

TABLE OF CONTENTS

1. CALL TO ORDER ..... 2

2. PRESENTATION..... 2

3. CITIZEN INPUT ..... 2

4. APPROVE AGENDA ..... 2

5. CONSENT AGENDA ..... 3

6. PUBLIC HEARING ..... 4

    6.01: Public Hearing- Adopt Resolution #21-338 Adopting the City’s 2022-2031 Capital Improvement Plan (CIP)..... 4

    6.02: Public Hearing on 2022 Tax Levies and General Fund Budget ..... 5

7. COUNCIL BUSINESS..... 11

    7.01: Adopt Ordinance #21-21 Amending City Code Article XVI- Tobacco, Sections 26-749 to 26-789 ..... 11

    7.01a Adopt Resolution #21-352 Approving Youth First Community of Promise Lease Agreement..... 12

    7.02: Adopt Resolution #21-312 Approving Final Plat for Riverstone South..... 14

    7.03: Review 2021 Legislative Outcomes and 2022 Legislative Priorities ..... 15

    7.04: Adopt Resolution #21-358 To Prohibit State and Federal Actors from Mandating Medical Procedures Upon Citizens Through Coercion or Force; and Providing Other Matters Related to the Subject ..... 15

    7.05: Authorization to Reclassify the Senior Planner ..... 18

8. MAYOR, COUNCIL AND STAFF INPUT ..... 18

9. ADJOURNMENT ..... 19

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

The Ramsey City Council conducted a regular meeting on Tuesday, December 14, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: None

Also Present: City Administrator Kurtis Ulrich  
Economic Development Manager Sean Sullivan (attended remotely)  
Finance Director Diana Lund  
Senior Planner Chloe McGuire Brigl  
City Attorney Fritz Knaak  
Administrative Services Director Colleen Lasher  
Deputy City Administrator/ Community Dev. Director Brian Hagen

**1. CALL TO ORDER**

Mayor Kuzma called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Kuzma.

**2. PRESENTATION**

None.

**3. CITIZEN INPUT**

None.

**4. APPROVE AGENDA**

Motion by Councilmember Heineman, seconded by Councilmember Howell, to approve the agenda as revised to move Item 7.6 to 7.1a.

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

## 5. CONSENT AGENDA

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

- 5.01: Receive October Financial Reports- General Fund and Enterprise Funds
- 5.02: Receive Cash & Investments for Period Ending November 30, 2021
- 5.03: Receive Grant From The Cross Family Foundation
- 5.04: Note the Following Boards, Commissions, and Committee Meeting Minutes:
  - 1) Planning Commission Regular Meeting Minutes dates October 28, 2021
  - 2) Planning Commission Work Session Meeting Minutes dated October 28, 2021
  - 3) Economic Development Authority Meeting Minutes dated October 14, 2021
- 5.05: Note the Following Commission and Committee Meeting Minutes:
  - 1) Park and Recreation Commission Meeting Minutes dated October 14, 2021
  - 2) Public Works Committee Meeting Minutes dated October 19, 2021
- 5.06: Adopt Resolution #21-325 Amending Municipal State Aid Street System Designations
- 5.07: Approve the following Meeting Minutes:
  - 1) City Council Work Session dated November 23, 2021
  - 2) City Council Regular Session dated November 23, 2021
- 5.08: Approve Business Licenses
- 5.09: Approve Extending Animal Impound Services Contract with North Metro Animal Care and Control
- 5.10: Approve Rental Licenses
- 5.11: Adopt Resolution #21-359 Approving the Memorandum of Agreement (MOA) Between the State of Minnesota and Local Governments and Authorizing Participation in National Opioid Settlement
- 5.12: Authorization to Increase a Part-time Police Records Technician to Full-time
- 5.13: Authorization to Promote the Lead Streets Maintenance Worker to Streets Supervisor
- 5.14: Authorization to Hire Temporary Ice Rink Attendants
- 5.15: Authorization to Hire Temporary On-call Snow Plow Driver
- 5.16: Adopt Resolution #21-355 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of November 18, 2021, through December 8, 2021
- 5.17: Adopt Resolution #21-207 Approving Lawful Nonconforming Uses and Boundary Agreement for Ken's Repair and Sales
- 5.18: Adopt Resolution #21-330 Approving Emergency Response Plan for America's Water Infrastructure act of 2018
- 5.19: Adopt Resolution #21-336 Establishing Precinct and Polling Locations for the 2022 Election Year
- 5.20: Adopt Resolution #21-337 Approving a Beekeeping License on a Residential Property at 7339 148<sup>th</sup> Lane NW; Case of Maksym Solohenko
- 5.21: Adopt Resolution #21-342 Accepting Supplemental American Rescue Plan Act (ARPA) Funds
- 5.22: Adopt Resolutions #21-343 and #21-346 Approving Park Maintenance Agreement and Accepting Outlot C for Riverstone

