

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

The Ramsey City Council conducted a City Council Work Session on Tuesday, January 25, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Also Present: City Administrator Kurtis Ulrich
Zoning Code Enforcement Officer Bria Raines
City Attorney Fritz Knaak

1. CALL TO ORDER

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

2. TOPICS FOR DISCUSSION

2.01: Introduce Ordinance #21-20 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations

Zoning Code Enforcement Officer Raines reviewed the staff report and changes to the ordinance.

Councilmember Musgrove commented that she felt it was easier to read and for residents to understand. She questioned if there was enough information included for enforcement.

Zoning Code Enforcement Officer Raines confirmed this, adding she had gone over it with Planning Manager McGuire Brigl and agreed that the changes would allow for enforcement related to topics in the chapter as well as other City codes that are not specifically addressed.

Councilmember Musgrove referenced the paragraph on “nuisance” and commented that is a great example of other areas that can be enforced. She questioned if there was a reference to that with more elaboration because it is already included in an existing area of the code.

Zoning Code Enforcement Officer Raines replied she would have to check. She believed there were provisions before the revisions that mentioned that public nuisance standards needed to be met as well.

Councilmember Musgrove referenced a paragraph related to signage and commented that she liked the revised version which emphasized what could be done instead of what is prohibited.

City Administrator Ulrich commented that Councilmember Heineman had passed along comments about potential using commercial vehicle classification to enhance this ordinance and questioned if that had been considered.

Zoning Code Enforcement Officer Raines replied the emails had been received with comments about commercial vehicles versus personal vehicles. She stated that it was just like the public nuisance code, which was for residential off-street parking and would cover that because it includes specifics such as number, location, types of vehicles and other details. She offered to make sure that is included.

Councilmember Heineman referenced weight-class and commented that the City didn't want F150's going up and down the street ten times a day pulling trailers or bobcats. He questioned if there could be a trip limit set based on vehicle class, which might help alleviate some of the noise complaints.

Zoning Code Enforcement Officer Raines replied for that kind of activity, it would be classified as a level two home occupation. Those are brought to the Council so there would be an option to have that distinguishment made in their permit.

Councilmember Howell referenced the section regarding level one home occupations. She commented that there is no allowance for someone who is a plumber or construction worker, owns a truck with a trailer, and leaves with their tools every day. It would not be a disturbance but they would be required to apply for a level two permit because they are leaving with tools and equipment. She questioned if there are allowances for these types of workers who are not creating a disturbance.

Zoning Code Enforcement Officer Raines replied before the revisions, the code was worded to include the vehicle and tools so a plumber would be allowed to park.

Councilmember Howell asked about construction workers who pull a trailer.

Zoning Code Enforcement Officer Raines replied that would be allowed and offered to reword it.

Councilmember Heineman gave the example if he worked for Blue Ox Heating and Air and drove a van home with a trailer, he wouldn't need a home occupation permit because he would be driving a work vehicle. If he was self-employed and driving the same truck and trailer, he would. He felt bringing those together would be advantageous so a person who has their own business would have the same liberties as a person who works for a company outside of their property.

Councilmember Howell commented that people with home occupations were being limited to one vehicle with signage on it when someone who has a business doesn't have the same limitations. She questioned why this is, if they are not disturbing the neighborhood.

Zoning Code Enforcement Officer Raines replied that there is inconsistent language in the code. She offered to reword that section for better clarity.

Councilmember Howell referenced the section on inspections and commented that she felt having the City come in within 48 hours was overly intrusive. She recommended striking that section.

Zoning Code Enforcement Officer Raines replied that the biggest concern was to make sure that the home occupation owner knows that they would still have to be in compliance and subject to inspections. She understood the concern with 48 hours. She stated she hasn't encountered a problem with anyone not letting her walk through. She stated that she would look into another way that the City could ensure compliance instead of a 48 hour short time permit.

Councilmember Heineman questioned if inspections were done of the interior of the home within 48 hours or how intrusive the inspections were.

Zoning Code Enforcement Officer Raines replied she hasn't had to do any inspections inside a home.

Councilmember Heineman questioned if that could be specified because he felt it was ambiguous in the wording.

Councilmember Woestehoff commented that he understood the concern but that the way it is written says "covered by said permit for safety and compliance purposes." He felt police and compliance officers needed to be allowed to do their jobs to ensure it is a safe environment. He agreed it was a little vague and could be reworded but didn't agree with removing the ability to do an inspection.

Councilmember Heineman questioned what instances would require an inspection be done inside a home.

Zoning Code Enforcement Officer Raines replied she recently received a home occupation request for fire arms, if it were approved, that would be an instance to ensure safety.

Councilmember Riley commented that it reads "covered by the permit." He felt the language was fine to cover an occupation which would mainly take place inside the home. He suggested striking the "48 hours" and just saying "a reasonable request."

Councilmember Musgrove agreed with striking the 48 hours. She stated that on some of the initial documents it noted Zoning Administrator and Fire Marshall. She noticed that Fire Marshall has been removed from the information. She questioned when a Fire Marshall would be involved in an inspection and why it was changed or not specified.

Zoning Code Enforcement Officer Raines replied bringing in a designee for the building official or other officials isn't specified in the code but could be included.

Councilmember Musgrove commented that adding Fire Marshall to the definition would help because then it is not just the Planning Department but puts another set of eyes on a potentially hazardous situation.

