

TABLE OF CONTENTS

1. CALL TO ORDER ..... 2

2. PRESENTATION..... 2

    2.01: 2022 State of the City Address ..... 2

    2.02: Statement from Mr. Elwyn Tinklenberg of the Tinklenberg Group.....2

    2.03: Proclamation Proclaiming February 10, 2022 as Scott Cords Day.....3

3. CITIZEN INPUT ..... 3

4. APPROVE AGENDA ..... 3

5. CONSENT AGENDA ..... 3

6. PUBLIC HEARING ..... 4

    6.01: Adopt Resolution #22-039 Approving Designated Cartway Access to Thorn Lake Property (PID #04-32-25-31-0001); Case of Thomas and PattiAnn Kurak ..... 4

    6.02: Introduce Ordinance #22-06 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations ..... 5

7. COUNCIL BUSINESS..... 7

~~7.01: Adopt Resolution #22-037 Supporting Housing and Local Decision-Making Authority ..... 7~~

    7.02: Adopt Ordinance #22-03 Amending Chapter 10 of City Code: Animals..... 7

    7.03: Adopt Ordinance #22-05 Amending Sections 117-111, 117-349, and 117-355 of City Code Creating Additional Requirements for Driveway/Parking Pads ..... 8

    7.04: Adopt Ordinance #22-04 Amending Section 117-349 of City Code to Allow Accessory Dwelling Units (ADU's)..... 9

    7.05: Adopt Ordinance #22-07 Amending City Code Chapter 30, Section 3 exempting the Mississippi River Corridor Critical Area (MRCCA) overlay district from height restrictions to ground cover vegetation..... 10

    7.06: Introduce Ordinance #22-12 Amending City Code Section 117-124 to Allow Restaurants in the E-3 Employment District ..... 11

    7.07: Introduce Ordinance #22-11 Amending City Code Sections 117-116, 117-117, 117-118, and 117-124 to Allow Taprooms, Breweries, Microbreweries and Brewpubs..... 12

    7.08: Introduce Ordinance #22-08 Amending City Code Section 117-51 Regarding Conditional Use Permits ..... 14

    7.09: Introduce Ordinance #22-09 Amending City Code Section 117-56 Regarding Easement Vacations ..... 15

    7.10: Adopt Resolution #22-005 Establishing The Policy of the City of Ramsey Supporting the Health and Safety of its Citizens and Employees During the Covid19 Pandemic while opposing any form of Coercion or Force in Vaccination or Similar Health Procedures in Response to The Covid19 Pandemic in the City ..... 16

    7.11: Introduce Ordinance #22-14 an Amendment To Section 34 of the Ramsey City Code Related to Enforcement of Public Health, Adding Two New Provisions Thereto Regarding to the Protection of Individual Choices of Medical Treatments ..... 18

    7.12: 2022 Legislative Priorities ..... 21

    7.13: Accept the Retirement/Resignation of City Administrator Kurtis Ulrich ..... 21

8. MAYOR, COUNCIL AND STAFF INPUT ..... 23

9. ADJOURNMENT ..... 23

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

The Ramsey City Council conducted a regular meeting on Tuesday, January 8, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: None

Also Present: City Administrator Kurtis Ulrich  
City Attorney Fritz Knaak  
City Engineer Bruce Westby  
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**

**2.01: 2022 State of the City Address**

Mayor Kuzma gave the State of the City Address Presentation, providing a recap of City operations, updates and news from the past year, as well as a look ahead at what is to come in the new year.

**2.02: Statement from Mr. Elwyn Tinklenberg of the Tinklenberg Group**

Mr. Elwyn Tinklenberg, Tinklenberg Group, thanked the Council for this moment of personal privilege as he has been working with the City for a long time. He stated he is proud of the improvements that have been made in the community and are now funded making the lives of not only the people who are in the City of Ramsey but the people all along the Highway 10 corridor who will see improvements in their commutes and businesses. He felt that the growth potential of the community is going to be enhanced because of those improvements. While he is done, he knows the Council is not and there is a lot still to be done for the City of Ramsey and he looks

forward to continuing to hear great things about the City and the leadership of this City and this Council in making those decisions. He expressed appreciation for all of the years he was allowed to be a part of the team.

Councilmember Riley thanked Mr. Tinklenberg as he has been a large part of getting funding for the Highway 10 Corridor.

**2.03: Proclamation Proclaiming February 10, 2022 as *Scott Cords Day***

City Administrator Ulrich read the full Proclamation Proclaiming February 10, 2022 as *Scott Cords Day* in the City of Ramsey.

**3. CITIZEN INPUT**

None.

**4. APPROVE AGENDA**

Motion by Councilmember Woestehoff, seconded by Councilmember Musgrove, to approve the agenda with the following changes: reschedule Consent Agenda Item 5.4 Update on the Comprehensive Plan Amendment Creating New Urban Residential Low (URL) District and Re-Guiding Subject Properties to a future date; and, reorder the agenda to move Council Business Item 7.1, Adopt Resolution #22-037 Supporting Housing and Local Decision-Making Authority, to the Consent Agenda Item 5.07.