- 5.23: Adopt Resolution #21-344 Approving Plans and Specifications and Authorizing Advertisements for Bids for Fire Station No. 1 Parking Lot Improvements, Improvement Project #21-10
- 5.24: Adopt Resolution #21-345 Authorizing Reconstruction of Waco Street to Existing Pavement Width as Part of Improvement Project #22-01
- 5.25: Adopt Resolution #21-347 Approving Record of Decision (ROD) and Negative Declaration for Trott Brook Crossing EAW
- 5.26: Adopt Resolution #21-348 Approving Purchase Agreement for Part of Outlot A, Java Auto Parts; Case of Java Companies L.L.C.
- 5.27: Adopt Resolution #21-349 Authorizing Funding and Ordering Engineering Services for West Armstrong Redevelopment Area (Plans, Specs, and Feasibility Update)
- 5.28: Adopt Resolution #21-350 Approving Second Amendment to Purchase Agreement for Outlot B, COR Stone Brook Academy; Case of Stories Foundation
- 5.29: Adopt Resolution #21-351 Regarding Purchase Agreement for Lot 4, Block 1, Riverside West; Case of Windows and Doors USA
- 5.30: Adopt Resolution #21-353 Authorizing Execution of Certain Deeds and Documents on Behalf of the City of Ramsey Housing and Redevelopment Authority by Current City of Ramsey Officials
- 5.31: Adopt Resolution #21-356 Authorizing the City's 2022 Non-Union City Health and Dental Insurance Contributions and Wage Adjustments
- 5.32: Adopt Resolution #21-354 Decertifying Tax Increment Financing District #8
- 5.33: Adopt Resolution #21-357 Authorizing Partial Payment #15 to RJM Construction for Improvement Project 20-07 New Public Works Facility

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

## **6. PUBLIC HEARING**

### **6.01: Public Hearing- Adopt Resolution #21-338 Adopting the City's 2022-2031 Capital Improvement Plan (CIP)**

#### **Presentation**

Finance Director Lund reviewed the staff report and recommendation to adopt a Capital Improvement Plan (CIP) for 2022-2031. She stated that the CIP has the following goals: to acknowledge and communicate public infrastructure priorities and dynamics, ensure appropriate responses to changing infrastructure needs and demands, develop a financial assessment of capital resources available to meet future capital project needs, encompass the City's strategic plan imperatives of: financial stability, a balance of rural character and urban growth, an active and connected community, smart citizen-focused government, and effective organization. The plan has been prepared in an attempt to anticipate major capital expenditures. This is a snapshot of the capital needs allowing for a continued prioritization of those needs. The CIP is not intended to provide exact budgeting but instead is a projection of capital cost estimates. The CIP does not authorize any project within the plan. Each project requires its own individual authorization by the City Council. Once the document is approved it will be found on the City's website under the Finance Department.

Motion by Councilmember Heineman to adopt Resolution #21-338 Adopting the City's 2022-2031 Capital Improvement Plan (CIP).

Councilmember Heineman withdrew the motion.

### **Public Hearing**

Mayor Kuzma called the public hearing to order at 7:05 p.m.

### **Citizen Input**

There was none.

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

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

The public hearing was closed at 7:06 p.m.

### **Council Business**

Motion by Councilmember Heineman, seconded by Councilmember Woestehoff, to adopt Resolution #21-338 Adopting the City of Ramsey's 2022-2031 Capital Improvement Plan (CIP).

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

### **6.02: Public Hearing- 2022 Tax Levies and General Fund Budget**

- Adopt Resolution #21-339 Adopting the 2021, Payable 2022 Municipal Tax Levy
- Adopt Resolution #21-340 Adopting the 2022 General Fund Budget
- Adopt Resolution #21-341 Adopting the 2022 Economic Development Authority (EDA) Budget

### **Presentation**

Finance Director Lund reviewed the staff report and recommendation to adopt Resolution #21-339 Adopting the 2021, Payable 2022 Municipal Tax Levy in the amount of \$15,312,856; adopt Resolution #21-340 Adopting the 2022 General Fund Budget in the amount of \$14,492,640; Adopt Resolution #21-341 Adopting the 2022 Economic Development Authority (EDA) Budget in the amount of \$85,360. She stated that after approval and the budget is adopted it will be posted on the City's website for review.

### **Public Hearing**

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to open the public hearing.

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

Mayor Kuzma called the public hearing to order at 7:28 p.m.

Councilmember Specht thanked Finance Director Lund for her hard work. He recognized Ms. Lund had many meetings to go over the numbers and proposals and he appreciated the hard work.

