

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

 2.01: Oath of Office- Patrol Officer..... 2

3. CITIZEN INPUT 2

4. APPROVE AGENDA 2

5. CONSENT AGENDA 3

6. PUBLIC HEARING 4

 6.01: Introduction Ordinance #22-13 Vacating Drainage and Utility Easements at 5280 161st Ave NW and Adopt Resolution #22-036 Approving the Final Plat of Rices Rum River Acres (Project #22-103); Case of Mark Rice 4

7. COUNCIL BUSINESS..... 5

 7.01: Adopt Resolution #22-045 Approving Anoka Area Chamber of Commerce Manufacturers Cohort 2021-2022 Renewal..... 5

 7.02: Resolution #22-052 Supporting the Planning Commission’s Changes to a Comprehensive Plan Amendment Adopted by Resolution #22-009 10

 7.03: Adopt Resolution #22-044 Approving Final Plat and Development Agreement for Lynwood Addition (Project No. 21-122); Case of U.S. Home Corporation DBA Lennar..... 15

 7.04: Adopt Ordinance #22-06 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations 17

 7.05: Adopt Ordinance #22-12 Amending City Code Section 117-124 to Allow Restaurants in the E-3 Employment District 18

 7.06: Adopt Ordinance #22-09 Amending City Code Section 117-56 Regarding Easement Vacations..... 18

 7.07: Adopt Ordinance #22-11 to Allow Taprooms, Breweries, Microbreweries, and Brewpubs 19

 7.08: Adopt Ordinance #22-14 An Amendment to Section 34 Of the Ramsey City Code to Enforcement of Public Health, Adding Two New Provisions Thereto Regarding to the Protection of Individual Choices of Medical Treatments 19

 7.09: Fairness and Equal Opportunity in Public Notices and Advertisements 21

 7.10: Adopt Resolution #22-055 Rescinding and Replacing Resolution #22-008 Approving Development Agreement for Riverstone South 31

 7.11: Adopt Resolution #22-056 Approving Assessment Agreements for Improvement Project #20-05, Riverdale Drive Extension, Llana Street to Bowers Drive 32

8. MAYOR, COUNCIL AND STAFF INPUT 33

9. ADJOURNMENT 33

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

The Ramsey City Council conducted a regular meeting on Tuesday, February 22, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Deputy City Administrator/ Community Dev. Director Brian Hagen
City Engineer Bruce Westby
Administrative Services Director Colleen Lasher
Economic Development Manager Sullivan
Planning Technician Brian McCann
City Attorney Fritz Knaak

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: Oath of Office- Patrol Officer – rescheduled to the March 8, 2022 meeting

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

Motion by Councilmember Heineman, seconded by Councilmember Musgrove, to approve the agenda as presented.

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

5. CONSENT AGENDA

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

- 5.01: Note the Following Boards, Commissions, and Committee Meeting Minutes:
- Economic Development Authority Meeting Minutes Dated November 18, 2021
 - Economic Development Authority Meeting Minutes Dated December 9, 2021
 - Environmental Policy Board Meeting Minutes Dated December 13, 2021
 - Park and Recreation Commission Meeting Minutes Dated November 18, 2021
 - Park and Recreation Commission Meeting Minutes Dated January 13, 2022
 - Public Works Committee Meeting Minutes Dated November 16, 2021
 - Public Works Committee Meeting Minutes Dated January 18, 2022
- 5.02: Approve the Following Meeting Minutes
- 1) City Council Work Session dated 02/08/2022
 - 1) City Council Regular dated 02/08/2022
- 5.03: Approve Business Licenses
- 5.04: Approve Rental Licenses
- 5.05: Authorization to Hire Paid-on-call Firefighters
- 5.06: Building Access Changeover
- 5.07: Adopt Resolution #22-049 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of February 3, 2022 through February 16, 2022
- 5.08: Adopt Resolution #22-022 Authorizing Final Payment to North Valley Inc. for Improvement Project #21-02, Tiger Street Reconstruction
- 5.09: Adopt Resolution #22-023 Authorizing Final Payment to North Valley Inc. for Improvement Project #21-04 Neighborhood Pavement Overlay Improvements
- 5.10: Adopt Resolution #22-024 Authorizing Final Payment to North Valley Inc. for Improvement Project #21-05 MSA Pavement Overlay Improvements
- 5.11: Adopt Resolution #22-025 Authorizing Final Payment to North Valley In. for Improvement Project #21-12, 2021 Additional Pavement Overlay Improvements
- 5.12: Adopt Resolution #22-030 Approving a Site Plan and Development Agreement for the Property Located at 7912 Sunwood Drive NW (Project No. 22-101); Case of Northstar Marketplace Station LLC
- 5.13: Adopt Resolution #22-035 Authorizing Final Payment to North Valley Inc. for Improvement Project #21-03, Business Park 95 Street Reconstruction
- 5.14: Adopt Resolution #22-042 Approving Purchase Agreement and Right of Re-Entry Agreement for Lot 4, Block 1, Riverside West; Case of Reliable Holdings LLC (Portions may be closed to the public)
- 5.15: Adopt Resolution #22-046 Accepting Trail Easements Over Portions of 17353 and 17362 Iodine Street NW (Project No. 17-102); Case of Eric Thomsen
- 5.16: Adopt Resolution #22-047 Approving License Agreement to Cross Public Easement with Private Driveway at 15730 Armstrong Boulevard NW; Case of Eduard Kopaygorodskiy

- 5.17: Adopt Resolution #22-048 Approving a Development Agreement and Stormwater Maintenance Agreement Related to a Proposed Building Expansion at 7060 143rd Avenue NW (Project No. 22-105); Case of Viking Mold Inc.
- 5.18: Adopt Resolution #22-054 Approving Amended Plans and Specifications and Advertisements for Bids for Improvement Project #22-05, Riverdale Drive Trunk Utility Improvements, Llama Street to Bowers Drive
- 5.19: Adopt Resolution #22-053 Approving ProjectDox Renewal Quote

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

6. PUBLIC HEARING

6.01: Introduction Ordinance #22-13 Vacating Drainage and Utility Easements at 5280 161st Ave NW and Adopt Resolution #22-036 Approving the Final Plat of Rices Rum River Acres (Project #22-103); Case of Mark Rice

Presentation

Planning Technician McCann reviewed the staff report and recommendation to introduce Ordinance #22-13 vacating a portion of drainage and utility easement at 5280 161st Ave NW and adopting Resolution #22-036 approving the Final Plat of Rices Rum River Acres contingent upon adoption of Ordinance #22-13, which could take place on March 8, 2022. He stated that the applicant is attending remotely tonight.

Public Hearing

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

Citizen Input

There was none.

Councilmember Riley referenced the assessor structure that is going north of the existing house and asked if that is what the map is showing.

Planning Technician McCann confirmed this, added the proposed structure is slightly northwest of the existing home.

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

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

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

Council Business

Motion by Councilmember Riley, seconded by Councilmember Specht, to introduce Ordinance #22-13 Vacating Drainage and Utility Easements at 5280 161st Ave NW and Adopt Resolution #22-036 Approving the Final Plat of Rices Rum River Acres (Project #22-103)

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

7. COUNCIL BUSINESS

7.01: Adopt Resolution #22-045 Approving Anoka Area Chamber of Commerce Manufacturers Cohort 2021-2022 Renewal

Economic Development Manager Sullivan reviewed the staff report and recommendation to approve the renewal of Anoka Area Chamber of Commerce Manufactures Cohort proposed resolution to consider of renewal of payment for the 2021-2022 manufacturing cohort season. He stated that Anoka Area Chamber of Commerce President Pete Turok was in attendance to answer questions.

Councilmember Heineman asked Mr. Turok to give a quick overview of events that were put on this year and what he saw come from them.

Pete Turok, Anoka Area Chamber of Commerce President, replied the Cohort typically gets together eight to ten times a year. He stated that a lot of work was done on workforce issues and one of the things was the acquisition, alternative group opportunities, which were explored. One big thing that they were able to do was to put tools at Anoka High School and they are looking to expand that into other high schools in the region to get the word out about the jobs that exist. He stated a lot of work was also done on the dual pipeline grant. He has been working with the State who he stated is interested.

