 7:10 p.m.

APPROVE AGENDA

Councilmember Jeffrey requested a discussion item regarding hiring for the city administrator position.

Interim City Administrator Nelson indicated there will be a brief update regarding Ramsey Town Center matters.

The agenda was approved as amended.

COUNCIL TOPICS FOR DISCUSSION

1) Administrative Fees for Minor Traffic Violations

Police Chief Way reviewed that the topic of administrative fees for minor traffic violations was discussed at the May 1, 2007 Council work session. Staff was directed to bring the issue back after the Minnesota legislative session was complete. Legislation was introduced to allow cities to use administrative fines under State Statute. The legislation did not pass. Council has been provided with a copy of the legislation that was introduced and the "Statement of Position" by the State Auditor.

Councilmember Strommen stated given that the legislation did not pass she has a concern on whether the City has legal authority to proceed with this type of program.

Councilmember Dehen asked how many other cities use this type of program.

Police Chief Way listed the cities and indicated he has spoken to staff at a few of the cities regarding how they administer the program.

Mayor Pro Tem Elvig asked how other cities administer the program when there is a legal opinion that suggests they cannot.

Police Chief Way replied some do it for ordinance violations only. The legislation that was introduced lists the violations that fines could be administered for. Cities like Minnetonka include in their ordinance that the fines could be administered for traffic violations, but they do not use it for these types of offenses. They are using it for abatement things and boating violations; anything the community service officer writes tickets on. White Bear Lake has included in their ordinance that the fines can be administered for traffic violations; they write about 400 tickets per year, but of that only a handful are for traffic, the rest are for boating violations and parking violations. About \$10,000 to \$12,000 per year of revenue comes in from those 400 tickets. Columbia Heights writes more traffic tickets with their ordinance, but speeding tickets for speeds less than ten miles per hour over the speed limit are very rare. They utilize it for things like stop sign violations and code violations addressed by the community service officer.

Councilmember Olson questioned how this type of program could be administered if it is in violation of State law.

Police Chief Way explained State law does not specifically state that it cannot be done. The legislation that was introduced would specifically give the power to the municipalities for the things listed. In the State Auditor and Attorney General opinion, unless the law grants that power to the municipalities it should not be done.

Interim City Administrator Nelson indicated the legislation that was introduced was to clarify the existing legislation by expressly authorizing municipalities to administer the fines.

Councilmember Dehen stated cities have been doing this, and the legislature tried to give this express authority to the cities. He inquired about the position of the League of Minnesota Cities.

Police Chief Way indicated the League of Minnesota Cities supported the legislation and lobbied for it. The League of Minnesota Cities is not in support of cities administering the fines without the legislation. That is position stated by Anne Finn of the League.

Councilmember Jeffrey asked if the League of Minnesota Cities is willing to send the City a letter to that effect.

Councilmember Dehen stated he spoke with the Stoney Hilgus, the Coon Rapids Prosecutor, who used to be the Cambridge City Administrator. Mr. Hilgus advised him that the Police Chief had come to the city with this and liked the idea because it gives the officers an option. Their fines involve speed violations and less serious code enforcement violations; they do a \$50 administrative fine, and then up to \$100. Mr. Hilgus talked about the State Auditor's Office threatening that cities would not get a clean audit if they use the administrative penalties, and it is an ongoing battle. The City of Cambridge has been administering these fees, and in the past two years has put away \$60,000 to \$70,000. Mr. Hilgus said that legally no one has ever challenged it; as far as he was concerned it was a great process and the cops loved it. With this program the people do not have to go to court; they can pay the fine and it will not go on their driving record, and the officers are still able to track the tickets. Mr. Hilgus' position was that the City does all the work and they should be able to keep the proceeds. Councilmember Dehen stated the State is cutting everyone's LGA, but continues to want to make the surcharges. On a \$45 speeding ticket there is a \$78 surcharge that goes to the State, and the City will realize \$15 to \$25 of the \$45 ticket. He stated he thinks this is a great idea. If there is a question of the illegality it will be brought back next year. It seems to him if there is some question they could hold those proceeds for at least one year to determine whether it is valid. This would be a great way to pay for the police supplies that are needed. Councilmember Dehen stated he has seen Attorney General opinions before, and they are not the force and effect of law; they are just an opinion. It seems it is a lever they are using to keep the City from getting those proceeds.