### **Citizen Input**

Andre Champagne, 17421 Unicorn Street NW, stated that he received the publication *The Ramsey Resident* and found out that the street in front of his house, which needs repair, is going to be repaired eight years from now. He then received a proposed tax statement which indicates an 18% increase. He understands that funding is changing including a pavement fund, which he learned tonight, so it is not truly an 18% increase. He thanked the Council for their work and hoped that the latest iteration of the budget works as it allows the work needed to fix the streets. He noted that he has been in Ramsey for over 20 years and feels that the City has done a poor job of fixing the streets. He hopes the leadership of the Council has gotten it right to have streets fixed. He expressed frustration that he will have to wait another eight years to get his street fixed and felt priorities should change to address issues sooner.

Amanda Sherman, 8568 171<sup>st</sup> Avenue NW, referenced the Elk River school district and asked for clarification and if it is correct that the City cost is different based on the school district but school district cost is listed on the tax statement. She also asked how the City cost would be different. She explained she spoke to others who attend the Anoka-Hennepin school district and have a higher home value but are paying less City taxes from that one-line item.

Finance Director Lund replied she would have to look at the tax statements.

Ms. Sherman also asked about special assessments, there is a \$24 charge, and questioned what that was for.

Finance Director Lund replied it is an environmental fee for garbage that is on everyone's taxes. She noted that on the County website, each line item is listed.

Ms. Sherman stated her taxes have gone up \$1,000 in the last four years and wondered if the taxes will continue to rise.

Finance Director Lund responded by asking if it was a brand-new home.

Ms. Sherman replied it was but the tax increases are more than she had planned on. She questioned if taxes will continue to rise every year.

Finance Director Lund explained the bill with the discontinuation of the franchise fee.

Mayor Kuzma commented that he will not be supporting tonight's budget. He recognized it is an important and needed document but stated a \$168 a year franchise fee was in place. Now it has been changed and been moved to the levy. He noted for a few houses, it will be reduced a little bit but the tax capacity, inflation has pushed the houses to be around 7% so the 18% increase is based on the new house value. If inflation continues, the houses are going to climb again and the 18% will not go away but will continue year after year to be able to fund the roads. Mayor Kuzma believes it is a poor way to handle street funding and is unhappy with how it is turning out. He will wait to see how it plays out but was more in favor of the franchise fee because it was constant. As the City starts to add houses, his opinion is that the franchise fee could have been lowered, noting that people knew what they were expecting, now it is wide open so he will be voting no.

Councilmember Woestehoff agreed with the things the Mayor said; however, not passing a budget and being \$2 million short is not something he is willing to do. He agreed that roads are a big problem for the City, noting the current solution in the budget is \$300,000 less than was invested in the roads last year and is costing us more. He stated it is harder for everyone to tackle such a large increase even though it does offset the franchise fee. He can understand that a lot of houses will be paying more, a lot of houses will be paying less. He thinks there are parts of the budget and levy that everyone on the Council has an issue with; however, in the spirit of working together and getting something done, he feels he has to support it because he doesn't want Staff to have to worry about a \$2 million deficit in January.

Councilmember Musgrove asked Finance Director Lund about road funding in the past, whether the City funded 75% and assessed 25%, and then the franchise fee was switched. She also asked if the debt levy right now is covering the 75% that the City has covered. She noted as the years go on, the debt funding for the roads is going to go down. Councilmember Musgrove asked Finance Director Lund to speak to how that will potentially impact the General Fund and the Road Maintenance Fund.

Finance Director Lund referenced a slide in her presentation that depicted the debt, noting it listed four years of road debt that are ten-year bond issuances. The first one was in 2015 and the last year it will be levied will be 2025 and the next four respective years. Then, when they fall off it and will reduce the debt levy portion. Finance Director Lund commented that Councilmember Musgrove had asked about the road funding and explained that prior to the franchise fee, debt was issued and that was put on the property taxes for the respective debt levies that were just mentioned. The 25% was assessed to the respective property owner to pay. Last year, the franchise fee was used, there was no special assessment or debt issued, and the roads were covered by the franchise fee. For 2022, the special assessment is gone, the franchise fee is gone, and the issuance is gone. It is all encompassed within the property tax to fund the roads.

Councilmember Musgrove highlighted that as those debts are gone, it will help bring down the levy because there will be a dedicated road funding source which she felt was an issue with the franchise fee. She stated a dedicated source for road funding was needed so instead of issuing debt, the Council at that time voted for the franchise fee. She thinks it is more transparent to have

it on the tax roll and as the years go on, the debt from those past years of funding for the roads will go off. People will be able to see more road projects going on because there will be a dedicated fund for roads and which roads get done was an issue with the assessments. Some roads were put to the back of the road list because there were petitions against the roadwork. Councilmember Musgrove thought when looking at this budget, it should be remembered that the debt service will not be a part of the road funding.