Councilmember Howell referenced the staff report and read the successful business interactions that took place in 2021 with three specific examples and were told that one was the dual training pipeline grant, another was the work first project, and the third was special connection to the manufacturers by facilitating and providing an opportunity to have access, safety, and certifications relating to equipment. She stated those are all noble goals but she asked to see tangible evidence of the last two, that those things have taken place at businesses in Ramsey. She stated that the pipeline grant is tangible. She stated that her research showed that businesses have the opportunity to apply for it on their own. In 2019, three businesses in Ramsey all received grant money totaling \$36,000. She stated now Mr. Turok is here asking for more money. She emphasized that the \$120,000 Minnesota Dual Pipeline Grant that the Anoka Area Chamber of Commerce received looks impressive but Ramsey has only received 10%, \$12,000, to two Ramsey businesses. She stated the businesses that got grant money in 2019 were more successful on their own than with help. She stated in looking at the grant money, 75% of the dollars went to cities that don't belong to the Anoka Area Chamber of Commerce. She doesn't understand why they are subsidizing not only other cities that are members of the Chamber, but other cities as well. She questioned why Mr. LeTourneau wasn't present himself and stated she didn't understand what

they are paying for. She felt it was a waste of tax payer money because there are no tangible results so she wouldn't be supporting this.

Mr. Turok replied the manufactural cohort is regional and goes beyond the bounds of the Chamber. He responded to the comment about Ramsey getting less money by stating there are a lot of businesses that don't have the time and resources to put people in a position to do the grants because it a tremendous amount of work. He stated Ramsey businesses are benefitting from that. He explained Mr. LeTourneau didn't need to be present tonight as he is the contracted employee who is the director of manufacturing. As the president of the Chamber, Mr. Turok wanted to be present to represent the cohort.

Councilmember Musgrove thanked the Councilmembers who had thoughtful questions and the staff who have provided the answers. She stated before them was a work plan for 2021-2022 that is much like previous work plans where the Council has asked for more objective information. She referenced the regional training center mentioned in the staff report and stated that the Anoka-Hennepin District is already a training center with regard to the area that Ramsey has influenced in their STEM program, which is expanding in the school with several of the things he had mentioned. She noted that will happen without this manufacturers cohort and Ramsey is already paying for that within the school district budgets. She stated that Mr. Turok and Mr. LeTourneau were asked about meeting locations and how businesses could find out about meetings and Mr. Turok had stated that meetings were not listed on the Chamber site; she felt they should be. She questioned the lack of transparency regarding meetings, memberships, recipients of the grants limited by leadership of the cohort, Mr. LeTourneau, or the Chamber. She suggested to the Council that they are not getting full disclosure about what this program is about. She asked if any of the 18 grants went to businesses outside of the manufacturing industry.

Mr. Turok replied it is a manufacturing pipeline grant so in order for a business to qualify they have to be a manufacturer. He stated there are other grants that deal with other areas. He stated that he isn't trying to hide anything and the manufacturing group is notified of the meetings with 26 Ramsey manufacturers being part of the email list and a broader list they have. Mr. Turok stated it should be on the website and will be. He stated it is for manufacturers, by them, they set the program of what the cohort does, and their job is to engage it, which they do.

Councilmember Musgrove expressed concern that the funds were awarded to entities versus directly to businesses. She stated with the awards going directly to the businesses, they receive more money spent on hiring and training. She asked if that isn't what is wanted. She stated the pipeline grant website states that with the tax payers money that go to the Chamber, there isn't as much transparency and when going to the pipeline website, every business that got the award and Anoka Chamber of Commerce. She stated an email was received on which cities received grants, not businesses. She felt that would have been an objective piece of information to include in the cohort plan to give to the Council. She stated she finds it disgusting that year after year, Mr. LeTourneau is asking for money from the cities of Ramsey and Anoka but there wasn't evidence that other Chamber cities are formally asked in the same way to share the burden of the tax payers. She stated she would not be supporting this request.

Councilmember Musgrove suggested some solutions. First, she would like to see more work with the City on the Ramsey website to add a manufacturing page with a link for the pipeline with the grants that are offered by the Office of Higher Education to get assistance in writing the grants. She suggested that manufacturers in Ramsey go to the website. She would also like to see the Staff engaging businesses without engaging a middle man. She stated the EDA had a good idea of having a Facebook page. She stated the Council has to conduct their due diligence as elected overseers of the residents' money and she didn't feel this was a good idea to support.

Councilmember Heineman asked other cities outside of the Anoka Area County Chamber of Commerce contribute to the manufacturing cohort.

Mr. Turok replied just Anoka and Ramsey.

Councilmember Heineman stated it was important to point out from a marketing standpoint the return on investment for cities. To be one of two cities that donate from the cohort and receive only 10% seems like a poor return on investment. He stated he would not be supporting this either.

Mr. Turok replied the focus of discussion has been on the dual grant but there is so much more to the cohort, which is so much more than Ramsey getting 10%, it's 26 Ramsey businesses that are part of the manufacturing cohort. He stated the grant is a piece of a larger puzzle and he thought Ramsey does get their money's worth.

Councilmember Heineman asked of the 26 businesses in Ramsey that are a part of the cohort, how many applied for the grant.

Mr. Turok replied three adding one pulled out and two got it.

Councilmember Heineman asked about the remaining businesses, if they were aware of the grant, and if they chose not to apply for it.

Mr. Turok replied he couldn't speak to why they didn't apply but stated they were made aware of it with the premise of a first come, first serve.

Councilmember Riley stated that he was shocked by the response of Councilmembers towards a respectable member of the community. He stated they were protecting the City from spending \$5,000 that has touched 26 businesses. He stated it was appropriate to be used in manufacturing businesses in Ramsey, which is a largest sector of employers in the City. He stated this kind of thing has been asked for repeatedly. He noted the Economic Development Authority suggested this was a good idea by passing it. He read from a publication from the Economic Development Authority which cited labor shortages and the need for high schoolers to be encouraged toward manufacturing jobs. He stated if Ramsey isn't going to be a part of this cohort, then they need to come up with something to replace it because it is needed and businesses are asking for it.

Mayor Kuzma pointed out that businesses don't have time to do the grants, which is where he thinks the biggest value is. He stated the EDA supports this, which is why he does as well.

Councilmember Specht asked if the EDA budget was \$85,000 and if there were other aspects of the EDA budget that the Council sees individually. He stated the Council approves the EDA budget and trusts the EDA will do what they deem best for the economic development of the City. He stated he would be supporting it on that basis. He thought that the cohort could be a factor in businesses coming to Ramsey. He asked how many of the 26 businesses on the email listing have been to a meeting or had interactions in a year.

Mr. Turok replied he didn't have that information in front of him but all of them have been to at least one cohort meeting.

Councilmember Howell responded to Councilmember Riley's concerns about the response of some of the Councilmembers regarding this topic. She reminded him that the Mayor invited people a year ago to disparage councilmembers and also allowed people to disparage people who came up to speak publicly at these meetings and Councilmember Riley hasn't voiced concerns before. She also pointed out that there are cities who don't pay \$5,000 to the cohort but still participate so paying money isn't a requirement to benefit because other cities even outside the Anoka Area Chamber are as well. She is not opposed to manufacturing and agreed with Councilmember Musgrove's suggestions to help manufacturers. She stated there aren't hard facts about what other ways this is benefiting manufacturers in the City and she was concerned over the lack concern about that. She stated that dollar amount is not what should be the determining factor and questions that have been presented haven't gotten answers.

Councilmember Woestehoff commented that the EDA recommends it, the City spent \$5,000 and two Ramsey businesses got \$12,000, which to him what a net positive.

Councilmember Musgrove replied that the EDA made an uninformed decision because they didn't have the information that came forward in the last week. She repeated that the City can benefit from being a part of the manufacturing cohort without paying \$5,000 and City resources could be used to benefit the manufacturers in ways that are unique. She thought the EDA and Council had wonderful ideas to help the manufacturers and questioned why Ramsey and Anoka are the only ones paying. She suggested it be matched by the other cities.

Councilmember Specht asked why other cities don't pay.

Mr. Turok replied some other cities have been asked and they are in the process of asking more cities with the goal of expanding what is already being done. He asked Councilmember Howell to give context to a question that she had said his answer was "I don't know and I don't care."

Councilmember Howell replied the question was if Mr. LeTourneau was the sole provider of services to Mr. Turok and he had replied "I don't know and I don't care." She also commented on the question of the EDA being fully informed and felt that was inaccurate because they didn't have the whole picture. She doubted the EDA would have been supportive of supporting cities that aren't in the Chamber of Commerce. She expressed concern with that as well as that the pipeline grant was the only hard evidence of effectiveness provided.

Mr. Turok replied that Councilmember Howell was right that he didn't care because they are delivering the mission that is the cohort.