A roll call vote was performed:

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

Motion carried.

**5. CONSENT AGENDA**

Motion by Councilmember Woestehoff, seconded by Councilmember Musgrove, to approve the following items on the Consent Agenda as revised:

- 5.01: Receive Cash & Investments for Period Ending January 31, 2022
- 5.02: Approve the following Meeting Minutes:
  - 1) City Council Work Session dated January 11, 2022
  - 2) City Council Regular Session dated January 11, 2022

- 3) City Council Work Session dated January 25, 2022
- 4) City Council Regular Session dated January 25, 2022
- 5.03: Approve Rental Licenses
- ~~5.04: Update on Comprehensive Plan Amendment Creating New Urban Low (URL) District and Re-Guiding Subject Properties (Moved to a future date)~~
- 5.05: Adopt Resolution #22-038 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of January 20, 2022 through February 2, 2022
- 5.06: Adopt Resolution #22-040 Approving Plans and Specifications and Authorizing Advertisements for Bids for Improvement Project #22-05, Riverdale Drive Trunk Utility Improvements, Llama Street to Bowers Drive
- 5.07: Adopt Resolution #22-037 Supporting Housing and Local Decision-Making Authority (moved from Council Business Item 7.1)

A roll call vote was performed:

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

Motion carried.

## 6. PUBLIC HEARING

### **6.01: Adopt Resolution #22-039 Approving Designated Cartway Access to Thorn Lake Property (PID #04-32-25-31-0001); Case of Thomas and PattiAnn Kurak**

#### **Presentation**

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #22-039 approving a designated cartway access to the Thorn Lake property having PID #04-32-25-31-0001 and owned by Thomas and PattiAnn Kurak using the alternative route through Shawn Acres Park. He stated that the petitioner is responsible for serving Public notices to affected landowners and the Commissioner of the MN Department of Natural Resources (DNR). He noted that the petitioner is also responsible for all damages, including costs for professional services and compensation to the owner of lands upon which the cartway is established, if any, which must be paid before the cartway can be ‘opened’. He stated that the Kuraks agree that the Staff’s recommended cartway route is the best route to pursue. He stated that the petitioner is in the audience and the City Attorney is in attendance to answer questions.

#### **Public Hearing**

Mayor Kuzma called the public hearing to order at 7:24 p.m.

**Citizen Input**

Tom Kurak, 1500 Sunfish Lake Boulevard, thanked the Council for the hearing. He stated didn't have anything to add to what was outlined by City Engineer Westby.

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

A roll call vote was performed:

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

Motion carried.

The public hearing was closed at 7:25 p.m.

**Council Business**

Motion by Councilmember Riley, seconded by Councilmember Musgrove, to adopt Resolution #22-039 Approving Designated Cartway Access to Thorn Lake Property (PID #04-32-25-31-0001); owned by Thomas and PattiAnn Kurak using the alternate route through Shawn Acres Park.

A roll call vote was performed:

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

Motion carried.

**6.02: Introduce Ordinance #22-06 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations**

**Presentation**

Deputy City Administrator/ Community Dev. Director Hagen reviewed the staff report. He noted that Councilmember Musgrove pointed out some grammatical adjustments that are needed before bringing it forward at a subsequent meeting. He stated that Councilmember Musgrove also suggested making a change under Level Two Home Occupation which would require a home occupation permit. In the occupations row, she suggested striking the language that reads “that operates beyond the confines of a Level One Home Occupation.” The new language would read “any occupation deemed non-standard for a Level One Occupation by the Zoning Administrator. Examples would include but, not limited to, contractors, landscaping, lawn care, snow removal.” He stated that he thought that suggested language makes sense and is more clear.

Deputy City Administrator/ Community Dev. Director Hagen stated that in another inquiry, Councilmember Howell asked questions regarding section 5.D related to the signage for home occupations. She asked how that related and works with the temporary signage. He stated it needs to be discussed further if a home occupation can have permanent signage and have temporary signage that meets the temporary signage regulations. He stated that Councilmember Howell also asked about section 5.K which relates to inspections with a home occupation that requires a permit. The question is if a complaint is received that they are operating outside of the conditions of the permit that either an internal or external inspection would be allowed. He stated that generally is given as a condition of their permit and notice would be given of that inspection. In the case of a Level One home occupation that would not require a permit, if there was a complaint filed, it would fall under the nuisance ordinance category.

### **Public Hearing**

Mayor Kuzma called the public hearing to order at 7:30 p.m.

### **Citizen Input**

There was none.

Motion by Councilmember Musgrove, seconded by Councilmember Specht, to close the public hearing.

A roll call vote was performed:

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

Motion carried.

The public hearing was closed at 7:31 p.m.

## **Council Business**

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to introduce Ordinance #22-06 (formally #21-20) Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations.

A roll call vote was performed:

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

Motion carried.

### **7. COUNCIL BUSINESS**

#### **7.01: Adopt Resolution #22-037 Supporting Housing and Local Decision-Making Authority**

This item was moved to Consent Agenda Item 5.07.