Councilmember Howell referenced the inspections and questioned how it compares with businesses that have brick and mortar store fronts.

Zoning Code Enforcement Officer Raines replied the difference with a store front they walk in and ask questions, with a residential property a letter or phone call is sent first in preparation.

Councilmember Heineman referenced number six under “Death or a Move” and questioned the phrase “automatically terminated” as the first course of action.

Zoning Code Enforcement Officer Raines replied this was not a change but was kept from the existing code. She was not sure what the initial rationale behind it was.

Councilmember Riley replied it makes sense because it keeps the permit with a person with a specific activity not a property.

Councilmember Heineman questioned if it should read “shall be automatically renewed if a family member applies.” What he didn’t want was for someone to have a permit and have family left wondering if the permit would be renewed in the event of the death of the permit holder.

Mayor Kuzma stated since most often a husband and wife would be in business together so if one passes he didn’t see a need to add “reapply for a permit.”

Councilmember Heineman stated he didn’t want to see the permit automatically terminated until they reapply. He questioned if that was the case. He suggested changed the wording from “may” to “shall” reissue a permit.

City Administrator Ulrich asked if changing the wording from “may” to “shall” will satisfy the concerns or would Councilmember Heineman like Staff to work more on the wording.

Councilmember Heineman replied the second half of the paragraph would have to be deconflicted.

City Administrator Ulrich commented that wording could be worked on to include an automatic transfer to a legitimate heir or someone who is taking charge of the property.

Councilmember Heineman replied as long as they reapply it will be granted.

City Administrator Ulrich replied that wording along those lines could be worked on if the Council agreed.

The consensus of the Council was to make further revisions to wording for clarification.

2.02: Discussion Regarding Resolution #22-005 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 stated this item could be added to the regular agenda or discussed during another Work Session.

The consensus of the Council was to reconvene after the Regular Session to discuss this item.

2.03: Consider Loral I. Armstrong Delaney Central Park Flag Request

City Administrator Ulrich reviewed the request from Ramsey resident Patrick Surma for a large “Perkins type” flag to be displayed in the park. He stated that Mr. Surma had provided a check for \$100 as he had promised during the October 2021 City Council meeting. He stated a quote of \$16,305 was received for a 70 foot pole with a 15x25 foot flag. Staff concerns included the cost to maintain the flag and the scale of the flag for the location. Funding proposals include private monies or organizations that may donate to such a cause with a match by the City. He stated that some private monies have already come in. The Anoka Ramsey Athletic Association helped move a flag pole from a redevelopment site to Alpine Park and may be supportive of this cause. He stated Staff is looking for Council direction.

Councilmember Heineman questioned if Mr. Surma would like to say anything.

Mr. Patrick Surma thanked the Staff for bringing it to the table and added that the flag would not be for him but for the children, the future, and the Democratic Republic as a legacy.

Councilmember Specht commented that he thought it was a good idea. He liked the idea of matching funds if other sources wanted to contribute.

Councilmember Riley questioned if the City has a standard height of a flag pole and a standard size of flag.

City Administrator Ulrich replied it is around 25 or 30 foot flag pole and a 3x5 or 4x6 flag which is a standard flag. He stated that the City doesn’t have any large flags.

Councilmember Woestehoff commented that he loved the idea and would like Staff input on the size from a design standpoint for the space. He also liked the match idea for funding.

City Administrator Ulrich commented that perhaps another location would be more suitable based on the size.

Mayor Kuzma tabled discussion on this item at 6:00 p.m.

2.04: Review Current Legislative Session with Local Legislators

City Administrator Ulrich welcomed the local legislators including Senator Abeler and Representative Heinrich. He stated Representative Scott may be joining as well. He thanked them for joining the meeting and reviewed the staff report.

Councilmember Specht questioned what got passed with the landfill.

The legislators were unclear about this issue.

City Administrator Ulrich stated one of the pieces the City would like to explore is how to get the land back, released from the landfill program.

The legislators agreed that the land couldn't be released because there was bonding money against it.

City Administrator Ulrich commented that at this point they have been told no, that the Economic Development Manager would need some sort of legislation to take it out of the landfill program and bring it back. He stated there is a 20-year window that it has to wait. He stated the land could be developed now, it is not directly underneath the landfill but perhaps there were some way to release it.

Representative Scott joined the meeting at 6:06 p.m.

Representative Heinrich stated when the bonding is released against it, then it's free to do something with. He offered to check on it if it isn't done.

Councilmember Musgrove questioned what type of development is being considered for the landfill if it gets released.

Representative Heinrich replied it is commercial, that there is land beside it that is good.

City Administrator Ulrich stated the land along Sunwood is a continuation of the industrial park area so it could be developed in a similar way.

Councilmember Musgrove stated that one of the things she had recommended to be on the legislative agenda is removing the hospital moratorium to allow growth in hospitals in rural areas.

Senator Abeler replied usually what happens is the proposer of a hospital would move forward their idea to the department of health which often requires legislation to remove the moratorium for that particular hospital. He stated if she knew of someone who wanted to do a hospital in Minnesota he would be happy to talk to them. He stated it is an expensive and lengthy process. He continued that usually there is a proposal for a certain city that needs a hospital.

Councilmember Musgrove stated that is her point, that it is a long process and without some of the government restrictions there might be more availability of hospitals in the state.