Councilmember Strommen stated putting aside the Attorney General and State Auditor opinions and going to the policy issue, her opinion is that it is bad policy to tie traffic violations to revenue projection. The residents will have a perception that the City is out with speed traps to bump up revenue for the Police Department. She has talked with a couple of residents who have been in communities where they have this type of program, and that is the perception they have had. She also shares some of the concerns of the State Auditor report. She would be concerned with violations not going through the State and staying off of individuals' driving records.

Councilmember Dehen stated either way the individual is paying for the ticket.

Councilmember Strommen stated this would be a revenue generator for the City; otherwise there would be no reason to do it. It is clear that this is under the State's authority, and it is not clear about the authority of the municipalities. She does not see the benefit for the City other than as a revenue generator.

Councilmember Dehen stated as a Council they are trying to find innovative ways to keep the funds in their City, as opposed to letting them go to the State, which does not give them any benefit. He stated they are not getting LGA and questioned why they would not be proactive and hold some of this revenue. The City would be just keeping the revenue, rather than having it go to some other project. He stated this is a great way to be proactive and the City is missing the boat if they do not do it.

Mayor Pro Tem Elvig commented he remembers going through small towns when he was younger and the officers trying to make their quota of tickets at the end of the month. That being

said, the City has a cost of doing business and they are trying to recoup their costs through things like fees or permits.

Councilmember Dehen expressed his dissatisfaction with the court system being filled with petty issues like speeding. He pointed out that these fees would only relate to speeding violations that are less than ten miles per hour over the speed limit. The officer will still have discretion on whether to issue the administrative fine or move the violation into the court system. If it is an issue of whether the fines are legal, the City could keep the fines in a fund and not tap into it. Cambridge is an example of a city that made \$60,000 to \$70,000 in two years of the program.

Councilmember Look stated if you are breaking the law you need to pay for that, although there is some discretion if the speed is five miles per hour over the speed limit, and then you are usually let go. He agrees with Councilmember Elvig in terms of this being a revenue generator, but that it offsets expenses. The City has a real cost of putting officers on the street. As far as the quotas, he thinks people believe there are quotas regardless of whether there are or not. There has been substantial work done on trying to find if there is a relationship between tickets and accidents, and they have not found one yet that he is aware of. Some people are in the wrong place at the wrong time and get tickets more often than others. The State Auditor and the Attorney General are not the authority on this. He stated he understands that the cities do not have power short of what the State gives them, so he is concerned about that part of it. But other communities are doing it, and it is a successful program, and it offsets expenses they have as a community. They are looking at bringing reason to government, and he thinks this is a reasonable attempt to try to achieve that. He would be in favor of that. It would be great if they finally get on the ball and decide they want to tackle it at the State level. But as a community, with funding that is continually cut back, it is somewhat reminiscent of an unfunded federal mandate.

Councilmember Strommen expressed concern with individuals having the ability to pay to keep a driving offense off their driving and insurance records. She stated her concern would be with people that are habitual speeders and put others at risk through excess speeds and reckless driving. This involves a safety issue and it creates a moral dilemma.

Councilmember Dehen stated he has been in the legal system for 20 years. Drivers that are habitual offenders and who get DWI's drive without insurance. His goal is to have as many people have insurance as possible. As far as the people that continually speed, that can still be tracked.

Police Chief Way explained the City will be going to a new system called Ticket Writer that automatically sends the information off and does not require anything to be done in the City office. Any ticket like this will have to be a handwritten ticket made up by the City that would be in a separate system.