#### **7.02: Adopt Ordinance #22-03 Amending Chapter 10 of City Code: Animals**

Deputy City Administrator/ Community Dev. Director Hagen stated this ordinance is before the Council for adoption. He stated it was last seen by the Council on January 11, 2022 when it was introduced. Staff has not received any additional questions or comments on the ordinance since then.

Councilmember Musgrove referenced Section 7 on the Miscellaneous Maintenance Standards, Point E. She stated it reads “no animal of any type may be maintained on any parcel within the City, no matter what size the parcel, if the maintenance of said animal creates a nuisance as defined in Chapter 30.” She stated when she went to Chapter 30, under nuisances, it talks a lot about noise but not noise from animals. She noted the noise section has decibels and times and asked for more clarification on the hours for noise which are from 10 p.m. to 7 a.m. under the nuisance chapter. She also asked how the City could enforce that timewise if animals are making noise.

Deputy City Administrator/ Community Dev. Director Hagen replied that it reads “if the maintenance of said animal creates a nuisance as defined in Chapter 30” and he supposed that could be related to blight conditions on the property. He wasn’t sure that it was intended to address noises that animals naturally make which can’t be controlled. He believed the focus would be on conditions on the property that can be addressed.

City Administrator Ulrich replied that there are a few items within the nuisance code that are defined as nuisances as it relates to animals. One is that it reads “as a nuisance” so the animal code is incorporated into that section of that ordinance. He stated that the police will go out for barking dogs at all hours of the morning; that type of thing is controlled and enforced outside of the business hours as well.

Councilmember Musgrove asked if the decibel sounds aren’t being monitored, it is more that there is the noise during a quiet time that would be checked on. She stated she didn’t want there to be conflicting information between the nuisance code and the animal code. She stated she appreciated all the work the Staff has done on this and that was her only concern.

City Administrator Ulrich replied the two ordinances do coordinate.

City Attorney Knaak agreed.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to waive the charter requirement to read the ordinance aloud and adopt Ordinance #22-03 Amending Chapter 10 of City Code: Animals.

A roll call vote was performed:

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

Motion carried.

**7.03: Adopt Ordinance #22-05 Amending Sections 117-111, 117-349, and 117-355 of City Code Creating Additional Requirements for Driveway/Parking Pads**

Deputy City Administrator/ Community Dev. Director Hagen stated this ordinance was last seen by the Council on January 11, 2022. He stated there were no comments or questions received since the last meeting.

Motion by Councilmember Woestehoff, seconded by Councilmember Howell, to waive the charter requirements to read the ordinance aloud and adopt Ordinance #22-05 Creating Additional Requirements for Driveways and Parking Pads.

A roll call vote was performed:

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

Motion carried.

**7.04: Adopt Ordinance #22-04 Amending Section 117-349 of City Code to Allow Accessory Dwelling Units (ADU’s)**

Deputy City Administrator/ Community Dev. Director Hagen stated this ordinance is up for adoption this evening. It was last seen by the Council on January 11, 2022. The context of the ordinance hasn’t changed since that time. He made a point of clarification that the last time the Council read this, the agenda case noted an acreage size of two and a half acres whereas the ordinance called out a one-acre minimum. One-acre minimum is what is being recommended by the Planning Commission. He stated no other comments or questions were received since the last meeting.

Motion by Councilmember Howell, seconded by Councilmember Woestehoff, to waive the charter requirement to read the ordinance aloud and adopt Ordinance #22-04 to Allow Accessory Dwelling Units.

Further discussion:

Councilmember Riley commented that they are calling this “mother-in-law suites” but there is not a requirement that members be related. This is going to allow renters to have space in residential areas in an additional unit and he thought that is going to cause City code enforcement issues and nuisance issues. He expressed concerns that property rights end when someone else’s property rights come in. He stated he would not be supporting this. Councilmember Musgrove commented that she will not be supporting this either. She stated when she thinks of single family dwellings with now more housing units on the area with two families, it did not have continuity with single family housing and there would be a variety of issues that would complicate it. She stated if there was a district for it or some way to regulate it, it may work.

A roll call vote was performed:

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

Motion carried.

**7.05: Adopt Ordinance #22-07 Amending City Code Chapter 30, Section 3 Exempting the Mississippi River Corridor Critical Area (MRCCA) Overlay District from Height Restrictions to Ground Cover Vegetation**

Deputy City Administrator/ Community Dev. Director Hagen stated this ordinance is being brought forward due to the MN Department of Natural Resources requiring local government units to remove restrictions that restrict the height of vegetation ground cover in designated areas in the MRCCA. He stated this case was last presented to the Council on January 11, 2022. No additional feedback has been given since that time.

Councilmember Riley asked if the DNR is requiring this to be done and asked if they can't do it or if they need the City to act.

Deputy City Administrator/ Community Dev. Director Hagen replied that this recognizes the requirements within the City's local ordinances so if there is a complaint there is an ordinance that will show that it is allowed.

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to waive the charter requirements to read the ordinance aloud and adopt Ordinance #22-07 Amending the City Code Chapter 30, Section 3 exempting the Mississippi River Corridor Critical Area (MRCCA) overlay district from height restrictions to ground cover vegetation.