Senator Abeler stated he didn't know where the moratorium originated from but places were chosen based on populations. He stated more hospitals caused more cost. He offered to speak to her more offline.

Councilmember Riley commented that it might be important at a State level but not for Ramsey.

Councilmember Musgrove replied that it is important from a development standpoint. There may not be anyone looking to open a hospital in Ramsey but they might look at the process and look at another state.

Councilmember Howell commented she added an item because a year ago the DNR wanted the Council to adopt language related to a critical water deficiency ordinance. Model language was obtained through the League of Minnesota Cities. In the process of asking Staff a lot of questions, she stated, that it had come to her attention that based on the State statute that the rules could be made after the fact. Whatever the Council puts in place could get overridden. Her concern with that is that even in the model language from the League of Minnesota Cities, there is allowances for agricultural growth of fruits and vegetables but there isn't allowance for people to water their own gardens. She stated it is important to her that residents be allowed to grow their own for food, medicinal purposes, herbs and flowers without being limited to reclaimed water. She wasn't sure if there was a way to attach something small like this to a piece of legislation.

Representative Heinrich questioned if this is about well water and if it is being limited.

Councilmember Howell replied it is fine right now but the problem is that if the Council adopts the language and the Governor declares a water emergency then it can be limited because the DNR Commissioner can write whatever rules they want to write. She would like to see people be able to have water to grow their own food and not have it limited to big agriculture.

Senator Abeler asked for clarity, if it would be Ramsey deciding on their own what is critical and allowing irrigation of crops despite the governor declaring a water emergency. He thought this would be done county by county.

Councilmember Howell replied, the problem is the DNR Commissioner can write the rules.

Senator Abeler asked if it is the case that if the governor has declared a water emergency and Anoka County is drought stricken then no one can do anything and if that would be what the purpose of the ordinance would be.

City Administrator Ulrich commented that everything could be shut down and residents wouldn't be allowed to water their plants and vegetables at a residential level. That is what they wanted to protect.

Senator Abeler questioned if they are thinking about adopting an ordinance like that.

Councilmember Specht commented that it would be so that the governor is not able to restrict personal gardens.

Senator Abeler questioned if the DNR is making the Council do this ordinance or if it is strongly suggested they have one in place.

City Administrator Ulrich replied no one is making them do this ordinance but in the event of a drought the governor would declare an emergency and have the DNR put on the restrictions county by county. It could limit total water uses for any residential use including local residential gardens, that is what the Council would like to prohibit.

Representative Scott questioned for clarity that the Council wants legislation that says in the event that that happens that the DNR cannot disallow people from watering their gardens.

Councilmember Howell confirmed this, adding that grass and nonessentials wouldn't be included.

Senator Abeler replied to have a law pass, the House, Senate, and Governor have to agree. He offered to put a bill together to see where it would go. He thought that a lot of suburban people would want their gardens preserved in the face of something like that.

Representative Heinrich questioned if the language that is being requested would also prevent a future city council from putting on restrictions as well or if it is more protection from the State.

Councilmember Howell replied that is a good point, that both levels are important. She wanted to protect the right for people to grow their own food to feed their families.

Representative Scott commented that consideration must be made for the size of the garden and how much water could be used. She didn't feel a blanket statement that residents can water their garden is going to be adequate but would need parameters.

Senator Abeler replied it could be added to the list of things that can't be disallowed and then maybe the City could have authority to decide. He suggested the Council do some research and sent it to him to be able to create discussion.

Councilmember Heineman commented that it is a case of State government deciding what is not essential because it does allow an exemption for agriculture for large farms but specifically says that residents aren't allowed to do what large farms are doing. That is what he sees as the crux that the rights of the individual aren't the same as large corporations.

Senator Abeler commented that there is support among the Council and it will get drafted.

Councilmember Riley commented that on the list again this year is a state-wide licensure for massage therapists as there is one currently and the cities have had to craft their own ordinances.

Senator Abeler replied that he and others have attempted to carry that bill before but nothing is easy. He indicated it was a difficult issue and stated it is not for a lack of trying on his part.

Councilmember Woestehoff referenced the formula for local government aid. He stated Ramsey hasn't gotten local government aid for a long time. He stated it would be nice to see some sort of revision to that math to benefit the City.

Senator Abeler replied he will run that by his tax chair. He stated that the local government aid (LGA) has been in discussion as long as he has been there. He stated the good news is that Ramsey is considered rich and doesn't need it. He stated there are proxies involved and perhaps the proxies are wrong. There are a list of ways that cities can get money and a lot of the proxies are designed to help a little bigger cities to get the money but the suburbs are often overlooked. He suggested if a Council member wanted to do the work and come forward with a plan they could.

Councilmember Musgrove commented on the remote open meeting law requirement that reads that if there is a meeting and an individual wants to participate remotely as a Councilmember that the Council has to declare it as public. She cited a recent meeting she attended remotely which was at a coffee shop and she had to declare that location as public. She questioned if that included their private homes.

Representative Scott replied this is the second time she had heard of this and offered to look up the state statute.

Councilmember Woestehoff commented there was an exemption during COVID when emergencies powers were in place it was no longer a requirement, but now that has ended and it has come up.

Senator Abeler replied that if there is a reason for attending remotely, such as due to illness, that it shouldn't be considered public.

