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

The Ramsey City Council conducted a regular meeting on Tuesday, May 24, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: None

Also Present: Interim City Administrator/Community Dev. Director Brian Hagen  
Administrative Services Director Colleen Lasher  
City Attorney Fritz Knaak  
City Planner Brian McCann  
City Engineer Bruce Westby  
Streets Supervisor Shane Turner

**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: Review 2021-2022 Winter Maintenance**

Streets Supervisor Turner presented the winter maintenance review for 2021-2022.

Mayor Kuzma asked how many miles have been added over last year.

City Engineer Westby replied it is close to 190 miles, with one and half to two miles of new roads being added every year.

Mayor Kuzma asked when the new plow truck is due to come on.

City Engineer Westby replied he wasn't sure.

Mayor Kuzma commented it can be discussed during the budget meeting.

Streets Supervisor Turner gave an invitation for plow truck driver applications adding a ride along could be arranged to show what it is like.

### **3. CITIZEN INPUT**

Megan Thorstad, 15249 71<sup>st</sup> Street NE, Otsego, stated she has served as the City's Communication and Events Coordinator for the last four years. She stated, regarding the case that is coming up tonight, she felt was unfair and unjust. She stated she has submitted her resignation because she felt Council hasn't met the goals of the Strategic Plan to improve employee morale and retention. She hoped some positive changes would be made.

### **4. APPROVE AGENDA**

Motion by Councilmember Riley, seconded by Councilmember Howell, to approve the agenda as presented.

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

### **5. CONSENT AGENDA**

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

- 5.01: Approve the following Meeting Minutes:
  - 1) City Council Special Work Session dated May 5, 2022
  - 2) City Council Work Session dated May 10, 2022
  - 3) City Council Regular Session dated May 10, 2022
  - 4) City Council Joint Work Session dated May 11, 2022
- 5.02: Approve Business Licenses
- 5.03: Approve Rental Licenses
- 5.04: Authorize Tennis Court Maintenance; River's Bend, Fox and Central Parks
- 5.05: Authorization to Increase the Recreational Specialist from 20 to 29 Hours per Week
- 5.06: Authorize to Hire a Parks Maintenance Worker Backfilling a Vacant Position
- 5.07: Authorization to Hire a Zoning Code Enforcement Officer Backfilling a Vacant Position
- 5.08: Authorization to Hire Seasonal Public Works Maintenance Workers
- 5.09: Cancellation of contracted services for North Metro Animal Care and Control
- 5.10: Adopt Resolution #22-122 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of May 5, 2022 through May 18, 2022
- 5.11: Adopt Resolution #22-116 Approving Renewal of Anoka County Regional Economic Development Partnership (ACRED)
- 5.12: Adopt Resolution #22-117 Approving Pre-Authorization to Import, Place and Compact Fill and Re-Establish Turf on Outlot B, Affinity at the COR

- 5.13: Adopt Resolution #22-118 Authorizing Partial Payment to No. 1 to Douglas-Kerr Underground, LLC for Improvement Project #22-05, Riverdale Drive Trunk Utility Improvements, Llama Street to Bowers Drive
- 5.14: Adopt Resolution #22-119 Approving Change Order #2 for Improvement Project #22-05, Riverdale Drive Trunk Utility Improvements, Llama Street to Bowers Drive
- 5.15: Adopt Resolution #22-121 Authorizing Final Payment to Kuechle Underground, Inc. for Improvement Project #21-00, Riverdale Drive Reconstruction, Feldspar Street to Sunfish Lake Boulevard
- 5.16: Adopt Resolution #22-126 Approving the City of Ramsey Volunteer Firefighters Relief Association Amended Bylaws

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

## **6. PUBLIC HEARING**

### **6.01: Public Hearing: Approve Off-Sale Liquor for Cherokee Liquors Inc dba G-Will Liquors**

Councilmember Woestehoff recused himself from this case because of his other job and left the meeting at 7:15 p.m.

#### **Presentation**

Interim City Administrator/Community Dev. Director Hagen reviewed the staff report. He noted there have been a number of public inquiries about why another liquor store and explained the City zones properties in various ways and in this scenario, a liquor store was a permitted use at the location. He stated the issue tonight is not related to allowing a liquor store to go there because that has already been approved; this is just issuing a liquor license for that use.

Motion by Councilmember Heineman, seconded by Councilmember Specht to open a Public Hearing.

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

#### **Public Hearing**

Mayor Kuzma called the public hearing to order at 7:16 p.m.

#### **Citizen Input**

There was none.

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

Further discussion:

City Attorney Knaak suggested that Mayor Kuzma expressly state that the statement that was made by the Staff be incorporated into the public record. The information that was made available to him by the Staff is available in the public record and that would be the basis for the subsequent decision.

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

The public hearing was closed at 7:17 p.m.

### **Council Business**

Motion by Councilmember Riley, seconded by Councilmember Howell, to approve the Off-Sale Liquor License for Cherokee Liquors Inc dba G-Will Liquors.

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

Councilmember Woestehoff returned to the meeting at 7:18 p.m.

## **7. COUNCIL BUSINESS**

### **7.01: Closed Session - Administrative Services Director Performance Evaluation**

Mayor Kuzma explained that this case started as a Closed Session for Administrative Services Director performance evaluation; however, the employee has deemed to keep it open.

Interim City Administrator/Community Dev. Director Hagen stated Mayor Kuzma summarized it pretty well. He stated this case was requested by Councilmembers Howell and Musgrove as a Closed Session to review the performance of Administrative Services Director Lasher. He stated Administrative Services Director Lasher exercised her right to leave it open. He distributed a handout that was originally requested to go out during the Closed Session. He stated Administrative Services Director Lasher indicated she would answer any questions regarding items that have transpired.