Councilmember Heineman stated he looked at this from a business standpoint that not taking the suggestion to go out for bids but going with a company because they are a member of the Chamber didn't make sense. He also stated he has been in different levels of business for a while and a lot of time when projects are being done, a detailed report is given so he agreed with the statement that tangible evidence of effectiveness should be given. He also agreed that it is beneficial to have the manufacturing cohort but didn't agree to continuing to invest in an organization that isn't being transparent.

Mayor Kuzma commented that he sees the value in this because 26 businesses are part of this and two companies were awarded grants.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to Adopt Resolution #22-045 Approving Anoka Area Chamber of Commerce Manufacturers Cohort 2021-2022.

Further discussion:

Councilmember Howell asked why Councilmember Riley is willing to pay \$5,000 on something they could get for free. Councilmember Musgrove stated it has been said that 26 Ramsey businesses participate but she asked if that number reflects those that have participated over the years, noting the work plan doesn't give that information for the current year or last year. She was surprised that the Councilmembers are willing to pay tax payer dollars to fund this. Mayor Kuzma replied it is known that two companies got grants last year. Councilmember Musgrove replied they could have gotten those grants without any money. Councilmember Howell requested a roll call vote. Councilmember Specht commented that he could see the concerns and appreciated the questions. He stated the one thing that stands out is the question about whether the EDA didn't have the information, and asked if there would be interest in having the EDA look at it again. Councilmember Howell replied she would support that. Councilmember Heineman referenced the comments about tangible numbers and stated if numbers are used without any data behind them then the answer is skewed. When hard numbers, tangible facts, and data driven reports are requested and the answer is lacking, that is not enough for the Council to decide. Councilmember Woestehoff asked if a friendly amendment could be added to say contingent upon reapproval of the EDA with the additional information. Councilmember Riley replied the information that is being said the EDA didn't have, is where the other 18 communities went to. He didn't feel that was important or that having more information would change their opinion.

A roll vote was performed:

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

Motion failed.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to Adopt Resolution #22-045 Approving Anoka Area Chamber of Commerce Manufacturers Cohort 2021-2022 with a contingency that it is reapproved by the EDA.

Further Discussion:

Councilmember Howell asked if it is typical to revote on something that was just voted on. City Administrator Ulrich replied it is a separate motion.

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

Economic Development Manager Sullivan asked what specific information did Council want brought back to the EDA.

Councilmember Musgrove replied she would like to them to know they can get this service for free, that other cities get it for free, and that Anoka and Ramsey are the only two that have been formally asked.

Councilmember Howell stated she has a sheet of information she would like included in the EDA packet.

Economic Development Manager Sullivan replied the more information that is provided to the EDA, the better.

Councilmember Riley stated he would like the Finance and Commerce article to be included.

Councilmember Musgrove stated she made a motion to have all of the questions that were asked by the Council and answers provided by the City to be included and she didn't know if there could be a second.

City Administrator Ulrich replied the request is on record and will be moved forward to the EDA.

Jeff Johnson, 14540 Bowers Drive, stated that if anyone from a business comes asking for money they are expected to have a businesses proposal. The Council has asked for answers from them for a year and a half and haven't gotten them. He hoped the Council fights over \$5,000 in other matters because it is the tax payer money. He suggested that if the 26 businesses put in money to participate, the taxpayers wouldn't be paying.

7.02: Resolution #22-052 Supporting the Planning Commission's Changes to a Comprehensive Plan Amendment Adopted by Resolution #22-009

Deputy City Administrator/Community Dev. Director Hagen reviewed the staff report and recommendation to adopt Resolution #22-052 Supporting the Planning Commission's changes to

a Comprehensive Plan Amendment adopted by Resolution #22-009. He stated because this was already passed once and should this new resolution be adopted, it would revert back to the version that was approved on January 11, 2022.

Councilmember Musgrove asked for an explanation of the difference between the two statements.

Deputy City Administrator/Community Dev. Director Hagen replied the version included in the resolution on January 11, 2022 had six criteria for consideration that a developer would have to meet in order for the new district to be utilized. There were two criteria, the first for in-fill type developments, characteristics of the surrounding neighborhood would not support development at the minimum density. A separate criteria was the property is adjacent to existing rural residential large lot development and development at three plus units per acre would not meet the character of the neighborhood. A developer when using this new tool would have to meet two of the six. When the Planning Commission reviewed this and held the public hearing they opted to combine those two statements into one with the reasoning that if the developer could meet one of the two, they arguable could meet both.

Brian Walker, 17289 Variolite Street, stated the Council are representative of the residents. He stated that there has been opposition to this development but they are not listening to the residents. He didn't understand why there is a Comp Plan when it can be changed. He didn't feel the City did their due diligence because they didn't see if that property would support the density planned for the 80-foot lot sizes. He stated at the Planning Commission meeting, he asked City Staff to make sure this problem doesn't happen with other developments.

Councilmember Heineman thanked Mr. Walker for his comments, passion, and work around this issue. He noted that Mr. Walker's statements that no one supports this and no one listens to the residents, are broad statements.

Mr. Walker stated when this started with public meetings, there were 200 people on line with 100 speaking or writing letters on it. He explained that somehow he has become the spokesperson to speak for the residents on this. He stated because of how he has been treated, they don't want to come.

Councilmember Heineman stated the 2040 Comprehensive Plan, with 18 years, is not realistic to think it won't be changed. He explained the adjustments are being made because of organizations like the Met Council that get involved with Ramsey business. He noted what they are doing is realigning this so it works to not oppose the Met Council. He stated this is a procedural issue because it has already been voted on.

Jeff Johnson, 4540 Bowers Drive, stated that the Councilmember Heineman stated he wants to be in alignment with the Met Council and asked why.

Councilmember Heineman replied he didn't want to be in alignment. This is a procedural issue because of the Met Council.

Mr. Johnson stated they needed to go back and fix the problem instead of changing the Comp Plan to please the developers.

Councilmember Howell asked if they are required to change the Comp Plan to accommodate a development.

City Attorney Knaak replied no.

Councilmember Howell asked if it is correct that the Comprehensive Plan had to be changed so it would match the zoning that was set for that area. But they weren't required to change the Comp Plan.

City Attorney Knaak replied that is a separate question because the zoning is supposed to conform to the Comprehensive Plan, if the Comp Plan is changed, the zoning has to be modified to be in conformity with it.

Councilmember Howell asked if the Council was legally obligated to make the changes or could they have voted to not make them.

City Attorney Knaak replied at some point the two would have to conform and the higher level is the Comprehensive Plan.

Councilmember Howell asked if there was a timeframe required.

City Attorney Knaak replied he believed it was within a reasonable period of time, noting the City can be sued for not conforming.

Councilmember Howell asked if they could be sued by this developer for not conforming.

City Attorney Knaak replied he didn't want to speculate.

Councilmember Riley stated his understanding of why they needed to have this new area of the Comp Plan is because of the wetlands in this area; the density developed would be below what the Comp Plan and Met Council calls for.

Deputy City Administrator/Community Dev. Director Hagen replied there are several factors that play into the net density calculations. Certain areas can be omitted from the overall project. What the developers have presented and been approved for Preliminary Plat meets straight zoning guidelines. Once they put their plans together, the net density was calculated and falls below the three to four units per acre required per the Comp Plan. Right now, the Comp Plan and zoning don't match the best, which is a process that needs to be gone through. Ideally, if a developer comes in it can meet the Plan but in this case, it couldn't after all those factors were considered. The tool is to create this very specific area known as the Trott Brook Planning Area and implementing this less than three units per acre on City services.

Councilmember Riley stated they are allowing less density and fewer houses per acre with this change.

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

Councilmember Woestehoff stated this is a benefit of the City to keep the density low. To comply with the current zoning, it would have to be changed to medium density, which revolves back to the Met Council who provides the City sewer. He stated they can leave the Met Council but it would be leaving a \$200 million dollar investment in a sewer plant, which no one wants to do. There are certain things that have to be done to comply with a broader picture, which is where the Comp Plan amendment comes in. He agreed with Mr. Walker's point of planning ahead of time but pointed out that over time, wetlands change so wetland delineations will continue to move and it depends on where the roads are placed as they are part of the density measurement and can offset the usable space for house platting. He addressed the question that residents aren't listened to and stated there are residents who are afraid of coming to talk because they are afraid of being yelled at by residents on the other side of the issue in supporting this decision.

Councilmember Musgrove asked about the difference between the two statements because if this change isn't passed from the Planning Commission, they would be reverting to the passed resolution that there are going to be six points. She asked what is the difference between an in-fill type development and the large lot developments that are included in number six.