Further discussion:

Councilmember Musgrove asked what are the benefits of allowing residents in these areas to grow more and how that can benefit the river area. Deputy City Administrator/ Community Dev. Director Hagen replied that the City may choose wetland set-backs or bluffs which may help to protect against erosion and prevent people from maintaining their property right up to the water's edge. It will reduce fertilizer impact and things of that nature that would be allowed to flow into public waterways and having that buffer and native vegetation helps to prevent pollutants. Councilmember Musgrove asked if there were any residents in this corridor that have reached out to City Staff regarding the length of grass. Deputy City Administrator/ Community Dev. Director Hagen replied he wasn't aware of any specific cases. He stated that at the last meeting Staff was directed to send out information with the provisions so residents may utilize it. Councilmember Musgrove commented that she serves on the Lower Rum River Watershed Management Organization and they talk often about erosion along the Rum River and in downtown Anoka a huge project was done behind their city park because several factors, including erosion and grass clippings, effected the growth along the bank area, which was very costly. She stated that allowing longer grass in some areas would help mitigate some of it. She wasn't sure why the Met Council didn't issue it themselves. City Attorney Knaak responded that what the Met Council and DNR prefer to do is to create model ordinances at municipalities and have the ordinances enforced because they don't have the enforcement mechanism available to them for violations of an ordinance that a city would. City Attorney Knaak advised that is a reason why requests like this come before the City that are along a State resource.

A roll call vote was performed:

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

Motion carried.

**7.06: Introduce Ordinance #22-12 Amending City Code Section 117-124 to Allow Restaurants in the E-3 Employment District**

Deputy City Administrator/ Community Dev. Director Hagen stated this ordinance was brought to the Planning Commission on the January 27, 2022 meeting and they held the public hearing. He stated this ordinance would allow restaurants to be in the E-3 district. He stated there are no active applications at this time however there is a project that has been shared publicly that may be requesting this. They would end up falling in this district so it a proactive ordinance to reduce some of the considerations needed at a later date if an application would come in.

Councilmember Riley noted the Planning Commission passed this on a 5-2 vote and asked the reason for the two dissenters.

Councilmember Woestehoff replied that the E-3 district is the light industrial area which has a couple of small buildings that could potentially house a restaurant. The concern from the dissenters was that it is close to a residential area off Puma Street.

Councilmember Musgrove asked what the benefits that were discussed.

Councilmember Woestehoff replied the support of it creates a new area for restaurants to come to the City. When looking at the E-3 district it is right off the district that is COR so it would be an extension of The COR. He stated everyone was very supportive of it because the project that was mentioned is potentially the sports dome which will go there. As Blaine and the international sport center came about and the area grew around it, this would be a step to allow those things in advance. He stated it was more of a streamline opportunity.

Councilmember Riley commented that he thought this would be a good place for restaurants and the more restaurants the better.

Motion by Councilmember Riley, seconded by Councilmember Specht, to introduce Ordinance #22-12 Amending City Code Section 117-124 to Allow Restaurants in the E-3 Employment District.

A roll call vote was performed:

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

Motion carried.

**7.07: Introduce Ordinance #22-11 Amending City Code Sections 117-116, 117-117, 117-118, and 117-124 to Allow Taprooms, Breweries, Microbreweries and Brewpubs**

Deputy City Administrator/ Community Dev. Director Hagen stated this ordinance is a proactive adjustment to the ordinances. Given the popularity of breweries in the last five to ten years, several cities have adjusted their ordinances to allow breweries to come in. He stated it is generally noted as a desired amenity. As the ordinance was originally drafted it would allow these uses in the E-1, E-2 and E-3 industrial districts. At the Planning Commission meeting it was discussed further and recognized a complimentary use of a smaller scale aspects of the uses be allowed in The COR district given that restaurants are allowed in The COR district. He stated that in talking to Councilmember Woestehoff, they realized that taprooms are tied to breweries so the ordinance as written now would have a slight adjustment to remove Taprooms as a use in The COR but leave brewpubs. He stated that Staff recommended Council consider allowing brewpubs in all districts that allow restaurants currently because they are so similar.

Councilmember Musgrove asked if the Council will be seeing this again because it is an introduction.

Deputy City Administrator/ Community Dev. Director Hagen confirmed this.

Councilmember Woestehoff offered insight from the Planning Commission. He stated the addition of brewpubs into The COR made a lot of sense. He stated they also approved Taprooms in The COR but a taproom is usually attached to a brewery. He thought that allowing brewpubs or allow taprooms and microbreweries instead of a brewery which is a large facility for The COR.

Councilmember Musgrove asked for definitions and size of each to prepare for the next meeting.

Councilmember Riley asked if Councilmember Woestehoff was suggesting not including breweries in The COR but microbreweries, taprooms, and brewpubs.

Councilmember Woestehoff replied that would be his suggested alternative because microbreweries under 15,000 barrels could still fit reasonably in The COR as opposed to being only excluded to the E-3 district but felt that was up for discussion.

Councilmember Riley replied he thought that suggestion made sense.