Councilmember Heineman referenced the general levy increase. He acknowledged that it is more favorable to see the budget shrinking to show fiscal responsibility and the Council should be looking for ways to do that. There is also an issue where, as a resident commented, road maintenance is behind and that is why last year the City Council voted on the franchise fee, a tax to generate enough revenue to cover the roads. He appreciated the Mayor's point of view but replied to the comment that residents knew what to expect, that tonight it was shown residents didn't know that on average, there was a 15% tax increase because it wasn't listed on the budget but hidden in the utility bills. The 18% is a shocking number, and it is because the roads need to be caught up. He noted it is not actually an 18% increase because if there was a 15% increase last year, this year it's a 3% increase. He stated the numbers do look shocking but the franchise fee is being offset now.

Councilmember Heineman referenced the tax capacity table and commented that it is more favorable to be in the middle or as low to the bottom as possible in regard to the least taxed cities but this is a crucial time in Ramsey with growth and the City needs infrastructure to support it. Councilmember Heineman referenced the County Commissioner who indicated that all the surrounding cities are growing and traffic is going through Ramsey, which will be a benefit but also causes wear on the roads and that needs to be accounted for. As far as funding for roads, he thought it was unfortunate that it is there but it is necessary. Regarding the increase in the general levy from 2014 to 2021, there was an average increase of 5.7%. This year there is a 5% increase. Comparative to prior years, the Council has done a good job of keeping the general levy down, especially with inflation. He listed increases in other cost of living items and felt that going from a 5.7% to a 5% increase was pretty good but he recognized there will be a hit to fix the roads. He commented that the Council saw that fixing the roads is a priority though they differ on the solution. He noted that fixing the roads and slowing spending are priorities and this is the best solution for that.

Councilmember Riley commented this is a public hearing and asked if there were others who wanted to speak.

Eric Vollmuth, 8845 176<sup>th</sup> Avenue, asked why the franchise fee was repealed in favor of this levy as far as the roads.

Councilmember Heineman answered that certain members on the City Council looked at the franchise fee as not being necessarily sustainable, though others may say that it was sustainable. However, if the actual numbers are looked at from 2022 to 2030, in only two of those years the franchise fee covered the actual cost of the road projects that were outlined. He stated the City has a slush fund or rainy-day fund that can help cover those costs but the franchise fee being stagnant at \$1.9 million didn't cover some of the years. Councilmember Heineman noted that by making

this public and on the tax statement, the City is held accountable, residents are not surprised to find out that they have actually been paying 15% on average depending on the home value, or 15% on utilities that are covering roads, which is transparent. Also, as the City grows, if putting it on the general tax levy, it will continue to grow with the City. Because of the \$500,000 fund to cover the first two years, the tax levy that doesn't cover the road projects but since it continues to grow, in 2030 it will have a \$1.5 million surplus to put toward future roads work quicker versus a deficit of \$712,000. Essentially, it is being tied to City growth and being transparent. He stated hopefully that will snowball, pay for roads quicker, bring that number down, and get ahead of roads that way.

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

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

The public hearing was closed at 7:47 p.m.

### **Council Business**

Councilmember Howell stated that she will not be voting in favor of the budget tonight but not because of the road funding. She felt it is unfortunate that the last Council was not transparent about what percentage taxes went up by adding the franchise fee. She felt that would have eliminated some of the contention on the current Council and they could have applauded the last Council for addressing the road issue, which needed to be done and took courage to do. She stated the lack of transparency, however, is an issue. She felt this made it transparent for everyone as far as what percentage they are paying so she is in favor of doing that even though it is a high tax percentage. Regarding the personnel requests, she noted spending has gone up quite a bit more with personnel and if the costs had been kept down and the Council had been more serious about addressing what positions couldn't be added to the budget, the percentage could have been kept down for the residents. She restated she will not be supporting the budget because of the personnel increases.

Councilmember Riley stated he won't be supporting the budget either. With regard to transparency and due process, he would support a plan where the roads are fully funded, but they are not fully funded when a smaller amount is being collected than before when it was fully funded. Assuming that there will be continued growth on the tax levy, he was uncomfortable with the budget, wouldn't accept it, so he will be voting no.

Councilmember Woestehoff echoed Councilmember Riley's comments, noting the franchise fee does associate with growth, as more houses are added and more franchise fees are collected. He noted it is more economical for the first year of a new house and the City has lots of new houses. He pointed out that in this five-year period, it would have made the City more money than the tax levy because on a new build, taxes are initially lower. He stated there is a huge burden to the business community that hasn't been discussed. To Councilmember Riley's point, he stated the roads are being underfunded another \$300,000 and the numbers show that with a mean house value, if it is lower, then less is taken for the roads. If things were fully funded it would be

equivalent, potentially. He stated this is a difficult decision for him but he can't leave the City without a budget. He understands everyone's reasons if they have doubts about the budget but for him, this about running a City.