Deputy City Administrator/Community Dev. Director Hagen replied the Planning Commission felt they were so similar, they should be combined.

Councilmember Musgrove asked if they are the same or are they similar, noting there isn't much difference but there may be a difference.

Councilmember Woestehoff replied the point of having them combined into one is that it makes it harder to meet the two requirements, that there has to be more than one requirement met in order for this land to be zoned as such. The purpose of the Planning Commission was to make it harder for this district to be used. Because they are similar but not the same, they merged the two statements into one because if they had met requirement five, they would have also have met six and vice versa.

Councilmember Musgrove asked if it is being made more difficult to use a less density zoned area but in the rural area, less density is wanted. She stated this is allowing for a lower density. If this is changed, because they are different, this wouldn't be used as often than what might potentially be used with the outcome being a lower density.

Deputy City Administrator/Community Dev. Director Hagen replied the current area that the new district is going to re-guide is the Trott Brook Crossing development and the Hunt property to the north. There is only one parcel left that could utilize this new district. He understood that there are no development plans at this time. At this point, this district isn't calling out a big expanse of Ramsey that would come into play but is specific to these two developments. Regarding the lower density in a rural area, he stated, if that is the goal then the two statements should be separated and

revert back to the January 11, 2022 version. He stated arguably the developer could quite simply check both criteria. He stated with State statues and Met Council requirements, when there is a Comp Plan under their jurisdiction and the overall City density needs to remain at three units or greater, he cautioned using this tool in too big of an area in Ramsey. If they fall below three units per acre, there is concern the Met Council could deny future sewer connections such as a commercial project.

Councilmember Woestehoff stated that is one of the big concerns in using this as a tool elsewhere, because of the overall density with this project and others that are currently right at the level of three units per acre would need higher density by The COR to develop to offset the three units per acre to keep land farther away as more rural as time goes on.

Councilmember Musgrove replied they have development in The COR that would help with those numbers. She stated this is just for these two areas but asked if they could make another Comp Plan amendment and could it qualify for this zoning area.

Deputy City Administrator/Community Dev. Director Hagen confirmed this and explained it could be said that there is this district in existence. Someone could always ask to change the rules and it would be reviewed to see if that made sense. Arguably, they are putting in place a district that has been utilized and could be a starting place at a later date.

Councilmember Musgrove stated she wasn't supportive of the change because she liked the original version that allows for opportunities for lower density in more rural areas and would help comply with what the two developments were doing.

Councilmember Woestehoff emphasized this only effects MUSA properties because the Met Council only looks at MUSA districts.

Deputy City Administrator/Community Dev. Director Hagen replied he is correct that Met Council looks at the sewer.

Councilmember Musgrove asked if only the density in those areas is counted, not the whole City.

Councilmember Woestehoff replied that is his understanding.

Motion by Councilmember Woestehoff, seconded by Councilmember Riley, to adopt Resolution #22-052 Supporting the Planning Commission's Changes to a Comprehensive Plan Amendment Adopted by Resolution #22-009.

Further discussion:

Councilmember Heineman responded to Mr. Walker's comments that if this passes, this is proof that this City Council is corrupt, noting that is an inflammatory statement. The Council is voting to align the City with the Met Council to ensure fewer houses in the area so he felt that was a disingenuous statement. He also expressed disappointment in Mr. Walker's comments about residents feeling targeted for speaking against the City Council. Mr. Walker replied his statements weren't inflammatory if they are true and he knows of residents who were targeted after they came

to speak. He was told the Comp Plan couldn't be changed after an active project was started. That was the first question residents asked who were opposed to this development. He questioned why he was told that and what was happening tonight. He felt it was being done to make a developer happy. Mr. Johnson asked if the Comp Plan was only changed when a developer asked for it. It sounded like the developer or the residents could sue. City Attorney Knaak replied it is true that if someone comes in and makes an application and is accepted, the Comprehensive Plan and zoning laws in affect at the time of the application can't be changed in a way that is detrimental or illegal to the proposal. What sometimes happens is the Council can modify it but not in a way that it makes it impossible for a proposal to go forward, that is the key. If in the process of reviewing a proposal, it is in the best interest of the City to modify the Comp Plan or the zoning code where that kind of negotiation is invited but are not required to and are under no obligation to the developer to change it. Councilmember Howell thanked City Attorney Knaak for the clarification. City Attorney Knaak replied it is at the Council's discretion.

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

7.03: Adopt Resolution #22-044 Approving Final Plat and Development Agreement for Lynwood Addition (Project No. 21-122); Case of U.S. Home Corporation DBA Lennar

Deputy City Administrator/Community Dev. Director Hagen reviewed the staff report and recommendation to approve the final plat and agreement for Lynwood Addition for 74 attached townhome units with construction of two access points to Armstrong Blvd.

Councilmember Woestehoff asked if there is a timeline between phase one and phase two.

Deputy City Administrator/Community Dev. Hagen replied he didn't know.

Councilmember Woestehoff stated his concern is that according to the final plat, Ferret Street would end in a hard stop because it will eventually be extended but asked if there would be feedback from Public Works that it should be a cul-de-sac if the project takes time.

Deputy City Administrator/Community Dev. Hagen replied it appears a loop would be created in Ferret Street. He didn't think a cul-de-sac would be needed.

Councilmember Woestehoff replied if phase one was this coming year and phase two isn't for three years, then he was concerned with Ferret Street not being a cul-de-sac for that period of time. He referenced the map and the cul-de-sacs and private streets and asked if the City would be responsible to plow or if they are under the townhomes responsibility.

Deputy City Administrator/Community Dev. Hagen replied there are private streets in this development so snow removal and maintenance would be the responsibility of the home owner's association.

Councilmember Woestehoff replied he rescinded his question about the other cul-de-sac because Councilmember Heineman proved him wrong.

Deputy City Administrator/Community Dev. Hagen replied the developer is online if there are questions about phasing.

Councilmember Woestehoff stated his question was about the ending but seems like it is a non-issue. He asked when the plantings for the buffer zone would begin.

Deputy City Administrator/Community Dev. Hagen replied the berm that is in the preliminary plat is not completed yet dependent on materials so plantings would have to wait until the berm is constructed. Staff would continue to monitor to ensure the future landscaping plans adhere to the preliminary plat.

Councilmember Musgrove asked about the height of the berm in relation to the surrounding area, if it is adequate for the surrounding area, and what the berm is supposed to do.

City Engineer Westby replied the berm that is proposed in the plans meets the intent of the berm and what was discussed during plan approvals.

Councilmember Musgrove asked if any procedures instituted will be helpful as to what was discussed on other projects.

City Engineer Westby replied every time they go through a project, if there are issues, they try to learn from it and pay specific attention to those details on future projects.

Councilmember Riley asked if it was known why the berm and plantings aren't being included or why it wouldn't be done now.

Deputy City Administrator/Community Dev. Hagen replied typically those landscaping improvements are done with the phase. Right now, the phase isn't extended into the area where units are going to be constructed next to the transition area.

Councilmember Woestehoff asked if the developer could be asked to clarify the timeline and whether they would be willing to do plantings early.

Paul Tabone, Lennar Entitlement Manager, stated the plan for the first phase is to develop the first 74 homesites this year, the remainder of the site would be done in 2023, with one more addition. The site would be built out in two separate plats. The reason part of the landscape was held up was because Lot 12, Block 1, and Block 1, Lots 5, 6, and 7 have storm drains between them. He explained that the grading of the site has to be done and the berm hasn't been built yet. Once the berm goes in, the next step is utilities. He stated tree planting wouldn't be done now because they would go in before the utilities, which would cause conflict. He explained all the trees wouldn't be planted at the same time given the grading and storm drain that have to go in during future phases.

Councilmember Riley asked what protects the City in the event there is another recession to ensure the infrastructure of the second phase gets completed.

Deputy City Administrator/Community Dev. Hagen replied the City enters into developer's agreements as phases occur. The developer isn't asked to put up financial security for their entire project. Financial approval is required for what they have final approval for. Letters of credit and escrow will be collected so if the developer turns and walks there is an ability to hold the funds and finish the project. If a recession hits and the second phase isn't applied for the City is left with a site that is partially graded. The City has some security to ensure the site is stabilized with turf grass being re-established so there aren't erosion concerns. He stated now the focus is on what is being proposed for final plat and ensuring the requirements can be constructed if something happens.

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to adopt Resolution #22-044 Approving Final Plat and Development Agreement for Lynwood Addition.

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

7.04: Adopt Ordinance #22-06 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations

Deputy City Administrator/Community Dev. Director Hagen reviewed the staff report and recommendation to adopt the ordinance related to home occupations.