Deputy City Administrator/ Community Dev. Director Hagen responded to the Staff inquiry about if the Council wanted to expand that to other districts that allow restaurants.

Councilmember Woestehoff asked about restaurants such as Granite City or Green Mill who brew on premise. He would assume those are considered brewpubs even though they are mostly considered restaurants because they don't distribute outside of their facility. He stated if that is the case, he thought Staff's suggestion was appropriate to put a brewpub in the same category as a restaurant.

Deputy City Administrator/ Community Dev. Director Hagen replied he thought that was correct.

Councilmember Musgrove stated it sounds like there are more things to consider and questioned if it could be added to a Work Session to vet more ideas and options for different districts. She asked if it could still be introduced and address issues when it comes back.

Deputy City Administrator/ Community Dev. Director Hagen replied the Staff could come back with examples to show differences for scale of operation and what categories they fall into and include that with the next case.

Councilmember Musgrove asked if the ordinance were introduced if big changes could still be made.

Deputy City Administrator/ Community Dev. Director Hagen replied the introduction could be done and Staff will come back with more information.

Councilmember Specht commented that he supports this, adding whatever can be done to make it easier for restaurants and be proactive is great. He stated he supported expanding it and having brewpubs be the same as restaurants.

Motion by Councilmember Woestehoff, seconded by Councilmember Specht, to introduce Ordinance #22-11 Amending City Code Sections 117-116, 117-117, 117-118, and 117-124 to Allow Taprooms, Breweries, and Microbreweries in all of the E districts as well as COR and also allow Brewpubs where ever restaurants are allowed as conditional uses.

Further discussion:

Councilmember Riley asked if breweries were left out of The COR. Councilmember Woestehoff confirmed this.

Amended motion by Councilmember Woestehoff, seconded by Councilmember Specht, to introduce Ordinance #22-11 Amending City Code Sections 117-116, 117-117, 117-118, and 117-124 to Allow Taprooms, Breweries, and Microbreweries in all of the E districts as well as COR and also allow Brewpubs where ever restaurants are allowed as conditional uses, and allow breweries in the E districts.

A roll call vote was performed:

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

Motion carried.

**7.08: Introduce Ordinance #22-08 Amending City Code Section 117-51 Regarding Conditional Use Permits**

Deputy City Administrator/ Community Dev. Director Hagen stated this ordinance is coming forward after the Planning Commission reviewed it at their January 27, 2022 meeting. He stated the ordinance would adjust the process that conditional use permits are considered by the City of Ramsey and would mirror what was considered for variances. Under the proposed ordinance the Planning Commission would be the final body for approval of applications, a change from the current ordinance where applications come before the Council.

Councilmember Specht asked if it is automatically approved if the Planning Commission approves it, but if denied could the applicant still come to the City Council.

Deputy City Administrator/ Community Dev. Director Hagen confirmed this.

Councilmember Musgrove asked about the thought process behind this change. She stated she was hesitant in the past about it because she wanted to be able to continue to hear residents' concerns and for applications for conditional use purposes as a part of a larger picture of what is happening in the City.

Deputy City Administrator/ Community Dev. Director Hagen replied efficiency to simplify and expedite the application process was the main reason for making changes. He also stated that the Planning Commission discussed the question of keeping it the same to have additional review.

Councilmember Howell stated that she won't be supporting this. She cited the example of the landscaper who came before the Council and there were additional conditions put on him by the Planning Commission and the Council was able to expand that to be more friendly to the business owner. She stated because the Council is elected they are more accountable to the public, a difference from the Planning Commission. She liked the option to have applications go before the public and have discussions televised.

Councilmember Woestehoff replied that he believed it was a home occupation permit rather than a conditional use permit. He asked what applications could be considered under a conditional use permit for clarity.

Deputy City Administrator/ Community Dev. Director Hagen replied generally speaking some cities regulate where a structure is placed on a property via a conditional use permit. Other conditions that tend to be allowed via conditional use permit require further conditions.

Councilmember Specht asked what current things the Planning Commission could approve without having to go through the Council.

Deputy City Administrator/ Community Dev. Director Hagen replied one he is aware of is the variance. He stated generally speaking the Planning Commission would act as an advisory committee to the City Council.

Councilmember Musgrove stated she will not be supporting this. She stated this is a way that Council gets an opportunity to see what is going on in the City and hear from residents. She agrees with Councilmember Howell that Council is elected to represent the residents.

Councilmember Woestehoff agreed. He stated from the conversation at the Planning Commission, the goal was procedural efficiency, not a response to a request.

Councilmember Musgrove pointed out if this passes and the Planning Commission denies a request it can be appealed to the Council. She felt it could be defeating if the Planning Commission denies the request. She stated the intent is for efficiency but she felt it was important for the Council to see the cases.

Motion by Councilmember Woestehoff, seconded by Councilmember Howell, to introduce Ordinance #22-08 Amending City Code Section 117-51 Regarding Conditional Use Permits.

A roll call vote was performed:

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

Motion failed.