Representative Heinrich questioned if access was provided through a link so the public could join Zoom was provided if that would be considered public.

Councilmember Riley stated that for the last meeting he had to provide the address because he was remote.

Councilmember Specht commented that he understood it to mean that it should be in a public place. When he attended remotely he was told he couldn't be in his hotel room but in the hotel lobby that was accessible to the public.

Senator Abeler commented that is ridiculous and not true for the legislature.

Representative Scott asked for the information to look it up.

Councilmember Musgrove replied MS13D.02.

Representative Scott replied that this is from House research, not partisan staff. She stated she will read verbatim what it says "the regular statute 13D.02 has more stringent requirements, including the requirement that each location at which the member of the body is present, is open

and accessible to the public. If a member is able under the exception in subdivision 1B to participate from a non-public location, from home for example, nothing in this statute requires the member to disclose the location from which they are participating.”

City Administrator Ulrich questioned if that was something she could send him.

Representative Scott replied she can forward him the email. It is her opinion but according to her it is not in the statute that you have to report their home address.

Councilmember Heineman questioned if it is the case that if the location is public it has to be reported but if it is private it doesn't.

Representative Scott replied that is what it sounds like.

Representative Heinrich stated, respectfully he wasn't sure that was true. He thought that the report needed to be done. He agreed that it is a crazy requirement, especially since people are used to using Zoom and no one is offended by Zoom. That is still a requirement. He stated that the only reason Zoom could be used was if a pandemic was declared.

Representative Scott replied there were certain open meeting laws that changed during the declared emergency.

Representative Heinrich agreed, adding that is a provision that as a Councilmember that should be looked at closely because there have been a number of others who have looked at it but it is still a requirement.

Councilmember Specht commented that when he was on the school board at PACT it was the same thing. He stated the school board was told at the time by a lawyer that they needed to be in a place that was accessible to the public.

Councilmember Musgrove cited a recent instance where she had an online meeting with a volunteer board member of an organization who was in a wheelchair and had a difficult time getting to a coffee shop, as required, so that meeting could take place. She stated it needed to be changed, especially since it worked so well throughout the pandemic.

Representative Heinrich thought the more strict interpretation was correct.

Senator Abeler thought that the League of Cities was the one who could affect this.

Representative Scott commented that the other person who contacted her to express concerns was in law enforcement but was also an elected official.

City Administrator Ulrich commented for the record that they have never had a member of the public attend one of the advertised remote locations.

Councilmember Heineman asked the City Attorney to speak on case law that had contradiction to point them in the right direction.

City Attorney Knaak replied that there are some lingering provisions that could have been justified at the time. He stated that the main meeting location must be made available, if a member is remote then that location becomes a part of the main meeting by extension. The member can decide where that location is if they are able to make it a public place versus private. That location has to be in the published notice of the meeting.

Senator Abeler commented that should be fixed and felt it should be easy to fix at the local government level.

City Attorney Knaak replied open government always has push back.

Councilmember Riley commented it has been in the news that there is a large surplus and asked what the plan was for it and what the City's role should be.

Senator Abeler replied this has been in discussion among his colleagues. He listed ideas including education, health care, child care, family leave, unemployment.

Representative Scott stated that list of ideas are not on her list and could perhaps be funded federally.

Representative Heinrich commented there is a billion dollar debt to the feds for unemployment.

Senator Abeler stated he has been in discussion about the burden put on tax payers. He stated there is a high interest in public safety and education. He wasn't sure what the City's role would be.

Councilmember Woestehoff stated that funding would be needed for the water treatment facility and the Highway 10 construction.

Senator Abeler replied there is talk about a decent sized bonding bill and cash bill.

Councilmember Woestehoff commented that there are a lot of capital projects coming up that will be expensive.

Senator Abeler replied the water treatment facility can be promoted.

Councilmember Musgrove asked if for one year with the LGA if there couldn't be anything special included for the water treatment plant. She stated that historically cities have randomly gotten extra money.

Representative Scott asked if a bonding project has been put together for the water treatment facility.

City Administrator Ulrich stated there was a bill last year. It will be about a \$32 million project.

Senator Abeler asked how much was asked for in the bill.

City Administrator Ulrich replied he thought it was around \$10 million.

Senator Abeler stated the bill would be revisited. He was not sure if it was signed or not.

Representative Heinrich replied the bill may have been dropped but it could be revisited. He thought now was a time to go for the water treatment plant with a \$7 billion surplus.

Representative Scott asked if the DNR and MET Council had a hierarchy of priority when several cities want a water treatment facility.

City Administrator Ulrich replied there is a state-wide fund that loans money to this type of water treatment facility but the City was looking for a grant versus a loan. He stated that public health is priority with manganese being a problem.

Representative Scott commented that funding should have logical priorities.

City Administrator Ulrich mentioned Metro Mobility service and stated it takes a State allocation to expand the boundaries of service. He stated he has personally received calls from residents requesting service. He stated when the Northstar commuter rail was built they joined the transit taxing district. He stated there is a fixed commuter route and would like to see the additional service extended because the tax payers are paying a significant amount through the taxing district.

Senator Abeler asked if Anoka has Metro Mobility.

City Administrator Ulrich confirmed this, adding it goes to the border but needs to be extended.

Senator Abeler asked for a memo and he stated would look into it.

Representative Scott asked how many potential users there are in Ramsey.