Councilmember Musgrove stated she is pleased with the Staff revisions based on Council comments and feedback and felt the code was easier for residents and for code enforcement. She thanked the Staff.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to waive the Charter requirement to read the ordinance aloud and adopt Ordinance #22-06, formally Ordinance #22-20, Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations.

A roll call vote was performed:

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

Motion carried.

7.05: Adopt 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 reviewed the staff report and recommendation to adopt the ordinance to allow restaurants in the E-3 District.

Motion by Councilmember Riley, seconded by Councilmember Woestehoff, to waive the Charter requirement to read the ordinance aloud and adopt Ordinance #22-12 Amending City Code Section 117-124 to Allow Restaurants in the E-3 Employment District.

Further discussion:

Councilmember Musgrove asked why this shouldn't be done other than safety. She also asked if safety considerations are a part of the plan for safety regarding increased pedestrian and car traffic in area that may have semitrucks. Deputy City Administrator/Community Dev. Director Hagen replied this ordinance would allow restaurants in the E-3 District which is a less invasive industrial district with no outside storage and is more compatible to be a buffer to transition into a residential zoning. A conditional use permit would be requested by the restaurant so there would be an ability to look at the proposal and add on any additional conditions that apply.

A roll call vote was performed:

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

Motion carried.

7.06: Adopt Ordinance #22-09 Amending City Code Section 117-56 Regarding Easement Vacations

Deputy City Administrator/Community Dev. Director Hagen reviewed the staff report recommendation to adopt the ordinance to change easement vacations from an ordinance to a resolution.

Motion by Councilmember Woestehoff, seconded by Councilmember Howell, to waive the Charter requirement to read the ordinance aloud and adopt Ordinance #22-09 Amending City Code Section 117-56 Regarding Easement Vacations.

A roll call vote was performed:

Councilmember Heineman	aye
Councilmember Woestehoff	aye

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

Motion carried.

7.07: Adopt Ordinance #22-11 to Allow Taprooms, Breweries, Microbreweries, and Brewpubs

Deputy City Administrator/ Community Dev. Director Hagen reviewed the staff report and recommendation to adopt the ordinance to allow taprooms, breweries, microbreweries, and brewpubs with the addition of suggested changes from past discussions.

Motion by Councilmember Woestehoff, seconded by Councilmember Riley, to waive the Charter requirement to read the ordinance aloud and adopt Ordinance #22-11 to Allow Taprooms, Breweries, Microbreweries, and Brewpubs.

Further discussion:

Mayor Kuzma stated he was excited about this. Councilmember Musgrove thanked the Staff for providing definition for terms to help with clarification.

A roll call vote was performed:

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

Motion carried.

7.08: Adopt Ordinance #22-14 An Amendment to Section 34 Of the Ramsey City Code to Enforcement of Public Health, Adding Two New Provisions Thereto Regarding to the Protection of Individual Choices of Medical Treatments

City Administrator Ulrich reviewed the staff report

Councilmember Woestehoff asked City Attorney Knaak how it would affect a fire fighter or police officer if they were to administer medical treatments such as an EpiPen or other medical procedure that might fit under this definition to a Staff member against their will, if that would qualify as a violation of this.

City Attorney Knaak replied no, it wouldn't change anything but that isn't to say it wouldn't be problematic if they are trying to do something for someone that doesn't want them to do it. He advised that is outside the scope of this ordinance.

Councilmember Woestehoff commented this is written very clearly that it is unlawful for any illegal discrimination specifically to those who have not been vaccinated or those who have not undergone any medical procedure and asked if it could be read as the reverse is true too.

City Attorney Knaak replied that is exactly what this does and using that status to deny service would be a violation of this ordinance.

Councilmember Howell thanked City Attorney Knaak for taking the Council's ideas and putting them together.

Motion by Councilmember Howell, seconded by Councilmember Heineman, to adopt Ordinance #22-14 An Amendment to Section 34 Of the Ramsey City Code to Enforcement of Public Health, Adding Two New Provisions Thereto Regarding to the Protection of Individual Choices of Medical Treatments.

Further discussion:

Councilmember Riley commented that although he didn't disagree with the sentiments of the ordinance, a resolution was passed that made this duplicative for no reason. He stated he will not be supporting this. Mayor Kuzma stated this is not necessary because there are no mandates at this time making them do this. He felt it was a waste of time and money spent on the attorney's time and he will not be supporting this. Councilmember Heineman commented he thought the statement "a waste of time" is a matter of opinion, which he didn't believe is true. He stated executives at a State level have made decisions for residents with the notion that it may be unconstitutional but at some point, it could get reversed and until then, stick with the mandate. He felt this provides a proactive approach, didn't feel this would go away because there may be another health crisis and more executive orders will come, and being proactive about is not a waste of time or resources. He stated he fully supports this. Councilmember Musgrove stated she will support this because government should not be looked to for medical guidance but to medical providers as individuals. Councilmember Woestehoff commented that he won't be supporting this because of concern regarding to the wording "to employees or its agents to force disclosure" he felt at some point the insurance company, which may be an agent of the City, could ask questions that would be in contradiction to this. He continued that other situations could come up and he didn't want any employee to not help someone because of it, but he understood the intent of this is to show support for those who chose not to be vaccinated or to do medical procedures. He thought there was a time and place to look at the collective, such as seat belt requirements for public safety. He stated there are other items in government at all levels that have some implication for public safety. He also commented that the Council felt comfortable when it came to crime free multi-housing, making sure there is awareness of someone who made bad choices at one point in their life may not be afforded a housing opportunity. He stated he couldn't support this. Councilmember Howell objected to the statement that the Council supports crime-free multi-housing and discrimination because that discussion hasn't been finished. She stated comparing this to seatbelt laws is different from someone else being required to inject something into their

body and is a use of force against the individual. If a person doesn't have autonomy over their body what else do they have, they should have the right to choose. She continued that no one at any level or government could know what conditions exist for individuals that may suite the collective just fine. She supports the individual's right to chose for themselves and not have to prove a need for a medical exemption or religious reason. She is glad they are taking a proactive step for everyone. Councilmember Heineman stated that default to liberty shouldn't be exemptions, it should be recognizing liberties. He understood that there are public health initiatives but to have people prove why they shouldn't have their liberties stipped away is not right. People should be granted liberties which includes wearing a mask or not to, to take a vaccine or not to. He stated seatbelt laws were passed by elected legislature which is different than what has been seen recently so the comparison isn't fair. He invited the public to comment. Jeff Johnson, 14540 Bowers Drive, commented that they are not consistent and this conversation shouldn't be disguised as public safety because they just voted to have more bars and taprooms open which bring an added risk of accidents. Councilmember Specht commented that he thinks this is a matter of liberty, nondiscrimination, and keeping the government out of the way. Councilmember Howell thanked the resident for making his point.

A roll call vote was performed

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

Motion carried.

7.09: Fairness and Equal Opportunity in Public Notices and Advertisements

City Administrator Ulrich stated this was an initiative of Councilmembers Howell and Musgrove. He stated the judge sent an email stating there could be more of a vetting process of candidates with either the Charter Commission or Council having a role. He stated it is the Staff's recommendation to discuss the process for filling the Charter Commission positions realizing the current process isn't perfect and could be improved upon.

Councilmember Howell presented the staff report giving examples of anomalies regarding postings for applications of the Charter Commission openings. She stated this doesn't reflect at all on Communications and Events Coordinator Thorstad. She stated Councilmember Woestehoff had been appointed to the Charter Commission and she felt that the typical process hadn't been followed for this appointment. She asked who made the decision to put January 21, 2022 for the application deadline.

City Administrator Ulrich replied it was made by the City Clerk, which he supports, because there is a 60-day window to fill the Charter Commission position required by statute. The notices for

the Charter Commission position have been ongoing and have been advertised in the fall. It was in the January/February newsletter, public notices were done in November and December 2021. He stated there were plenty of legal public notice. He stated the applicants they got were equally distributed based on the advertisement that was out. They try to get applicants and it is their intention to fill the slots. If there are two applicants the process has been to send those in to the judge because it isn't typical to get more than that. For this Charter position six came in which is unusual. Staff felt that advertisement had been put out and there had been an equal opportunity. He stated it wasn't intended to exclude anyone. It was legally noticed as well as publicly noticed. He thought setting the deadline may have been a mistake. He stated that they found out in the process that some Councils and Commissions have taken a more active role in recommending candidates to the judge, which is something that could be done. He stated that some Commissions exclude Councilmembers but it is allowed under Ramsey. He understood questioning the process and there is room for improvement in looking at the role for filling the Charter positions.