**7.09: Introduce Ordinance #22-09 Amending City Code Section 117-56 Regarding Easement Vacations**

Deputy City Administrator/ Community Dev. Director Hagen stated this ordinance would amend the requirements to easements so that they could be done via a resolution instead of an ordinance which would only require one meeting of the City Council with a public hearing and adoption on the same night. He stated the goal of this is efficiency.

Councilmember Riley commented that the Council vacates a lot of easements and there haven't been a lot of questions about it. He stated this would be a great step for efficiency.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to introduce Ordinance #22-09 Amending City Code Section 117-56 Regarding Easement Vacation Procedures

Further Discussion:

Councilmember Musgrove asked about the background with the original procedure. Deputy City Administrator/ Community Dev. Director Hagen replied when there is a larger development or land use application, that does go to the Planning Commission and if that is the case, Staff is going to recognize that a vacation easement will be a part of the request. He gave the example scenario of someone buying two adjacent lots and want to combine those lots for a bigger one but there is a drainage easement that lies in the center line. That property owner can make an application to vacate that drainage easement and it wouldn't require a Planning Commission review but would be handled by Staff and then go to the City Council for the public hearing and adoption of the resolution in one night instead of requiring two meetings. Councilmember Musgrove agreed with the efficiency and simplifying the process but expressed concern that there be enough eyes going through the document so nothing is missed. She asked for assurances from the Staff that is something that can be accomplished with just one meeting. Deputy City Administrator/ Community Dev. Director Hagen replied that the review at the Staff level wouldn't change along with the rest of the process and it would reduce the Council meetings required. City Engineer Westby added that the internal review process involves numerous department teams getting together and discussing things; that wouldn't change based on this revision.

A roll call vote was performed:

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

Motion carried.

**7.10: Adopt Resolution #22-005 Establishing The Policy of the City of Ramsey Supporting the Health and Safety of its Citizens and Employees During the COVID19 Pandemic while opposing any form of Coercion or Force in Vaccination or Similar Health Procedures in Response to The COVID19 Pandemic in the City**

City Attorney Knaak reviewed the staff report and recommendation to introduce the ordinance and resolution regarding vaccination within the City.

Mayor Kuzma asked what happens if there is a mask mandate that is passed down by the Governor.

City Attorney Knaak replied this would not conflict with a legislated mandate because it is a stated policy it would not create a situation where the City would be in conflict with a State-wide legally imposed mandate.

Councilmember Riley commented he likes this resolution which the Council all contributed to. He stated this is about personal rights. He stated that it was added that the City would have no negative consequences to people making personal decisions and the City has a policy against any mandates. He stated this doesn't go against any other laws; it is the City's desire and statement. He thought this is a good resolution.

Councilmember Specht commented that this stands up for individual rights and liberties. He asked for feedback on opening it up to include any vaccination, not just COVID19.

Councilmember Howell responded the ordinance addresses that and asked City Attorney Knaak if that was correct.

City Attorney Knaak replied his directive was to deal specifically with the issue of Covid and personal conflicts with the COVID19 pandemic. He stated that was his understanding of the focus of the Council discussion.

Mayor Kuzma stated he will not be supporting this resolution. He stated he didn't feel it was necessary because there is nothing that is forcing the City to do this at this time.

Councilmember Musgrove commented that residents have thanked her and the Council to make a statement on this and even though there is nothing out there now, it is good to say there needs to be an end to this overwhelming consciousness about this and begin living life normally. She thanked the Council, Staff, and Attorney for the work on this resolution.

Motion by Councilmember Musgrove, seconded by Councilmember Specht, to adopt Resolution #22-005 Establishing The Policy of the City of Ramsey Supporting the Health and Safety of its Citizens and Employees During the Covid19 Pandemic while opposing any form of Coercion or Force in Vaccination or Similar Health Procedures in Response to The Covid19 Pandemic in the City.

Further discussion:

Councilmember Heineman commented that he will be supporting the resolution even though there isn't a current executive order to respond to. He stated that the Council made a vote to be proactive in zoning an area for restaurants that might want to come into the City and felt that the same proactive approach should be taken regarding personal rights and liberties. Councilmember Woestehoff commented that he won't be supporting this. He stated there were ways that he could support it. He stated there aren't any mandates about COVID right now and while things change over time, he hoped that there wouldn't be a need for a mandate again. His concern is mandates without reasonable exemptions. He stated there are many reasonable exemptions for many things that they do. He stated there are ways to have mandates that are valuable to the community so that