Councilmember Specht replied he has gotten calls about it also.

Senator Abeler stated it would require increasing the transit part of the transportation budget which can't be paid for with the gas tax but would have to be out of the general fund.

City Administrator Ulrich replied they would have to go over the details.

Councilmember Musgrove commented that Ramsey pays into the transit district from the Tax Increment Financing (TIF) district and asked if those monies are being used elsewhere so Metro Mobility wouldn't be paid for. She felt there should be some benefit for the TIF district.

Senator Abeler replied the monies that are brought in by new taxes to pay the improvements, that all stays within Ramsey. He wasn't sure where the sales tax goes, which is what they are going to try to figure out.

City Administrator Ulrich commented the transit taxing district is a separate tax. TIF is another funding source which is reallocated.

Senator Abeler commented that TIF is done by a city and the money is kept in the city instead of raising taxes for everyone, an area is exempt and still raise taxes for everyone but it looks better.

Councilmember Musgrove stated she misspoke on what it was defined as, it is just a transit district versus a TIF district. It is still transit dollars that are coming from the residents in that district.

Senator Abeler stated that is what they are going to figure out.

Councilmember Musgrove thanked the representatives and senators for coming every year to hear the thoughts of the Council. She hoped they could continue to be used as a reference even if they are not representatives of Ramsey in the future.

City Administrator Ulrich stated this will be brought back to the Council to finalize the legislative platform for 2022.

Senator Abeler advised them to not wait very long because the first deadline is March 25, 2022.

2.03: Consider Loral I. Armstrong Delaney Central Park Flag Request - continued

City Administrator Ulrich asked if there was any opposition to moving forward working with the resident to see what public or private partnerships could be worked with to raise some funds. He was unsure if the City would want to make a commitment at this point.

Councilmember Musgrove commented she was in favor of investigating it more regarding discussion with Staff. She asked with the proposal if there would be any savings if it were at Central Park versus a new site because there it would mean replacing an existing flag pole.

Councilmember Heineman commented his direction for Staff would be to investigate it further but to look for a smaller flag. He was concerned that it would be loud and an eye sore.

Mayor Kuzma stated he was not interested in doing a "Perkins style" flag.

The consensus of the Council was to investigate funding and design for a new flag.

2.04: Review Current Legislative Session with Local Legislators

This item was considered earlier in the meeting.

2.05: Update on Anoka County State Aid Highway 5/ Nowthen Boulevard Corridor Study

City Administrator Ulrich stated, in the interest of time and since this case is just an update, no action is required. He added if the Council has any questions to let Staff know. He stated City Engineer Westby is working on this and meetings are happening to begin discussion on County Road 5.

2.06: Review 2022 Planning Session

Councilmember Musgrove questioned if she remembered right that in the past there was a whole session for this topic. She asked if there was interest in meeting after the Public Works meeting in February.

City Administrator Ulrich stated that would be sufficient. Last year there was a meeting held that was devoted to strategic planning alone. He wasn't sure what the Public Works agenda was for February or March but felt it would be timely to do it on a night that is reserved for half the Council already.

The consensus of the Council was to hold this discussion on February 15, 2022.

RECESS AND RECONVENE

Motion by Councilmember Musgrove, seconded by Councilmember Howell to recess and reconvene following the regular meeting.

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

Mayor Kuzma recessed the Work Session at 6:55 p.m.

Mayor Pro Tem Riley reconvened the Work Session at 7:19 p.m.

Mayor Kuzma was absent.

2.02: Discussion Regarding Resolution #22-005 to Prohibit State and Federal Actors from Mandating Medical Procedures Upon Citizens Through Coercion or Force; and Providing Other Matters Related to the Subject – continued

City Administrator Ulrich reviewed the staff report.

City Attorney Knaak commented he had taken into account the discussion and feedback he had received and prepared a resolution and ordinance framework for discussion. He explained the difference between an ordinance and a resolution is that an ordinance criminalizes anyone who doesn't obey an ordinance, that is not the case with a resolution. He stated he tried to incorporate ideas that were discussed in an unbiased way.

Mayor Pro Tem Riley stated today he had found a resolution from Lexington in the news that was similar to what they are considering. He passed this along through the city channels including City Attorney Knaak. He stated that before them was an ordinance and a resolution for discussion.

Councilmember Howell asked what the number was for the Lexington resolution so she could look it up. Mayor Pro Tem Riley replied 2209.

Councilmember Specht commented that in reading the ordinance he felt it was specific to Ramsey and the employees which he felt was fair, but the resolution was more broad. He stated he wouldn't be opposed to doing a general resolution showing support of medical freedom and an ordinance against employees who would impede that freedom.

Councilmember Musgrove commented she appreciated the work done to consolidate it and create a more cohesive resolution with the addition of the ordinance. She liked the fact that the ordinance puts more protection into it for individual employees against discrimination. The resolution doesn't do that but she also liked it. As she was reading through the Lexington resolution, she liked how it was worded and felt it was similar to their first attempt which included a lot of things. She liked the updated version of the Ramsey resolution better.

Mayor Pro Tem Riley stated it had been discussed that the impetus for this was the vaccination mandate which has been stricken by the Supreme Court and asked if this is necessary.

The majority consensus of the Council was that it was necessary.