Councilmember Howell asked if City Administrator Ulrich believed that two and half applicants per opening on the Charter constitutes a flood of applicants.

City Administrator Ulrich replied he wouldn't use that term but it is relative compared to what was seen in the past for those and the applications would have been turned over to the judge.

Councilmember Howell stated from the presentation, the City of Ramsey doesn't have a habit of deleting old ads and she questioned why an ad was pulled for an active position based on the claim that there was a flood of applicants and what was being controlled. She questioned why Staff intentionally limited the number of applicants that were provided to the judge.

City Administrator Ulrich replied an open time period was allowed so anyone who wanted to apply could. There was no limit to the amount of applications that they could have been received. He didn't believe the applications were limited. He agreed that it is the judge's decision based on the applications that are provided and they had a fair and open process. He stated they could have gotten more applicants but didn't overly promote it because they felt there was a full slate of applicants to fill the openings and there were a couple of members that continued their term on the Charter Commission. He explained the process was done similar to what was done in the past but was open to improvements.

Mayor Kuzma stated the judge made the appointment for Councilmember Woestehoff to be on the Charter Commission. He stated if there is a desire to change the policy, that discussion could take place during a Work Session.

Councilmember Howell commented that Administrative Services Director Lasher limited the applicant pool because residents would have had nearly two months to apply and the City Council didn't know it had been set because the newsletter didn't state that. She felt legal requirements may have been met but the ethical requirements have not been. She stated that with other positions, a wide net is cast to get a big pool of applicants.

Mayor Kuzma replied they followed the process that has been used in the past.

Councilmember Woestehoff replied that he thought the post was still there as a photo. He stated the difference between a post and an ad is that an ad is paid for and promoted. He is in favor of changing how a Charter is selected. He didn't think Councilmembers should be on it. It was one reason he got on it so they could change the policy to not allow Councilmembers. He also stated that as a QCTV board member, he approves budgets not content.

Councilmember Musgrove commented on the inconsistencies that are being seen that destroy the process because the process was not the same. She proposed an ordinance be made to outline the process so it is consistent. She also pointed out that it has always been talked about not having enough participation, now the applicant pool has been limited, and a sitting Councilmember as been selected. She asked if Councilmember Woestehoff would excuse himself during policies made regarding the Charter Commission as she thought the optics are terrible. She would like to make a motion that the Council either has a discussion or make a referendum to go before the residents that a Councilmember will not be on the Charter Commission.

Brian Walker, 17289 Variolite Street, asked if there was a deadline date on all of the postings that went out for applicants.

City Administrator Ulrich replied that is a part of the inconsistency. The commissions and boards is a different process from the Charter Commission, at least it has been traditionally. There was a date for commission and boards applications but he would have to defer to the City Clerk for what those are.

Mr. Walker replied there was date for the other commissions and boards but for the Charter Commission, there was an open date that the City could close at random.

City Administrator Ulrich replied the reason, what has been done in the past, is that it has been advertised as open until filled because if there was a vacancy, it would be advertised and they would get an applicant or maybe two, and the names would be submitted almost immediately to the judge to be appointed. To this point, it has been up to the judge to decide. He wasn't sure what criteria was used to make those decisions.

Mr. Walker asked Councilmember Woestehoff what day he signed up for the Charter Commission.

Councilmember Woestehoff replied it was January 10, 2022.

Mr. Walker commented Councilmember Woestehoff signed up for it in the very beginning.

Councilmember Woestehoff replied it was published in the paper in November or December.

Mr. Walker commented that he signed up for it and he didn't get it. He stated his significant other Christine also signed up for it on January 22, 2022 and everything was gone. He thought there was another good candidate that was selected. He felt that Councilmember Woestehoff's comment about being on the Charter Commission so he can change the rules to where a Councilmember can't be on both. He asked if the rules are changed, if Councilmember Woestehoff would step down from one.

Councilmember Woestehoff replied he would.

City Administrator Ulrich stated that procedurally, what Councilmember Musgrove was alluding to, would require a Charter Amendment. The Council would give it to the Charter Commission to consider, it would then come back to the Council and if it has the unanimous vote of the Council, it could be adopted as a Charter Amendment. If it doesn't have a unanimous vote of the Council, there is a process to bring it to referendum.

Charter Commission Chair Joe Fields stated that the question comes down to two: were the protocols used in the past utilized this time; and, were those protocols consistent to any governing laws pertaining to this process. He has looked at the Charter and it is silent on where a Councilmember can be on the Charter Commission. He stated that City Administrator Ulrich misspoke and meant to say there is nothing in the Charter to prohibit a Councilmember from serving. He thought, given the power invested in a Charter Commission which limits control to its local citizens, it is a standing constitutional convention. It is the only authority that has more power than the City Council. Now, a Councilmember is going to have a vote and a say on that Commission. He stated if he thought it was going to be a problem, he would have said no from the beginning. He stated they maintain local control, which means they can have a direct say and so can the citizens. To have a Councilmember serve on the Charter Commission is a questionable precedence. He stated consider what was just advocated by the City Administrator, that the Charter Commission would propose a measure to amend the Charter to not allow a Councilmember to serve. If that is done, it must come back to this Council for a unanimous vote when a member is also on the Charter Commission to vote himself out. He stated he would vote himself out, but he suggested that should be done now. He suggested that the Council initiate the measure to change it so no Councilmember can serve on the Charter and they will see if the Councilmember can abstain from that vote. He noted the issue of a grandfather clause would apply to the current Councilmember, which he didn't think it should apply.

Mayor Kuzma stated the judge appointed Councilmember Woestehoff and has to be aware of the circumstances, given there were multiple applicants, and if there was a problem he wouldn't have been selected.

Councilmember Howell replied the question isn't whether Councilmember Woestehoff could legally be appointed by a judge. What has been pointed out is that the circumstances are oddly inconsistent in the advertisement of the position and while legal requirements were met, it made it impossible for a lot of residents to find the position. She questioned why the City Clerk did that.

Councilmember Heineman asked City Attorney Knaak to explain the role of the Charter Commission as it pertains to the City Council.

City Attorney Knaak replied the Charter Commission is a standing constitutional convention for the City. The relationship is just that. It is not a legislative body but is more of a foundational body. He stated there is no legal reason to prohibit it, although some cities choose to do so. He wasn't sure it is necessary that there is a Charter provision, in their own internal regulations it could be indicated what commissions or other outside activities a Councilmember would be

allowed to engage in. There could be an ordinance to say what is allowed and what is considered inconsistent. He explained the path of changing an amendment to the Charter Commission could be followed.

Councilmember Heineman asked the City Attorney to draft an ordinance.

City Attorney Knaak replied he could do that.

Councilmember Heineman commented that some cities allow Councilmembers to apply but just because others do it, doesn't make it right. He believes the Charter Commission acts as a checks and balance to the City Council so allowing it would be a conflict of interest. He expressed concerns that there were not red flags raised and it didn't come back to the City Council or at least make them aware of it before it went through. He referenced Councilmember Woestehoff's application and asked if he put Ramsey City Council under areas he has served in.

Councilmember Woestehoff replied he did.

Councilmember Heineman asked why he wanted to serve on the Charter Commission and if he put to eliminate Councilmembers from being able to serve on his application.

Councilmember Woestehoff replied he is willing to share his application. He stated his focus was on voting and ensuring that the State laws align with City laws.

Councilmember Heineman asked if Councilmember Woestehoff meant that ensuring the City laws align with State laws.

Councilmember Woestehoff confirmed this.

Councilmember Heineman stated Councilmember Woestehoff has shown concern that the City Council is passing ordinances that may contradict State laws so he is going to go on the Charter Commission to circumvent the City Council in order to over rule any other future ordinance that may be voted on.

Councilmember Woestehoff replied not at all, it is specifically around voting law and the ability to vote and gain access to vote and maintaining that right of the citizen.

Councilmember Heineman asked if he was talking voter security.

Councilmember Woestehoff confirmed this and added election law, not ordinance laws.

Councilmember Heineman asked him if that is an issue that he has seen in the Ramsey.

Councilmember Woestehoff replied he wouldn't say it is. He commented that there are two members on the EDA, which has a separate budget and oversight, and asked if this is a similar thing that should be looked at in terms of that board as well.

City Attorney Knaak replied the Council can choose whatever regulations they want. He thought the EDA required some representation and is different but other situations can be reviewed and introduced as an ordinance.