Councilmember Specht stated he appreciated feedback from the community and Councilmembers and thinks more time could be spent on the franchise fee but it didn't need to be done now. To the point that roads wouldn't be fully funded for the first year, he noted there is money set aside that will be pulled from as that is the whole point of having the fund. He agreed with the points made by Councilmember Heineman and that the budget isn't perfect, there are areas that could have been cut, but he feels it is a good balance and compromise for a City that is growing. He stated it should be ensured that there are enough personnel and what is needed to make the City a great place to live. He stated the budget needs to be balanced and not raise taxes more than necessary. He will be supporting the budget, noting that while it is not perfect, it is a good balance and a lot of work has gone into it.

Councilmember Musgrove agreed with Councilmember Specht and wished, as a Council, they had more discussion regarding personnel. She noted a consensus was reached early on, positions were moved forward because of that consensus, and residents of Ramsey could have seen savings in the general fund had those discussions taken place. She will be supporting the budget but wished more discussion had taken place regarding the personnel decisions.

Motion by Councilmember Woestehoff, seconded by Councilmember Heineman, to adopt Resolution #21-339 Adopting the 2021, Payable 2022 Municipal Tax Levy in the Amount of \$15,312,856.

A roll call vote was performed:

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

Motion carried.

Motion by Councilmember Woestehoff, seconded by Councilmember Heineman, to adopt Resolution #21-340 Adopting the 2022 General Fund Budget in the amount of \$14,492,640.

A roll call vote was performed:

|                        |     |
|------------------------|-----|
| Councilmember Musgrove | aye |
| Councilmember Specht   | aye |
| Councilmember Riley    | nay |
| Councilmember Howell   | nay |

Councilmember Woestehoff aye  
Councilmember Heineman aye  
Mayor Kuzma nay

Motion carried.

Motion by Councilmember Woestehoff, seconded by Councilmember Howell, to adopt Resolution #21-341 Adopting the 2022 Economic Development Authority (EDA) Budget in the amount of \$85,360.

A roll call vote was performed:

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

Motion carried.

## **7. COUNCIL BUSINESS**

### **7.01: Adopt Ordinance #21-21 Amending City Code Article XVI- Tobacco, Sections 26-749 to 26-789**

Economic Development Manager Sullivan reviewed the proposed ordinance to amend City Code Article XVI-Tobacco, Section 26-749 to 26-789 to reflect the Minnesota 21 Tobacco Law that went into effect in August of 2020. This changed the legal age of tobacco sales from 18 to 21 as well as incorporating electronic tobacco devices within the City of Ramsey Code. The public hearing notice for Ordinance #21-21 was published on November 12, 2021. He noted the public hearing and first reading of the Ordinance occurred on November 23, 2021 at the City Council meeting. Staff recommends adopting Ordinance #21-21.

Motion by Councilmember Riley, seconded by Councilmember Musgrove, to waive the City Charter requirement to read the ordinance aloud and adopt Ordinance #21-21 Amending City Code Article XVI-Tobacco, Sections 26-749 to 26-789.

A roll call vote was performed by the Recording Secretary:

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



will be expecting payment back for the properties. What the payment will look like, whether determined by the appraised value or the original loan value, is yet to be determined and is something the City Attorney is helping to determine.

Councilmember Howell suggested that snow removal is no longer subsidized for Youth First because it is not done for any other program and they are already getting essentially free rent for two years. That is a change she would like to see with this case.

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to adopt Resolution #21-352 Approving Youth First Community of Promise Lease Agreement with the exception of snow removal and including the proportional share of 30% of utilities, subject to changes from the City Attorney.

Further discussion:

Councilmember Howell asked if including the change regarding snow removal is fair. Economic Development Manager Sullivan confirmed this and stated he would make the change to the lease and communicate it to Youth First. He agreed that the City is offering Youth First a good deal to support their mission. The cost that may occur over a winter or two is a reasonable request and will be accepted. If not, the program will have to find another location. Councilmember Specht referenced Economic Development Manager Sullivan's comment that the snow plowing was coming out of the RALF funds, not City money, and asked if that is correct. Economic Development Manager Sullivan confirmed this. Councilmember Specht commented that he is on the Youth First Board and knows that through other economic circumstances, the program is being hit pretty hard right now. He believes they do a lot of work in the community and would support leaving the proposal as is. Councilmember Riley agreed with Councilmember Specht that Youth First does good work and because RALF funds are being used, it wouldn't save the City any money so he is unsure why it would be favorable to make a detrimental effect to Youth First. Councilmember Woestehoff agreed and suggested a friendly amendment to change the verbiage to "as written in the case" with the language regarding the snow removal. He asked if Councilmember Howell would be amenable to that. Councilmember Howell confirmed this. Councilmember Musgrove commented that RALF dollars are being used now but asked if it is correct that those funds will be need to be paid back. She added that the amount was unknown but the Council is being asked to make a decision on a proportion of cost that isn't included in the case.