Councilmember Woestehoff commented he was a minority vote. He stated that his hesitation with it is that he didn't disagree with it in premise but felt the wording that was missing was "mandates without reasonable exception or exemption." He stated the ability to have mandates is a useful tool; however, he agreed that there should be a broad interpretation of exemptions and exceptions to that.

Mayor Pro Tem Riley commented that two members supported the idea of using both a resolution and an ordinance. He asked Councilmember Howell if she was in agreement.

Councilmember Howell commented her perspective is that the City shouldn't tell people what is best. She felt the minute that exemptions are put in place, the City has taken the power from the people which is a perspective she can't support. She has noticed other cities putting restrictions on residents but felt Ramsey could be better. She liked the ordinance over the resolution but would consider both.

Mayor Pro Tem Riley stated he didn't like the ordinance because he felt it was overkill and limiting because it limits the City. He thought it was the intention for the City to say what they are against.

Councilmember Woestehoff commented that the ordinance is fairly narrow and would require enforcement. He stated it was directed at the City versus other employers which could easily be interpreted as a part of the HR policy as an alternative to being an ordinance.

City Attorney Knaak replied that is an accurate statement in the sense that if there is an expressed policy in the ordinance and an employee violates the policy, that could be the basis for some sort of discipline but wouldn't necessarily be a criminal act. He felt Councilmember Woestehoff had a good point.

Councilmember Woestehoff commented that he noticed differences in the requirements for how ordinances are passed and asked City Attorney Knaak to explain the differences.

City Attorney Knaak replied the requirements are in the charter; there are no outside statutory obligations beyond the provisions of a first and second reading.

Councilmember Woestehoff questioned if the Council decided to pursue an ordinance it would require two public hearings, a reading and an adoption. City Attorney Knaak confirmed this.

City Attorney Knaak pointed out that the Lexington resolution addressed masking which the Ramsey one does not. He asked if that was something they wanted to consider.

City Administrator Ulrich clarified that there are certain ordinances such as zoning code, vacation, and public right of way that require a public hearing but general ordinances like this do not but does require two readings.

Councilmember Heineman asked if the ordinance was passed, would it be fair to say that the City of Ramsey would be the agent being limited in this ordinance.

City Attorney Knaak replied it would be a law as an ordinance in the City of Ramsey. It would be enforceable on a criminal basis. It could also serve as a potential basis for a lawsuit. He stated this is limited to Ramsey, it's employees, agents and contractors. He stated it could go beyond that but he understood that the Council didn't want to interfere with private businesses.

Councilmember Heineman questioned what enforcing that would look like.

City Attorney Knaak replied it would be like enforcing any other city ordinance. He stated if someone, a contractor for example, used it incorrectly it would be brought to law enforcement for a citation. He continued it could be referred to the City or Prosecuting Attorney for a complaint.

Councilmember Heineman questioned if it would be considered a petty misdemeanor.

City Attorney Knaak replied it would be a misdemeanor with up to 90 days in jail and \$1,000 fine unless it is defined another way. He stated the City could impose a higher criminal penalty.

Mayor Pro Tem Riley stated it seems like it comes down to the City enforcing it against the City. Councilmember Heineman agreed.

Councilmember Howell commented it would also give residents recourse if they had reason to air a complaint and prove that the ordinance was violated as well.

Councilmember Heineman commented he liked that.

Councilmember Howell replied she liked that too, that the City is going to be hands off, the residents are going to be respected and trusted to make reasonable decisions.

Councilmember Heineman stated he was in support of both, a more broad ordinance followed by a more specific resolution.

Mayor Pro Tem Riley stated the focus so far has been on the ordinance and asked if there were any suggested changes to the ordinance as it is currently written.

Councilmember Woestehoff stated that this is a very broad description of vaccination or medical procedures and asked if there are any other vaccinations that are currently required by City employees that might come into conflict with the ordinance. He gave the example of a tetanus shot being required after an injury involving metal.

City Administrator Ulrich replied it seemed like those discussions have occurred regarding this and the closest thing is a hepatitis series for police officers. That is voluntary, not required. He wanted to check on it but didn't believe there is a requirement.

Mayor Pro Tem Riley asked if the Council liked the ordinance as it is written with no changes.

Councilmember Specht commented that other physical requirements that would be related to performing a job would still be allowed. He gave the example of being able to lift a certain amount. The ordinance would state that you can't force people to get a medical treatment.

Mayor Pro Tem Riley asked for confirmation that City Attorney Knaak drafted the ordinance and it meets the kinds of criteria and doesn't put the City at risk.

City Attorney Knaak replied whenever an ordinance is drafted like this that is imposing an obligation on City employees and contractors, there is always a risk that someone violates it or the City gets sued because of it, can happen. He stated it is good to ask the question and something to be aware of because they are imposing an additional legal duty on the City's employees as they interact with other City employees. He stated it is fairly unusual that there would be a situation that the City would be engaging in some sort of discrimination, on the other hand the law provides that City employees cannot discriminate for other reasons. He continued that what is being created is another individual right saying that discrimination can't occur based on that.

Councilmember Heineman commented that he liked that being pointed out. He stated that despite relationships that are currently good, that as they go down this road there is more division and opinions on both sides. He stated that if this provides some sort of incentive for people to not ask about medical decisions, such as getting vaccinated or no to, he sees that as a positive. He also commented that because forms of government have been introducing legislation limiting people's freedom, he thinks it's not a bad thing to introduce an ordinance protecting people's freedom.