Councilmember Dehen questioned who would not appreciate this. He stated it will keep cases out of court that clog the dockets for more serious cases.

Police Chief Way indicated there are some people that will not risk the \$120 ticket in court when they could take the \$100 ticket. He thinks this could work well for the abatement program, but he is not a great fan of utilizing this for traffic violations. He would like to be able to track offenses. He pointed out that the City has not issued one ticket in six months under the ten miles per hour limit, and in 2006 only issued two. A lot of the cities use it for the abatement.

Councilmember Dehen stated he talked with the Columbia Heights Prosecutor, who said he has not seen the big deal. He makes less money as the prosecutor, but the cases are not clogging the court dockets. He questioned what the down side would be to administering these fines.

Police Chief Way replied the down side would be the administrative side and not being able to use the Ticket Writer system, the Finance Department would have to get involved.

Mayor Pro Tem Elvig indicated at this time it is the policy issue the Council is considering.

Councilmember Jeffrey stated he is not opposed to the administrative fines. It makes sense for the abatement ordinance, but for the traffic violations he would like to see a legal opinion from the League of Minnesota Cities. If the League is in support of this he could have more of a policy discussion on the right and wrong. However, if the League states that the legislation did not pass and they do not recommend that the City do this, the City could become involved in a legal mess without legal representation.

Councilmember Olson asked if parking violations on the Ticket Writer system go to the State.

Police Chief Way replied they are handled the same way. The City does not issue many parking tickets; the tickets they do issue are for overnight parking. At the City of Anoka the fine is left there in an envelope, and the City needs to take care of it. Any time you deal with cash there is the need for checks and balances.

Councilmember Olson indicated she would consider administrative fines for anything except moving violations; she would not be in support of administrative fines for moving violations.

Councilmember Dehen questioned what the opinion is of the League of Minnesota Cities. He indicated his understanding of the opinion is that there is nothing prohibiting the City from doing this.

Police Chief Way indicated he can email the League tomorrow for clarification on the opinion.

Interim City Administrator Nelson recapped that she hears there is some interest on administrative penalties for code enforcement issues and potentially parking violations, but there is not a determination on traffic penalties. She indicated staff will contact the League of Minnesota Cities to see if they are willing to give an opinion. It is likely that the League will say the City is not expressly authorized by the State to do this, but is not expressly authorized by the State not to do this. Tonight staff is looking for policy direction on how much work Council would like them to continue to do on this. This will need to be melded with the discussion on the abatement program.

Mayor Pro Tem Elvig stated it would be well worthwhile to see if it is possible to dovetail the administrative fines and the abatement program. He tends to agree with not including the moving violations at this time.

Police Chief Way requested clarification regarding what the direction will be based on the opinion received from the League of Minnesota Cities.

Councilmember Dehen stated the League will give the type of opinion that was mentioned by Ms. Nelson; they will not tell the City they cannot do this. If the City administers these fines and there is a concern about the moving violation portion of it they could keep that portion untouchable and abandon that part of it if it does not work out.

Councilmember Strommen stated she is not in favor of the administrative fines for moving violations, regardless of the League of Minnesota Cities opinion.

Councilmember Jeffrey indicated he would like to hear the opinion of the League. He would support fines for parking tickets.

Mayor Pro Tem Elvig suggested staff contact the League of Minnesota Cities regarding possibilities to dovetail the administrative fines and the abatement program the City is initiating, and to determine if the League is willing to support the City with this.

Interim City Administrator Nelson indicated it is not likely that the League of Minnesota Cities will weigh in on local ordinance issues; the League is concerned with issues that fall under the State Statute.

Councilmember Strommen requested clarification as to whether the Council is in support of discussing this issue again if the League of Minnesota Cities does not provide a more clear opinion.