we can move on from a pandemic and make it an endemic. He stated there are countries in Europe that are moving on because their vaccination rates are high and they are being successful with their mitigation levels. He stated that the addition of the mask mandate into this resolution makes him nervous because as Attorney Knaak pointed out, it gets interesting if a member of the community comes in and asks Staff to be masked as there could be a level or declination there which makes him nervous. He continued that being a resolution rather than an ordinance, he is comfortable with that. He stated he couldn't support it as it is currently written. Councilmember Howell addressed Councilmember Woestehoff and stated that he has brought up before that he would be supportive of exemptions. She stated that the fact that Councilmember Woestehoff is comfortable with exemptions means that he would be comfortable putting a mandate on the residents in the City. Councilmember Woestehoff confirmed this, adding just as he is willing to tax residents in the City. Councilmember Howell asked if he would put a mandate on the residents. Councilmember Woestehoff replied in certain situations, but not in the current state. Councilmember Howell stated the residents should be aware of that. She stated her concern with that approach is that what he is saying is that he doesn't trust the people he represents to be responsible enough with their health but a decision needs to be made for them through a mandate. She stated that was not good to be afraid of people the Council represents and don't trust them. Councilmember Woestehoff responded by asking if Councilmember Howell supports drunk driving. Councilmember Howell asked Councilmember Woestehoff if he drinks alcohol. Councilmember Woestehoff replied he has been sober for a while. Councilmember Howell made the point that people are allowed to drink alcohol and drive and the Council trusts them to not drive drunk. If they drive drunk they are responsible for it. She stated if Councilmember Woestehoff wants to mandate what people do with their healthcare, it is not different than the prohibition that failed early on in this country. She felt that was equivalent in some regard.

A roll call vote was performed:

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

Motion carried.

**7.11: Introduce Ordinance #22-14 an Amendment To Section 34 of the Ramsey City Code Related to Enforcement of Public Health, Adding Two New Provisions Thereto Regarding to the Protection of Individual Choices of Medical Treatments**

City Attorney Knaak explained the previous resolution that was just passed is a stated policy and is something that the employees and agents of the City must follow, but the higher degree of enforcement comes via ordinance. He stated that some of the Council had asked if what was expressed as a sentiment in the resolution could be put in an ordinance that is enforceable in the City. That is what this is. He stated that the manner of doing it within a City Code is to go into

the offenses involving the public health section and in particular creating a section related to discrimination for personal health decisions during a pandemic. There is a findings section which was necessary to include. He reviewed the staff report including the wording of the ordinance, as well as the findings and enforcement sections. He stated this imposes a legal restriction on the City and employees and agents, violation of which would be a misdemeanor. He stated that this is more than a policy, it is a law. He stated for the record, the question of the mask mandate came up. He explained it was excluded in the event that a resident who needs a mask for medical reasons and requests service of a City employee, if that employee doesn't want to wear a mask or refuses service, they can face criminal charges under this ordinance.

Councilmember Riley asked for clarity, that the resolution already lays out a policy that the City can't do everything that is in this ordinance but this ordinance takes it another step further creating a criminal penalty. He asked for elaboration.

City Attorney Knaak explained that the Council has already adopted a strong statement of policy regarding vaccinations and what the policy of the City is and an employee that violates it could be subject to discipline and consequences. With the ordinance, the City is imposing on City employees and agents, a criminal consequence for that conduct. It is a higher level. He stated that prosecution of a City employee may have to be done by someone other than the City prosecutor. He stated on the other hand, if the Council wants to state emphatically the City's position that this is considered discrimination and that it is a right, this does that. He noted whether that needs to be done is up to the Council.

Councilmember Riley asked City Attorney Knaak, speaking as the legal representative for the City Council, if this is a smart idea in his opinion or if they would be inviting extra risk.

City Attorney Knaak replied that will be up to the Council to decide and he didn't want to make a decision that is for the Council to make. He stated that when this was first brought to his attention, he thought the Council would do a resolution or an ordinance and was surprised that both are before the Council tonight because he thought it would be one or the other but that is allowed, especially if they are trying to emphasize things. He felt enforcing it would be interesting but that common sense would be used.

Mayor Kuzma asked what happens from a legal standpoint to an employee that is charged.

City Attorney Knaak replied it would be like any other crime.

Mayor Kuzma stated that he didn't feel it was necessary because there is nothing that is pushing the Council to do this and they are grandstanding. He didn't want to see this ordinance come into play and feels it is a waste of time and effort. He will not be supporting it.

Councilmember Howell stated she will be supporting this. She stated that the ordinance is stronger and broader, which is important to her. She felt that this covers other issues and things in the future. She stated there has been so much discrimination in the State. She cited St. Paul and Minneapolis and how the employees have been treated. She stated that discrimination is never acceptable even if the majority is pushing it. She feels the Council's job in representing the

residents is to say they trust the residents enough to know what they need to do individually. She didn't want any Councilmember to make medical decisions for any of her neighbors, which is why she opposes mandates.

Councilmember Heineman commented that when issues like this were dealt with before, it was said by previous Councils that when executive orders are passed, they have the same force as laws passed by legislators and need to be followed until they are overturned by the court. He stated that over time, a lot of the executive orders, such as the mask mandate and stay at home orders, have fallen apart. He stated it is hard for him when talking about individual, due process rights, that what is known about rights gets sidestepped to follow executive orders when they know it is wrong. He stated there have been cities that passed Second Amendment Sanctuary Laws and lot of proactive approaches when it comes to individual rights, which he is very supportive of. He thought executive orders have overstepped their bounds and are being misused. He also pointed out that Councilmember Woestehoff had mentioned that different countries have gotten back to normal because they have seen the positive effects of vaccination but stated it depended on the perspective. He felt that COVID is something that is not going away but to be lived with and it will be up to people to make individual choices, that is why he is supporting this ordinance.