Councilmember Howell stated she would like to see the issue of masking incorporated somehow and asked if others had any considerations for that.

Mayor Pro Tem Riley asked if this would extend to other City bodies such as the Planning Commission.

City Attorney Knaak replied “agents” are included which means everyone.

Councilmember Musgrove referenced the Supreme Court’s ruling and the question if this is even necessary. She stated that today OSHA is reported to seek permanent vaccine or testing rule in place of the temporary directive. She thought there was a lot of things happening in the government that are in line with the Supreme Court’s ruling. She felt there are bodies of government that would try to do what they could against individuals and that is part of the culture now. She liked the idea of incorporating the mask issue and wondered if language from the Lexington resolution could be incorporated into the Ramsey resolution.

Councilmember Woestehoff questioned if the masking issue was accomplished with a previous resolution.

Councilmember Heineman replied he believed that was limiting the executive order and emergency powers. After the executive order ended, that is not in effect anymore.

Councilmember Woestehoff asked questions about two possible scenarios. The first was the fact that his children are in school. If they get lice they are supposed to get medical treatment for that. He couldn’t imagine that a similar situation would exist at the City level, but does this say someone couldn’t be sent home if they have some highly contagious condition and ask them to get medical treatment for that. He also asked if someone could interpret this as saying, because this protects medical freedoms they would feel entitled to smoke at City Hall. He asked City Attorney Knaak for comment.

Councilmember Howell stated she had worked in the food industry for a while and part of the training included things that employees could be sent home for and other things that couldn’t be discriminated against. She stated there would be limits for when people would be sent home from City Hall.

City Attorney Knaak replied that raises a good point about where you get preemption, where the State has authority such as food preparation. There isn’t anything the City can do to regulate or change that because there are state-wide standards. This is more narrow. He stated that he would work on revisions to include the mask mandate issue.

Mayor Pro Tem Riley stated Councilmember Musgrove had asked that it be in the resolution.

Councilmember Musgrove replied that was only because it was in the Lexington resolution.

Councilmember Howell stated she was thinking it should be included in the ordinance because if at some point there is a Council that comes along and wants to rescind it there would be a chance for the public to comment on it. She felt that was important.

City Attorney Knaak stated that raises an issue. He gave the example of an employee that at a front desk who is requested to provide a public service of some sort. That employee chooses to wear a mask and is concerned enough about their own health that they refuse service. He stated that would be considered discrimination under this ordinance if masking is included in the same way as inoculation. He was unclear how that would work as a practical matter.

Councilmember Heineman commented that in previous discussion it was decided that the City wasn't going to utilize resources to enforce the mask mandate. He felt that was different from saying that legal action would be taken. He gave the example of an EMT being required to put on a mask and they would be potentially legally liable for pursuing that, the same with law enforcement. He suggested leaving the masks in the resolution.

Mayor Pro Tem Riley commented that based on the attorney, masks shouldn't be included in the ordinance and asked if there was agreement on that. He asked if the ordinance was ok the way it is written. He stated he was not in support of it so he wasn't going to argue it.

The consensus of the Council was to accept the ordinance as written.

Mayor Pro Tem Riley asked if there were any suggested changes to the resolution.

Councilmember Howell expressed concern about the reported number of deaths in the second "where as."

Mayor Pro Tem Riley suggested changing it to read "numerous" and asked if that was acceptable.

There was Council consensus to accept the change to "numerous."

Mayor Pro Tem Riley asked how masks could be incorporated in the resolution.

City Attorney Knaak replied he could do some modifications.

Mayor Pro Tem Riley asked if there was consensus that the Counsel was satisfied with what was written and if City Attorney Knaak had the needed direction to add a stipulation about the mask mandates.

Councilmember Musgrove commented that this encapsulates the direction given by the Council.

Mayor Pro Tem Riley commented he likes the resolution because it says that the Council is against mandates and taking a stand but doesn't say what they are or are not going to do. He continued that this will be brought forward on the agenda for the next meeting with the presumption that City Attorney Knaak is going add language about masks to it.

Councilmember Heineman commented that he personally has never wanted to coerce someone to wear a mask or not to but believed individuals should have freedom to decide for themselves. He didn't want to see language stating that the Council rejects the science behind wearing a mask. He emphasized individual choice.

Mayor Pro Tem Riley asked if City Attorney Knaak had enough direction and reminded Council any changes could be discussed further.

City Administrator Ulrich stated this will be presented at the next regular meeting on February 8, 2022 as a case for the resolution and an introduction of the ordinance.

3. TOPICS FOR FUTURE DISCUSSION

3.01: Review Future Topics/ Calendar

City Administrator Ulrich stated Administrative Services Director Lasher had sent an email about the Board and Commission interviews on March 15, 2022 after the Public Works Committee and asked if that worked for everyone.

Councilmember Heineman replied he could attend but would be remote.

Mayor Pro Tem Riley stated Administrative Services Director Lasher had a question about the process the Council wanted to use for reappointing existing members. He stated this could include reinterviewing, introducing them as a new candidate, considering the recommendations of the chair and vice chair of the respective groups and reappoint if deemed appropriate.

Councilmember Heineman replied it should be consistent.