Councilmember Jeffrey indicated his concern is regarding moving violations. There are a lot of unanswered questions. He would consider the moving violations if the opinion of the League is that it is okay, but not if the League's opinion is against that.

Mayor Pro Tem Elvig recapped the consensus of the Council is to direct staff to request an opinion from the League of Minnesota Cities regarding the overall administrative fine policy. If the League does not support administrative fines for moving traffic violations an opinion should be requested for an opinion on the remainder of the policy in relation to the abatement policy. The consensus of the Council is not in support of fines for moving violation fines unless it is endorsed by the League of Minnesota Cities.

2) Time Limit for Outdoor Music Events/Special Events Permits

Police Chief Way reviewed that there has been a lot of discussion regarding the hours that outdoor music events should take place. City Code currently does not allow outdoor music after

10:00 p.m. Requests for special events to continue past this time are considered on a case by case basis. Included in the Council's packet is a color-coded zoning map for consideration with the possibility of granting permits based on zoning. Another option would be to continue to look at requests on a case by case basis.

Councilmember Look asked if there has been any feedback regarding the recent event held at Diamonds.

Police Chief Way indicated staff did not receive any calls regarding the event at Diamonds.

Councilmember Strommen inquired about permit requests being worked out with staff and included on the Consent Agenda.

Interim City Administrator Nelson replied generally this can be done; the recent request from Diamonds needed to be heard by the Council because it deviated from City Code with the request to go past 10:00 p.m. with music.

Council and staff discussed the following options to deal with outdoor music permits:

- Consideration of permit requests on a case by case basis
- A possible entertainment zone along Highway 10 where outdoor music would be allowed later than the current 10:00 p.m. limit
 - Mayor Pro Tem Elvig expressed his support of a zone that allows outdoor music. He stated this would allow individuals to plan events without requesting a variance and presenting their case to the Council. He pointed out that this would allow the service and retail sector in the City to be proactive about events.
- Possible hours to allow outdoor music based on days of the week and holidays

Consensus of the Council was to direct staff to proceed with changing the City Code to allow outdoor music citywide until 11:00 p.m.

Police Chief Way informed the Council that there is presently a big issue regarding organized ultimate fighting. Several cities have come up with ordinances that prohibit ultimate fighting. He requested direction regarding whether Council would like to consider an ordinance on this topic.

Consensus of the Council was to direct staff to include sample ordinances on the topic of organized ultimate fighting on a future work session agenda for consideration.

3) Work Sessions on QCTV

Interim City Administrator Nelson indicated Council has discussed televising work sessions on cable. This has been done at times in the City. Staff is seeking direction on how Council would like to proceed.

Councilmember Dehen asked if there has been any quantifiable statistics as to how many people are watching work sessions.

Interim City Administrator Nelson replied QCTV hired Decision Resources to conduct a survey this past year to determine what the watching habits are of the residents. Council can be provided with the information from this survey.

Councilmember Dehen indicated his concern is not whether to hold Council meetings or work sessions on television, he wants to get the most information out to the community. If it costs too much to get the work sessions on television he would rather see the money diverted into something like expanding the Ramsey Resident to one time per month or something more frequent than the current distribution.

Mayor Pro Tem Elvig stated his take on this is the historical perspective. Looking back historically, the Council acted different in work sessions when they were televised. In his opinion, there was a lot of posturing and grandstanding while on camera. That being said, there is a concern about getting more information out to the community. He thinks this Council is very interested in being more above board and proactive about communication, not only with the Council but he believes it is an era with staff as well. That being said, he is not interested in taking a pendulum and going 180 degrees in the other direction. There may be options such as more thorough minutes or an audio of the minutes that could be accessed on the website. Televising the work sessions may be counter-productive, but he agrees they could do more to get information out and perhaps more thoroughly.

Councilmember Look requested information regarding the additional cost of televising work sessions, or the hours the City is allotted by QCTV.