Councilmember Musgrove withdrew her second to the motion. Motion failed for lack of a second.

Motion by Councilmember Howell, seconded by Councilmember Woestehoff, to adopt Resolution #21-352 Approving Youth First Community of Promise Lease Agreement as written, subject to changes from the City Attorney.

Further discussion:

Councilmember Specht referenced Councilmember Musgrove's point and asked about the RALF funds, if they will potentially have to be paid back. Economic Development Manager Sullivan replied that he is not an expert in the RALF funds, but it is his understanding that the intent of the program is to acquire properties. He noted there were some costs because at the time, Highway

10 was going to be moved up to the railroad tracks when most of the properties were acquired but that has changed. Economic Development Manager Sullivan explained RALF is looking to replenish that fund so they can make loans to other cities looking to something similar in regard to highway projects. He noted where it gets tricky is when he says the expenditures are paid with RALF funds; it's paid with leased revenue on RALF properties, so that is what he's calling "RALF funds." He explained it is more a matter of whether RALF leased dollars count toward the loan amount or if at the end, they are sent to RALF as additional income. He didn't know the answer to that. Councilmember Woestehoff asked what the average cost of snow removal would be for a year. Economic Development Manager Sullivan replied a high estimate would be \$500 for a winter per tenant but could vary based on the weather. City Administrator Ulrich replied he reviewed billings from the last several years and would agree with the assessment that it would likely be around \$500 for this tenant. Councilmember Woestehoff commented that Ramsey is a City with a budget around \$15 million. Youth First is an organization with a budget around \$40,000- \$80,000 so the City's impact can be greater by taking on the snow removal and could benefit Youth First even more. Councilmember Musgrove asked if there was a time limit or if more information could be gathered on costs and a decision made in January. City Administrator Ulrich replied he could look up data tonight but echoed Economic Development Manager Sullivan's comment that it could vary widely based on the weather. Councilmember Specht asked if this would be considered appropriate use of RALF funds. City Administrator Ulrich confirmed this, stating it is considered maintenance and RALF revenues are to be used in support of the properties.

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

Economic Development Manager Sullivan thanked the Council and stated he would let Youth First know there will be a lease for them to review.

#### **7.02: Adopt Resolution #21-312 Approving Final Plat for Riverstone South**

Senior Planner McGuire Brigl reviewed the staff report and recommendation to approve the Final Plat for Riverstone South. The subject property is approximately 110 acres, with 79 dedicated to Riverstone South which will accommodate a 244 lot, detached single-family subdivision. The City Council approved the preliminary plat for this project in April 2021 contingent upon the developer finalizing the final plat, a cost share agreement, park dedication, tree preservation, and final approval of plans, subject to current Staff review comments, and approval by the City Engineer. This last step in the phase of platting, Final Plat, approves construction documents and the final plat sheet for recording and legal subdivision. The next step after Final Plat is a development agreement, which outlines fees and responsibilities for each party throughout construction. She stated that Capstone is in the audience to answer any questions.

Motion by Councilmember Specht, seconded by Councilmember Musgrove, to adopt Resolution #21-312 approving Final Plat for Riverstone South.

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

### **7.03: Review 2021 Legislative Outcomes and 2022 Legislative Priorities**

City Administrator Ulrich reviewed the staff report and stated the purpose of the case is to look at the 2021 legislative agenda and outcomes and create a plan for the 2022 legislative session. Typically, the Council would meet with legislators at a session in January to review priorities for the coming session. He stated if there was feedback on any of the items put forward, consideration would be made by the Council during the session in January.

Councilmember Musgrove thanked City Administrator Ulrich for adding comments in the LGA funding that was discussed. She referenced an article that was sent with information on LGA funds and stated that Ramsey is a unique City that fits the qualifications and criteria for this. She feels like every city should benefit from LGA in some portion. In talking to the gentleman in charge of the LGA, she learned there is a formula behind the funding based on the numbers from the given city so there would have to be a formula change in order to get funding.

City Administrator Ulrich noted there was legislation that indicated there is a minimum local government aid distribution so cities would always get something. He indicated similar legislation to that is something the City could support.

### **7.04: Adopt Resolution #21-358 To Prohibit State and Federal Actors from Mandating Medical Procedures Upon Citizens Through Coercion or Force; and Providing Other Matters Related to the Subject**

City Administrator Ulrich introduced the resolution that was authored by Councilmembers Musgrove and Specht. He stated no significant issues or liabilities to the City were identified regarding this resolution, the City Attorney has reviewed this, and is available this evening.