Mayor Pro Tem Riley agreed and added that it is his preference that if someone has been serving and it is suggested that they continue to serve that the process not be started over with reinterviewing. He continued that the Council can still decide and there shouldn't be a presumption for reappointment but if the chair and vice chair recommend reappointment that the Council takes that strongly.

Councilmember Howell commented that last year was different for her because she didn't know everyone. Now she has gotten a chance to get to know everyone so there wouldn't be a need to reinterview everyone.

Councilmember Musgrove replied that she remembered a discussion after the interviews last time where it was decided interviews would be done to give Council an idea of what kind of things are being looked at, strengths, weakness, and concerns that are being identified. She stated that those conversations don't typically happen as a Council one on one. She stated that it could be considered a conversation versus an interview.

Councilmember Heineman commented he agreed with that. He stated that the presumption would be that the individuals would be reappointed but he would like a chance to ask questions different

from what would be asked of the regular members. These questions could include what have they liked most, what do they want to see the board do in the future and engage them in conversation.

Councilmember Woestehoff commented he agreed with the suggestion to trust the chair and vice chair because of their relationship among the teams. He stated that he thought the process should be made as easy for board members who are volunteers or who receive a small stipend. He agreed with the idea about having a conversation with them.

Mayor Pro Tem Riley stated that a main problem is retention, not competition for positions. He felt that interviewing people for a position that they are already in and are willing to continue with seems like an issue. He would like the process to be easy.

Councilmember Howell commented the one concern that she has is blocking others from applying in areas where retention isn't an issue because of an automatic reappointment.

Mayor Pro Tem Riley replied that is not a problem, retention is the problem. He stated it is not the case that people are appointed and stay forever.

Councilmember Musgrove asked if it would be good if retention is the issue to have an exit interview with commissioners to find out what their frustrations are and reason for leaving.

Councilmember Heineman asked if the chair does that.

City Administrator Ulrich replied there isn't a formal process for that.

Mayor Pro Tem Riley commented that isn't a bad idea. He asked who the Council thought would be the best to do that.

Councilmember Woestehoff suggested the Councilmember liaison and continued that would be fair and would give the Council information. He understood the reasoning but didn't want to add responsibilities for Administrative Service Director Lasher. He also suggested that the chair and vice chair be brought in to talk about their committees overall to get their perspective as a part of the process rather than the individuals.

Councilmember Musgrove suggested that a one-page questionnaire be created for an exit interview to get information but not be a burden. She also asked if the commissioners were invited to speak directly to the Council versus being required. She felt that may provide information.

Mayor Pro Tem Riley asked if it would be held against them if they didn't attend.

Councilmember Musgrove replied it would be more of a voluntary invitation.

Councilmember Heineman asked if there was consensus for automatic reappointment.

Councilmember Woestehoff added with feedback from the chair and vice chair. Mayor Pro Tem Riley agreed.

Councilmember Specht commented that he has had several people ask him about applying in the last year and believed there should be an opportunity for people who want to serve. He asked if a term limit could be added. He believed there may be more interest in being a part of government.

Councilmember Heineman suggested a compromise of allowing reappointment once by the chair with reapplication after that for a third term.

Councilmember Woestehoff replied for some that is 12 years. He stated he wasn't opposed to it.

There was Council consensus to allow reappointment by the chair after the first term with reapplication required for a third term.

City Administrator Ulrich stated that interviews would be set up for those that have already served two terms and want to serve three or more.

Mayor Pro Tem Riley added the Council would need to hear from the chair and vice chair that give a recommendation for reappointment.

Mayor Pro Tem Riley asked if there were future topics anyone wanted to bring forward.

City Administrator Ulrich stated there were several topics that Councilmember Musgrove had recommended be noted. Topics included: resuming the discussion on MUSA rezoning, Comp Plan discussion; Review policies and the ordinance regarding rental properties throughout the City; and the report on the recycling program costs and trends. He stated if no one had objections those topics would be added to future topics.

Mayor Pro Tem Riley asked if there was a yearly report from Mr. Anderson.

City Administrator Ulrich confirmed this and added it can be included.

Councilmember Specht asked about the details in the recycling ordinance and if changes were going to be discussed.

City Administrator Ulrich replied that wasn't included.

Mayor Pro Tem Riley stated he has heard discussion that some residents want all bins out of sight.

Councilmember Specht replied he had heard that as well.

Mayor Pro Tem Riley stated that the ordinance needed to be clarified.

Councilmember Specht agreed and added simplified. He stated that it wasn't a high priority topic but should be addressed at some point.

Councilmember Woestehoff stated that at Public Works it was discussed to add a road grading review.

Mayor Pro Tem Riley replied that was one issue, along with the CIP and the rotation from that. He stated what was discussed at Public Works is that there has been a lot of talk in the last year about the funding of the road replacement, but now discussion should focus on decisions about which roads. It was thought that it was bigger than Public Works. He stated that associated with that is a decision in changes to how roads are measured to be more mathematical.

City Administrator Ulrich stated he would add road grading process to the agenda.

Mayor Pro Tem Riley commented that would be a part of it but the CIP and road replacement are a more important part.

City Administrator Ulrich replied that could be a lengthy discussion.

4. MAYOR / COUNCIL / STAFF INPUT

None.

5. ADJOURNMENT

The Work Session of the City Council was adjourned at 8:32 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Katie M. Schmidt
Deputy City Clerk

Drafted by Joni Helmeke
TimeSaver Off Site Secretarial, Inc.