Councilmember Specht thanked Councilmembers Musgrove and Howell for bringing this up and Chair Fields for sharing his insights. He agreed with the inconsistencies of what is shared with the whole Council, noting there have been instances as when Councilmember Woestehoff gave a proposal for the new wards that wasn't sent on. He would like to see consistency around allowing a Councilmember to serve, noting those are two things that would have been good for everyone to know about so they could learn together.

Councilmember Riley asked if an ordinance could be passed that affects the Charter. He understood a change would come from the Charter Commission and then to the Council to be passed through unanimous vote, otherwise it could go to a referendum. He asked for clarification.

City Attorney Knaak replied the issue isn't if it could be placed in the Charter; the issue is if the Council could regulate themselves as Councilmembers and determine what is and is not allowed, that can be done by an ordinance.

City Administrator Ulrich stated he looked up the statues in regard to Charter and read "except as otherwise provided in the Charter, no person shall be disqualified from serving on the Charter Commission by reason upholding any other elected office other than judicial." He noted that wording may want to be looked at in regard to what the option may be.

Councilmember Howell commented that it has been a tough year on the Council in unequal treatment of Councilmember Woestehoff starting with his appointment by the City Clerk to multiple Commissions and Boards when she hasn't been given hardly anything. She felt important things like the redistricting and the Charter Commission appointment hasn't been shared. She suggested an investigation be started and asked if there was Council support.

Councilmember Musgrove stated she would support an investigation. She questioned if the Charter won't allow an ordinance for the Council to govern themselves.

City Attorney Knaak replied that he stands corrected because the language that the City Administrator cited doesn't allow that to happen. He thought that would be more simple and is normally allowed. He advised it will have to be a revision to the Charter.

Councilmember Musgrove asked if a request would have to be made to the Charter Commission to make a Charter amendment regarding participation of Councilmembers on the Charter Commission. She thought the Charter Chair had stated that would be dead on arrival.

Councilmember Woestehoff replied the Charter Chair was referring to himself and his vote as a Councilmember because a Charter Amendment has to be unanimous. Councilmember Woestehoff stated he would support the amendment.

Councilmember Musgrove asked if that is what was intended.

Charter Commission Chair Fields clarified his earlier statements by saying if the Charter Commission originates an amendment and sends it to the Council, it is dead on arrival because there is a Councilmember sitting on the Charter Commission and is double dipping. He's able to make his arguments at the Charter Commission level and vote and then come back to the Council and vote because it requires a unanimous vote. That Councilmember can torpedo it with just his own vote. He stated it raises a legal question if it allows for abstentions or absence. He thought he read that there are other ways for it be approved and one way would include a city-wide vote by residents.

City Attorney Knaak replied he agreed that is correct.

City Administrator Ulrich commented he concurred and as he understood the process, the Council could draft and approve a Charter Amendment, send it to the Charter Commission, and then get it back to vote on unanimously.

Councilmember Musgrove commented that is one point that needs to be addressed, the other is the ordinance to make the process fair and provide equal opportunity for all residents regarding elections and appointments. She felt it was frustrating and destroys the confidence of the public. She stated that her questions to the City get shared but other members aren't shared.

Administrative Services Director Lasher commented that she agrees there is a fair process. She stated she is the City Clerk as well as the HR Manager. The problem that started with this particular recruitment, is that she made a mistake in that it should have been published in the November/December issue of the *Ramsey Resident*. She stated if it was published, then there would have been no deadline, it would have been open until filled and the people that would have applied would have. She admitted she made a mistake. She stated it went in the January/ February issue. There is a 60 day rule of appointing Charter Commissioners. She stated it was put on the website that the Charter applications would close on January 21st. She felt that three weeks in the *Ramsey Resident*, with the approval of City Administrator Ulrich, was making the best of a mistake. She also pointed out that board, commission, and Charter Commission recruitments run on a different schedule. When Communications Coordinator Thorstad stated she has posts planned for January 10, January 24, February 7, and February 21, 2022 those were posts scheduled for regular boards and commission recruitments because those begin April 1, 2022. She apologized for her mistake and stated she didn't mean to cut off the applicant pool. She cited statistics on the number of applicants in prior years being typically one or two, but this year there were six so this is the most applicants that has been seen in 11 or 12 years. She reviewed the timeline stating it was advertised in the *Anoka Union Herald* on November 19, 2021 with the first application being received on November 25, 2021. Ads were posted on QCTV, the Ramsey Community sign, and in the January/February edition of the *Ramsey Resident*. She stated she needed to get the applications to the judge for the 60-day window.

Mayor Kuzma asked, now that Councilmember Woestehoff is appointed to the Charter Commission, if the only way for him not to participate as a member is if he were to resign.

City Attorney Knaak confirmed this and added the only way is if the Council created a Charter Amendment that says it isn't appropriate for a Councilmember to serve.

Councilmember Howell stated she appreciated the statements made by Administrative Services Director Lasher but felt it contradicted some of comments and emails from Communications Coordinator Thorstad indicating she was told to pull the ads because of a flood of applicants. She stated that the mistake made in not getting it the November/December issue could have been rectified by putting a big bold ad on the front page of the City website, which doesn't have a publish by date, which didn't happen until after Councilmember Howell talked to Communication Coordinator Thorstad. She encouraged Councilmember Woestehoff to step down from the Commission.

Mr. Walker asked if everyone has an issue with Councilmember Woestehoff being on the Charter Commission and others are on the EDA. As a resident, he would ask that if they are on Council that they are not on any other board or commission other than as a liaison and suggested that be written in the amendment. He stated Councilmember Woestehoff has stated if there is a Charter amendment that he will step down and he trusts him.

City Administrator Ulrich stated it is required that two Councilmembers serve on the EDA.

City Attorney Knaak and Councilmember Musgrove agreed.

Councilmember Musgrove commented that the Joint Powers Agreement that Ramsey has with the Lower Rum River WMO with the cities of Andover and Anoka also requires Councilmember representation as voting board members.

City Administrator Ulrich stated that it varies by the individual agreements.

Councilmember Heineman commented that the EDA makes recommendations to the City Council versus the power at the Charter level. He stated that transparency is great and to not hurry this along.

Councilmember Riley stated that the consensus seems to be to give the Charter direction that, as a start, the Council would like an amendment to the Charter to not allow Councilmembers, Planning Commission, EDA, or Parks Board members to serve on the Charter Commission.

Mayor Kuzma stated he could support that.

Councilmember Specht asked about City Staff serving on the Charter Commission and the process and if all six candidates were sent to the judge to decide.

Administrative Services Director Lasher replied that is correct, they were all sent at the same time and were date stamped. There were no recommendations or comments other than to say there are two open positions and six applicants.

Councilmember Howell asked if there would be Council support to censure Councilmember Woestehoff for sitting, noting while he is legally allowed to sit on the board, the optics of it and the circumstances regarding the process.

Councilmember Musgrove asked what that censure would mean.

City Attorney Knaak replied there isn't a legal consequence to censuring a Councilmember, it is a statement like a resolution.

Councilmember Musgrove asked Councilmember Howell to repeat her stated censure.

Motion by Councilmember Howell, Seconded by Councilmember Musgrove, to censure Councilmember Woestehoff for continuing to remain in the Charter Commission seat he was recently appointed to, that while legal, is in very poor taste considering the optics and circumstances in which the position was advertised and the mistakes that were made in the advertising process and the questionable way in which it was handled and his unwillingness to step down.

Further Discussion:

Mayor Kuzma stated he didn't believe Councilmember Woestehoff did anything wrong. Councilmember Woestehoff applied, went through the process, and didn't do anything wrong. Mayor Kuzma thought it was wrong to try to censure Councilmember Woestehoff. The fact that he doesn't want to step down at this point but stated he would if the Charter Amendment would go through shows that Councilmember Woestehoff is trying to fix the process. He stated there were inconsistencies that happened on this, noting Staff is overworked with multiple vacancies in the Staff so things can fall through the cracks. He stated the City followed the process that has been in place for the last ten years. Mayor Kuzma stated he will not be supporting this. Councilmember Howell replied to Mayor Kuzma's statement about Councilmember Woestehoff trying to fix the problem, noting he could fix it by stepping down and leading by example but is choosing not to. She stated that is the reason for the censure. Councilmember Heineman pointed out that Councilmember Howell did a great job by finding this and putting together a well stated informational presentation. He stated he wouldn't agree to a censure because doing an official censure is going past what is procedural and trying to tear each other down. Councilmember Riley agreed with Councilmember Heineman. He continued that doing something that is not prohibited means it is allowed and it sounds like steps are going to be made to stop that in the future, but saying that something needs to be done on an individual level is not something he is going to support. Councilmember Specht commented he would support this because it is about the separation of powers, for the integrity of the Charter and Council, and is an important step to be made known through the minutes but also through the censure. Councilmember Musgrove commented she hasn't gotten an answer to the question when Councilmember Woestehoff is on the Charter how does he vote on City matters relating to the Council, and vice versa. Either there would be votes in both places or he would have to recuse himself because a conflict of interest with votes isn't wanted. She stated it doesn't look good and asked how does he functions in both roles when the Charter is a governing body over the City. She wasn't sure how he was going to be effective on the Charter Commission with his votes and she will be supporting the censure.