Councilmember Musgrove commented that her initiation in presenting this resolution is that City Staff would be increased over the 100-employee threshold, which mandates vaccination. This issue is currently being debated in courts so no immediate action may be necessary. She wanted to make a statement that vaccination should be individual choice instead of mandated due to being a part of an organization that is over 100 people.

Councilmember Specht echoed Councilmember Musgrove that this resolution is about Ramsey making a stand for individual liberty regarding vaccines for the residents and Staff.

Councilmember Riley commented that this resolution differs from the discussion about the mask resolution where it was determined what the City was and wasn't going to enforce. This resolution says the City opposes mandates from the federal government. He didn't have an issue with the City offering this as an opinion statement. He referenced the language in the resolution including the word "actors." Councilmember Riley suggested a different word choice. He also questioned the language of "whereas" and "the stated goal" and asked for further clarification and definition.

Councilmember Musgrove replied that the second time the word "whereas" is used establishes background and the "stated goal" is related to the first "whereas" as the CDC, the government, health agencies, their initial stated goal was to have enough COVID vaccines for people who

wished to get the vaccines. She noted it wasn't about mandating or forcing people to get them but about having enough for anyone who wanted to have the vaccine. If using other words like the "Center for Disease Control" or "government officials" or "the plan" was to have enough vaccines for anyone who wanted them.

Councilmember Specht replied that the idea for the "actors" are those who are acting. In this instance, the federal government chose to use OSHA as the actor to attempt to implement it. The City is opposed to that as well as if Congress passes something or tries to mandate it. "Actors" would refer to whoever the state or federal government is trying to implement, this resolution states the City would be opposed to it. Instead of listing every possibility, it was thought that the term "actors" would be more encompassing but another word choice could be considered.

Councilmember Howell referenced the language in the resolution where it says "with the exception of the Pfizer vaccine for adults," asked if there was a reason why it was added to that "whereas."

Councilmember Musgrove replied it was because there was a question about whether Pfizer was considered emergency use. She thought they were the only one that was approved for 16 and older along with Comirnaty. She stated the other ones were for emergency use and Pfizer was the only one that fits the category of being approved.

Councilmember Howell suggested striking that because Comirnaty is only available in Europe and Pfizer is the same formulation but under emergency use authorization, which makes them less liable than if Comirnaty was here. She suggested striking that because technically, it is complicated.

Councilmember Howell asked, as the resolution is written, does it address regulatory agencies such as OSHA or not.

City Attorney Knaak replied it depends on how the term "actors" is defined. If the language was changed to say "the state or federal governments or their agencies and agents" it might clarify that point. He advised it has to be answered with that provision.

Councilmember Woestehoff replied that this item was added to the agenda late in the week. He asked that more time be spent on this, not that he disagrees with it, but he has some serious concerns with how the resolution is written. Councilmember Woestehoff commented he imagined that there may be agreement on some items that need to be clearly identified. He added that he has a long list of questions.

Motion by Councilmember Woestehoff, seconded by Councilmember Riley, to table this consideration of Resolution #21-358 until a future Work Session.

Further discussion:

Councilmember Musgrove requested a friendly amendment to state a date for the Work Session. Councilmember Woestehoff replied the first Work Session in January. City Administrator Ulrich stated the date would be January 11, 2022. Councilmember Howell proposed that questions be continued so that as a group with the City Attorney, they could have time to think about it rather