Councilmember Specht stated he supported this ordinance because he felt it was important to stand against discrimination. He agreed that no one should be forced to have treatment, that it is up to the individual and their doctor. He stated that it is not for any government agency how to make medical decisions. He felt this helps support nondiscrimination.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to introduce Ordinance #22-14 an Amendment To Section 34 of the Ramsey City Code Related to Enforcement of Public Health, Adding Two New Provisions Thereto Regarding to the Protection of Individual Choices of Medical Treatments.

Further discussion:

Mayor Kuzma stated he will not be supporting this because he thinks it is more than what is needed and the Council is going to an area that is going to be a problem in the future. Councilmember Riley commented that he was for the resolution because it was well written and protects everything that they intended. He felt that he was hearing from the legal counsel that it is a step too far but that others may hear different advice. Councilmember Riley stated he won't be supporting this.

A roll call vote was performed:

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

Motion carried.

**7.12: 2022 Legislative Priorities**

City Administrator Ulrich reviewed the staff report and asked for any considerations or amendments that Council wanted to discuss.

Councilmember Musgrove commented that the landfill has an area that could have the potential for development. She asked if that area could be specified because she believed there was State-wide discussion about refurbishing landfills, which would not be a part of the land use that the Council talked about in the Work Session. She wanted it specified that the landfill land is not being referred to, but the development land that was mentioned in the work session.

City Administrator Ulrich replied it is good to specify that it is land that is on the periphery or buffer zone, not the landfill itself. A map will be included that would define that.

Motion by Councilmember Woestehoff, seconded by Councilmember Specht, to adopt the Ramsey 2022 Legislative Platform as presented.

Further discussion:

Councilmember Musgrove asked that Councilmember Woestehoff amend the motion to include of the definition of the landfill.

Amended Motion by Councilmember Woestehoff, seconded by Councilmember Specht, to adopt the Ramsey 2022 Legislative Priorities as revised to include specifics on the landfill.

A roll call vote was performed:

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

Motion carried.

**7.13: Accept the Retirement/Resignation of City Administrator Kurtis Ulrich**

City Administrator Ulrich stated it is a standard retirement. He stated his last day will be May 6, 2022. He wanted to allow enough time to give consideration to filling the position. He stated after 14 plus years it has been a pleasure to serve with the Council. It has been a pleasure and a great career. He expressed appreciation for community service, elected officials, the public and citizens’

rights. He stated that there will be a Work Session on February 15, 2022 to talk more about the process of filling the position.

Councilmember Howell referenced the staff report which reads “Staff will be soliciting proposals from firms to bring back considerations at the work session when this matter is discussed.” Based on that paragraph, she stated that the recent hire of the new Community Development Director/ Assistant City Administrator and they went through that process together. She stated on June 8, 2022 there was a meeting where the City Clerk talked the Council through the process. Councilmember Howell highlighted some of the comments from the City Clerk and asked if the Council could come to a consensus on what should be prepared for the February 15, 2022 meeting based on those comments. She asked if a similar process could be used for the City Administrator including not hiring an outside firm and having each councilmember and the Staff come with notes about what they are looking for in a City Administrator to give Administrative Services Director Lasher direction going into the meeting on February 15, 2022.

Councilmember Riley replied that going into the meeting prepared with what the Council is looking for is a great idea. Regarding the search firm, he would want to consider proposals for outside search firms because the City Administrator position is the highest position in the City and he wanted to ensure an exhaustive search is done for the most qualified candidates possible.

Mayor Kuzma agreed and added that an internal search would be hard and a search firm would have a larger reach.

Councilmember Musgrove asked City Administrator Ulrich about the difference between the search process for the Community Development Director and now the City Administrator.

City Administrator Ulrich replied it is a different position, different from a department head. He added there are some key vacancies within so HR and Community Service Director Lasher are pretty busy right now, which is a concern. He stated looking at proposals could be considered and a search firm may shorten the process.

Motion by Councilmember Specht, Seconded by Councilmember Riley to accept the Retirement/Resignation of City Administrator Kurtis Ulrich.

Further Discussion:

Councilmember Specht agreed with Councilmember Howell that doing it inhouse could be a great success and should be tried before spending a lot of money. He stated he understood this is going to be addressed in a Work Session so he was okay getting information on search firms.

A roll call vote was performed:

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

Mayor Kuzma aye

Motion carried.

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

City Administrator Ulrich announced negotiations are ongoing on the Elmcrest Park land and the meeting was rescheduled from today to next Tuesday. He stated an update will be provided. A Special Work Session to discuss the 2022/2023 Strategic Planning will be held on Tuesday, February 15, 2022. The Regular Work Session and Council meeting will be February 22, 2022.

Councilmember Specht encouraged Ramsey residents to sign up on the City's website for the 2022 Citizens' Academy. Applications are due Sunday, February 13, 2022. He stated from personal experience it was one of the best experiences of his life with all the things he learned about the Police Department.

## **9. ADJOURNMENT**

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

The regular meeting of the City Council adjourned at 9:15 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.*