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

City Attorney Knaak responded to the question about the EDA, noting they are required to appoint two Councilmembers by State law.

Councilmember Specht asked about the ideas Councilmember Riley had, if a resolution was needed for that.

City Administrator Ulrich asked Charter Commission Chair Fields if a Council motion would be sufficient for the Charter Commission to consider or the alternative would be to bring the Charter Amendment to either a Work Session or regular meeting and have that voted on.

Charter Commission Chair Fields replied a motion that is properly worded would be considered sufficient and they will take it from there.

Motion by Councilmember Riley to suggest the Charter Commission take up a Charter Amendment which would not allow City Councilmembers, members of all Boards and Commissions, and Staff.

Motion failed for lack of a second.

Councilmember Riley asked if Staff should be included.

Councilmember Musgrove commented that it could be included and the Charter Commission could discuss it.

Charter Commission Chair Fields stated the handbook by the Minnesota League of Cities states that the Council, to propose an amendment, it must be by ordinance. He read “the Council submits the ordinance proposing and amendment to the Commission which has 60 days for review.” He continued reading, “after the review period, the Commission returns the amendment or its own substitute amendment to the Council, the council then submits to the voters either the amendment it originally proposed or the Commission’s substitute amendment.” He stated he couldn’t find it after a quick search but felt the Charter was more specific on the processes.

Councilmember Riley suggested that this be taken to a Work Session with the intent of moving something forward to Charter Commission.

City Administrator Ulrich suggested the Council direct Staff and the City Attorney to prepare an ordinance that would accomplish what was indicated and bring it back to the Work Session on March 8, 2022.

Councilmember Riley stated he wanted to finish the discussion about employees that are residents and taking the power away from residents that happen to work for the City.

Councilmember Heineman replied in looking at the City organization chart, Staff serves at the pleasure of the Council who represents the residents who are governed by the Commission so he thought it could be a possible way to circumvent the Council. He thought to be procedural, it would make sense to exclude Staff. He stated he has restrictions on what he is able to do based on different responsibilities he has so he thinks it should be allowed to exclude Staff.

City Attorney Knaak echoed that statement made by Charter Commission Chair Fields that it has to be by ordinance and they have 60 days to respond.

Councilmember Howell asked if there is a way that the City Staff can provide Charter Commission Chair Fields with an up-to-date Charter and make sure there is no question that he has the most current version.

City Administrator Ulrich confirmed this.

The consensus of the Council was to direct Staff and the City Attorney to prepare an ordinance that would accomplish what was indicated and bring it back to the Work Session on March 8, 2022.

7.10: Adopt Resolution #22-055 Rescinding and Replacing Resolution #22-008 Approving Development Agreement for Riverstone South

City Engineer Westby stated this case and the following case were added today and apologized for that. He explained this is a procedural detail, reviewed the staff report, and recommendation to rescind and replace Resolution #22-008 so the Capstone closing can occur.

Motion by Councilmember Specht, Seconded by Councilmember Musgrove, to adopt Resolution #22-055 Rescinding and Replacing Resolution #22-008 Approving Development Agreement for Riverstone South.

Further Discussion:

Councilmember Riley stated when he read the case it didn't make sense to him. He commented as City Engineer Westby had stated, there was a lot of discussion about the assessments and the agreements. The last version of it was passed October 26, 2021 and the explanation given now is they need more time to review it but will have it done in three weeks. He stated it didn't make sense and asked why there was a five month hold up. City Engineer Westby replied there has been a lot of discussions and meetings on this project. There have been meetings with both developers weekly, the current property owners, and Capstone. He stated draft assessment agreements were provided to them about two months ago but the City didn't receive a response. In the meantime, there were other pieces of the puzzle with other approvals and plans associated so there has been a lot of moving pieces. He stated he would accept responsibility for not following up with them. He stated he recently reached out to them and was told they hadn't forwarded the initial assessment agreements that were sent to their attorney and that they would send the new one on immediately. He stated that is the Pearson's end, which is not going to meet Capstone's development needs, which is to get started with the tree removal. He stated he couldn't speak to the delay. Councilmember Riley replied he is not inclined to allow this to go on. He stated the Council has

done the work needed and the fact that they don't have their due diligence done now isn't the Council's problem. He didn't want to be the impediment for this but stated they have had ample time and he didn't know why this is taking so long. City Engineer Westby stated he just added this case this morning. He stated from Staff's perspective, the oak wilt concern is an issue and the timeline is trying to be met so the trees can come down and prevent the spread of the disease by cutting the trees down too late.

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

7.11: Adopt Resolution #22-056 Approving Assessment Agreements for Improvement Project #20-05, Riverdale Drive Extension, Llama Street to Bowers Drive

City Engineer Westby stated this case includes the three assessment agreements that were provided to the Pearson's representative that are being reviewed and must be executed by March 14, 2022 at the latest. Staff requests approval of the assessment agreements under the condition that the City Attorney review them as to legal form after they are approved by the Pearsons.

Jeff Johnson, 14540 Bowers Drive, asked why Riverdale has to tie into Bowers. He understood there is a goal to cap Bowers at Hwy. 10 but stated there is no reason for it. He expressed concern with connecting to Riverdale is going to create for the neighborhood and is going to be another situation where one problem is fixed but another bigger problem is created. He stated it will become a bike road but that road isn't lit, is narrow, canopied, and really dark at night. He expressed concern with the additional traffic. He stated he moved to this road because it was private. He suggested capping off the road going into the Pearson's farm, make it a wide entrance lane, and then on the westbound side where there is access going into the farm, close that off and extend to a long deceleration lane going into Bowers. He stated that is a cheap solution that wouldn't impact Bowers Drive.

Councilmember Musgrove asked City Engineer Westby to comment.

City Engineer Westby replied that through the approval process, they have been working with MnDot and Anoka County on all of the accesses and what would be approved by MnDot. It has been through numerous plans and various versions of how it can have safe access. He stated this is the arrangement that is allowable to MnDot based on their access guidelines. He stated they are continuing to work with Elk River to get improvements to the west of this site that will include some other potential modifications. He stated the final plat has been approved and at this point, modifications would be a complete unravelling of what has been done.

Councilmember Musgrove asked if the motion for this case is the agreement of the parties and their portion that would be payment for the road.

City Engineer Westby confirmed this, and added there are three assessment agreements attached to the case, with cost sharing that was approved, for which approval is being requested. Upon approval of the Pearson family, it will be brought back to the Council for formal approval.

Councilmember Musgrove asked if Council doesn't approve them, would the City pay for the road themselves.

City Engineer Westby replied if Council doesn't approve them Staff will continue to move forward with Resolution #22-008 and tell Capstone that they can't record their plat or development agreement this Friday. They will have to wait until the Pearsons give the agreement back and the Council considers formal approval either on March 8, 2022 or March 22, 2022. The project will be delayed two to four weeks.

Councilmember Specht stated the final plat has been approved and how Riverdale Drive is going to look with it going to Hwy. 10 with a small turn off to Bowers Drive. He stated these things are approved.

Motion by Councilmember Specht, seconded by Councilmember Woestehoff to Adopt Resolution #22-056 Approving Assessment Agreements for Improvement Project #20-05, Riverdale Drive Extension, Llama Street to Bowers Drive.

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

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced Pact Charter School project is having an Open House on Thursday, February 24, 2022 from 5:30- 6:30 p.m. in the Lake Itasca Room. The public is invited to discuss and answer questions about the project that is being proposed on the east side of the Armstrong-Delaney Central Park before it goes to the Planning Commission. He also noted a Special Council Work Session is scheduled for Tuesday, March 1, 2022 to discuss ward and precinct re-districting. The next regular session of the City Council will be Tuesday, March 8, 2022.

Councilmember Musgrove commented that she attended the Park and Recreation Commission meeting and wanted to let people know that the Summer Draw Concert Series is out and listed on the website.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 10:45 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.