Interim City Administrator Nelson explained the City is allotted 30 hours per week of associate producer time by QCTV that is divided up amongst all the things the City does with QCTV. They could try to work out more time with QCTV, but it would be more of an allocation of the existing resources.

Councilmember Look stated he would be willing to let go of the work session updates in order to televise work sessions. He does not know that it is something that needs to be continued forever, but there is a perception of what is going on in the work sessions. The benefit would be for the residents to see the Council hammer out the details in the work sessions, which is often not done in the Council Chambers. People that have an interest in a topic or subject matter coming up will make an effort to watch it.

Mayor Pro Tem Elvig stated the historical perspective is that even when work sessions are televised people still perceive that there are things being done behind the scenes. He thinks it almost adds to it and does not necessarily take away from the innuendos. He would like to find a way to cure rumors, but does not know that this is the vehicle to do it. He stated he believes facilitation has a lot to do with this. He is frustrated from time to time when he sees an issue that is a big debate and is complex, and the discussion is cut off. If it is a complex issue the Council should share and show some debate, even if it has been debated, and that is up to all of them to do in the Council Chambers. A lot of this is educating the people as to why the Council is

making certain decisions. He does not know that it is necessary to televise work sessions to do that.

Councilmember Dehen noted there seems to be more debate in the work sessions than in Council Chambers. Debate and ideas and disagreeing points are what they want people to view so they can make their own decisions and the work sessions are paramount to that debate.

Mayor Pro Tem Elvig expressed concern that councilmembers will lobby their opinion on issues they are passionate about prior to a work session if work sessions are televised. He stated he does not like work sessions that are postured and tailored. He wants open debate and people's real opinions.

Councilmember Strommen stated she is not convinced that people will posture before work sessions because they are on camera. She noted when work sessions were cabled previously it was in a much more formal setting in the Council Chambers. If the work sessions were to be televised she would want to keep the setting of the Council sitting around the table with the informal discussion and debate. She stated this ties into the communication plan and suggested a community wide survey asking what the best way is to communicate with the residents and what their top topics would be.

Councilmember Olson asked if it is known what percentage of the residents have cable.

Interim City Administrator Nelson replied this information can be provided to the Council.

Councilmember Olson pointed out that some residents may not have access to the meetings even if they are televised. She stated she is not a big fan of televising work sessions. As a Council they need those opportunities to dig into things without being scrutinized. She agrees with the suggestion for a survey, and there are other things that could be done to provide more information.

Councilmember Dehen noted to some degree the residents elect the councilmembers to act on their behalf, so he understands the argument of rolling up their sleeves and keeping it off of television. He suggested more frequency in communication tools like the Ramsey Resident and informing people about what they collectively think are the big issues.

Mayor Pro Tem Elvig noted the need for cable subscriber information to determine if it would be effective to televise work sessions. He pointed out when they put the website in position that was a big effort that involved a lot of work because communication was an issue. It was going to be the end-all for full communication. Now, here they sit with the same problem again. He does not think a work session on camera or the Ramsey Resident will do it. He agrees with asking the residents what the best vehicle is to get the information to them and finding out what they are interested in.

Interim City Administrator Nelson indicated the communication needs to be done in a broad spectrum because everyone communicates differently.

Councilmember Look commented that one of the problems is that there were televised work sessions and they were taken away, and he thinks people have a big problem with that. He would be interested in knowing who gets cable, who does not, who uses satellite, and who uses both if they can. He agrees in making every effort they can to get everyone their desired form of information. There is a benefit to seeing the Council in a casual atmosphere in work session, and that they are ordinary residents hammering at hard issues. However, if there will only be 50 people watching the work sessions he would not want to spend the additional money.

Consensus of the Council was to direct staff to proceed with conducting a survey to determine the form of communication desired by the residents and the topics of interest.

Councilmember Strommen suggested a professional survey.

Councilmember Dehen stated he does think the survey needs to be done professionally.