than vote and not hear the full Council's thoughts. There was consensus to continue discussion. Councilmember Howell referenced Minnesota State Statute 12.39 which prevents the state from mandating a medical treatment and asked how that relates to this resolution, the contents of the resolution, and OSHA mandating something which violates something coming from OSHA or the state government. She asked how does that work out in relation to a City. City Attorney Knaak replied that is a complicated question on a variety of levels. He advised State Statute 12.39 that was referenced has to do with emergency powers. When an emergency is declared, it involves what you can do and not do and does enunciate, in Minnesota, the right to choose not to be vaccinated and references the right of the Commissioner in a separate section of the law that if you refuse to get vaccinated, isolation or quarantine is allowed. That provision of the law then gives you provisional due process. He explained that is not the same in other states but varies and there is an open question whether the federal government can mandate something under the Tenth Amendment on states and their subdivisions or whether the states have to do that independently. This is not clear yet. City Attorney Knaak explained that in terms of this resolution, it would be problematic if this were trying to enforce a mandate but this resolution doesn't do that, it's more a statement or position and would not cause any liability to the City. Councilmember Howell agreed with Councilmember Woestehoff that more time and careful consideration should be given to this resolution. She commented that this resolution is specific to one vaccination and asked if there was any thought given to broadening the scope to include language regarding respecting the individual. Councilmember Specht agreed. Councilmember Musgrove commented that may make the point even more, that this is an issue regarding healthcare that should be left to the individual and their doctor. She stated naming the COVID vaccine is the only one currently that is being required, where people may lose a job because of pressure to get this vaccine. She is open to having discussion on broadening the language but the focus now is the mandate for the COVID vaccine. Councilmember Woestehoff referenced the title "Mandating Medical Procedures" and suggested narrowing that language if the focus is on a pro-choice statement on the vaccine. Councilmember Woestehoff had other concerns with the term "whereas" and if it were removed, he would be okay with that. He commented on references to the Constitution, noting the Fourth Amendment doesn't give the right to privacy but addresses search and seizure. Article six of the Constitution says that no lower decision of a government can override the decision of the federal government, which potentially could cause conflict if a mandate passes. Councilmember Woestehoff cited a Supreme Court case that indicated a person has liberty under a due process clause but quotes from the case include "neither the right to refuse treatment, nor the right to privacy are absolute, each must be balanced with the State's interests to the contrary." The Supreme Court held that there is no absolute right to deny medical treatment and there is no absolute right to privacy based on that case. Councilmember Woestehoff had questions about the phrasing of the sixth "Whereas." He asked for clarification if the purpose was to provide an opinion that the vaccine, instead of being a benefit to residents, was actually only a benefit to the pharmacy companies. Councilmember Musgrove replied the pharmacy companies that are making the vaccine don't have any liability against harm, they have immunity. The potential harms have to be weighted with the person's decision to get the vaccine. She explained the concern about potential harm and there being no liability with the company or employer has to be weighed whether they will get the vaccine. There is no legal protection for the individual if they go against the employer or the company. Councilmember Woestehoff replied that the residents of Ramsey have commented that roads are a problem and residents may make choices not to drive because there is a pothole and the City is not going to be liable for a fender on a car. Choices are made

similar to that. He stated the City as a whole should focus on things that are City issues. Councilmember Woestehoff commented that he has no issue if the “whereas” wording is changed. He thought consensus could be found because it is just an opinion and has no real implication to residents but the way it’s written needs work. Mayor Kuzma agreed.

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

**7.05: Authorization to Reclassify the Senior Planner**

Administrative Services Director Lasher reviewed the staff report and recommendation to reclassify the Senior Planner to Planning Manager. She explained that when compared to similar roles, it is uncommon for a Senior Planner position to be supervising four employees and the activities Ms. McGuire Brigl has as part of her role. The title of Planning Manager would be better suited for her role and the Senior Planner position would not require back-filling.

Councilmember Musgrove asked about Brian Hagen’s role as the Deputy City Administrator and Planning Manager and the new Planning Manager role that Ms. McGuire Brigl will be stepping into. She also asked if the number of staff that Ms. McGuire Brigl is supervising was prior to the former Deputy City Administrator leaving or were they taken on during a temporary timeframe.

Administrative Services Director Lasher replied that Brian Hagen is the Deputy City Administrator and Community Development Director. He is not a Planning Manager although he oversees the Planning Division. The roles that Ms. McGuire Brigl is currently performing have been performed by her for some time. She explained the former Community Development Director’s background was that he started as an intern, worked his way up, and understood all of the planning processes. But, as time has gone by, Ms. McGuire Brigl has taken on more of those very skill-based processes and is managing the Planning Division single-handedly.

Motion by Councilmember Woestehoff, seconded by Councilmember Riley, to approve reclassification of the Senior Planner to be effective January 1, 2022 as follows, Reclassify the current Planning Manager McGuire Brigl to Planning Manager at \$48.92 per hour which is Step 5 of the 2022 Planner Manager Wage Scale.

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

**7.6 Adopt Resolution #21-352 Approving Youth First Community of Promise Lease Agreement**

This item was considered as Item 7.01a.

**8. MAYOR, COUNCIL AND STAFF INPUT**

City Administrator Ulrich announced upcoming meetings and events, noting the December 21, 2021 Public Works Committee Meeting has been canceled. The next Work Session and Regular

meeting of the City Council will be Tuesday, January 11, 2022. He wished everyone Happy Holidays and Happy New Year.

Councilmember Musgrove wished the Councilmembers a Merry Christmas and Happy New Year. She recognized the Council comes from a wide variety of backgrounds and diversity of opinion but she feels that opinions can be expressed, questions can be asked, and the Council can come to decisions. Councilmember Musgrove stated she thinks the Council has done a good job and made good decisions. She thanked the Staff for working with the Council.

## 9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 8:55 p.m.

Respectfully submitted,

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Kurtis G. Ulrich  
City Administrator

ATTEST:

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Katie M. Schmidt  
Deputy City Clerk

Drafted by Joni Helmeke  
*TimeSaver Off Site Secretarial, Inc.*