Councilmember Jeffrey noted that residents who respond to the survey and indicate they would like things emailed electronically to them can be informed about subscribing on the City website, and the newsletter could be emailed to those residents.

Councilmember Look stated there is a company in the City that has a phone bank, and their business is to telephone people. He would volunteer his time to make calls to the residents.

Mayor Pro Tem Elvig stated he would be against having councilmembers making the phone calls. He noted one option would be to offer an incentive for residents that respond to the survey.

4) Communications Plan

Interim City Administrator Nelson noted this item was discussed with the last agenda item. The current external and internal communication efforts the City has in place are included in the Council's packet. She informed Council that at some point staff would like to bring someone in from outside to look at what the City does from a communication perspective, and whether there is a way things can be redirected in a better way.

Councilmember Strommen noted it is a goal of the City to provide a clear message to the residents. This information could be included on the City website. The Council has discussed the communications coordinator position, and part of the reason she believes it was right to pull back on that is that they were looking for more of that culture change. They have taken strides towards that. Secondly is having an idea of what this person would be responsible for.

Mayor Pro Tem Elvig questioned if the position would be for a communications person or a marketing person with communication as their goal.

Councilmember Strommen stated communication is what the Council wants.

Interim City Administrator Nelson indicated there is a need for marketing skills for the position. It is about putting a message out and getting that message communicated in the most effective way they can.

Councilmember Olson pointed out that the Mayor of Ham Lake writes frequently to the Anoka County Union. There are issues, particularly recently concerning Ramsey Town Center, where it would be a good thing to have someone do that. When there is a big issue and there are a lot of questions it would be a good way to get a message across.

MAYOR, COUNCIL AND STAFF INPUT

Presentations by City Administrator Finalists

Councilmember Jeffrey suggested that the final candidates for the city administrator position be asked to prepare a plan and provide a presentation of their first 90 to 120 days and how they would move the City and staff to the next level. This could be followed by 15 to 20 minutes of questions on the presentation.

Mayor Pro Tem Elvig and Councilmember Strommen expressed their support of the suggestion.

Councilmember Dehen stated he understood the only hurdle left was to do the background checks, and that the consensus was for the Council to adopt their position on their first and second choices.

Mayor Pro Tem Elvig stated the hire is a big decision. He would like to hear what the finalists think the priorities are.

Consensus of the Council was to direct staff to proceed with scheduling each city administrator finalist for a 15 minute presentation on their plan for the first 90 to 120 days with the City, followed by 15 minutes of questions, and that the presentations should be scheduled for Monday, July 23, 2007 at 5:45 p.m. and 6:15 p.m., with the Council session to begin at 5:30 p.m.

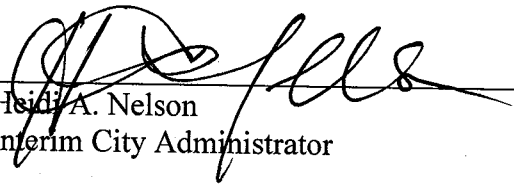
Discussion regarding Ramsey Town Center

Council and staff discussed the Ramsey Town Center Development and ongoing discussions with Minnwest Bank.

ADJOURNMENT

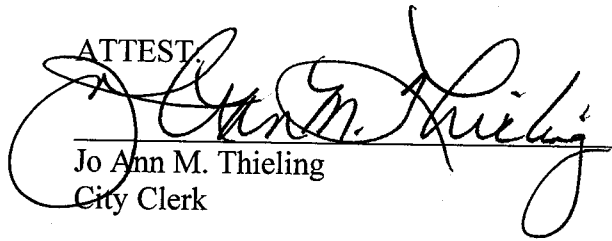
The Work Session of the City Council was adjourned at 9:22 p.m.

Respectfully submitted,



Heidi A. Nelson
Interim City Administrator

ATTEST



Jo Ann M. Thieling
City Clerk

Drafted by Carol Hamer
TimeSaver Off Site Secretarial, Inc.