Mayor Kuzma asked if Councilmember Howell wanted to start with her comments.

Councilmember Howell stated she brought this case forward because they had two finalists for the City Administrator position. After the Council meeting discussing those candidates, no decision was made that evening and they decided to pause the process, pursue getting more information, and were going to reconvene. She stated they were all sent a letter by one of the job applicants the next morning stating “thank you for allowing me to apply, good luck with the process going forward.” She stated that candidate had been notified that they were not a part of that process anymore. She stated as far as she knew, when they left the meeting that night no decision had been made. She stated it was leaning toward one candidate but there were talks about negotiations and making a package deal using those two candidates in different capacities. She stated this led her

to ask what the messaging was that was given to those two candidates. The messaging was different. She asked the City Attorney if she could read the messages, if that would be appropriate.

City Attorney Knaak replied it would be appropriate given the circumstances.

Councilmember Howell stated the message in question that was sent to the candidate that did not think he was a part of the process anymore states: “Hello (so and so), Ramsey’s Council met tonight and held a lengthy discussion regarding the next City Administrator. Unfortunately you are not selected at this time. Feel free to call with questions. Colleen.” She stated the message was sent at 1:46 a.m. She stated the other message sent to the other applicant stated “Just finished. No decision. They want you to go to (a certain place) again to gather more information essentially.” She stated that was sent at 7:32 p.m. in the evening, right after they finished the meeting. She stated it concerned her. She stated she wanted to be really clear that this is about policy and not about personality. She stated she can see the direction this could go, saying she is trying to persecute an employee. She repeated she wanted to be very clear about this. This is not about an employee, this is about policies. They have to have policies in place. They have to have job applicants treated equally. What came out of this, after contacting the attorney, and then basically reaching out to the City Administrator, a letter was sent to both applicants stating that no decision had been made and Council was gathering more information. She stated that is the letter that should have gone out in the first place. She repeated this not about persecuting someone, it is just the fact that two things, messaging has to be consistent, it needs to match what a lot of Council thought was the outcome of that meeting. They were pausing the process. She stated her other concern was that messages were being sent out at 7:30 p.m. and 1:46 a.m. that is a concern, and text messaging. She stated they need to nail down a good process in reaching out to job applicants where they are conducting professional communications. She stated this is a concern of hers. She stated she hoped it doesn’t happen again but if it isn’t addressed, what is to stop it from happening again. She stated this why she brought it forward.

Councilmember Musgrove stated she appreciated Councilmember Howell’s summary of what happened. She stated she shared concerns with the process. She stated she believed the process, that was correct, was followed-up after they raised concerns about the initial process. She stated the former City Administrator had initiated that process. She believed that is the process that the residents are looking for, that it is concise, consistent, and equal. She stated that is why she would like to have this addressed. Residents need to know that there is a fair and equal process when they are hiring and that it is being done professionally. She agreed with Councilmember Howell that there was a corrective action taken but they need to make sure the type of text messaging, especially at the time of the day that it happened, does not happen again.

Councilmember Specht stated Administrative Services Director Lasher is always professional with him and is good at responding. Every interaction he has had with her has been professional and good. He stated he appreciates her and her work. He asked to hear her side to get a full view of things before making a judgement.

Councilmember Heineman referenced the information under the title “Closed Session Administrative Service Director Performance Evaluation” and asked Councilmember Howell and

Councilmember Musgrove if they are now talking about a process not being followed. He asked if there was a reason why the title wasn't changed from performance to addressing a process.

Councilmember Howell replied her understanding was that it did address performance because of how the process was conducted. She stated it was her understanding that it was discussed at the previous meeting and it had to fall under this.

Councilmember Heineman asked if this is about performance, not a process.

Councilmember Howell replied the performance of sending text messages at 2 a.m. and text messaging instead of sending a professional letter to job applicants.

Councilmember Heineman stated through this discussion Councilmember Howell's goal is to create a better process but the discussion itself is based on performance.

Councilmember Howell replied they have to establish that there is a process in place based on the performance. She asked if that made sense.

Councilmember Heineman replied he wanted to make sure if they are going to be addressing this as a performance evaluation and they are saying it is about the process, not about the person, that it conflicts with the title of "performance." He wanted to make sure if it was about performance they talk about performance; if it is about the process it may be more appropriate to create a new process for it. He wanted to get more clarification on it because it sounds like they are talking about two different things.

Councilmember Howell replied the point is, if this is how the process was handled with a job applicant, they are going to have to address it with Administrative Services Director Lasher. She stated they will not be able to change things if they don't do something about it.

Councilmember Heineman replied he just wanted clarification.

Councilmember Riley stated they are going to discuss a policy; however, as Councilmember Heineman pointed out, they wanted this to be a Closed Session for a performance evaluation to address a policy that they have the power to change anyway. He thought Councilmember Heineman was being nice when really his 'bs meter' was going off. He stated the last time Councilmembers Howell and Musgrove tried bringing this case up, the Council action they were looking for was supporting either oversight, demotion, accepting a resignation, or dismissal. Now they are looking for a policy to come out of this. He found it very disingenuous of what they are saying. He stated Councilmembers Howell and Musgrove have already, both of them previously, done a witch hunt against this employee and we now have her standing in front of Council once again. He stated Councilmembers Howell and Musgrove are trying to disguise it with something else.

Mayor Kuzma stated during the meeting when they left, they basically came down to a decision of a three-to-three tie with Councilmember Heineman abstaining and waiting. He stated it was his understanding that they were not going to hire Mr. Korin and were going to send Mr. Hagen in for

more evaluation because he has grown in the six months he has been here. Depending on the report when it came back, if Council didn't like it they were going to start the process all over again. Mayor Kuzma noted even though it is possible that the texts could have been worded different, he didn't have a problem with it.

Councilmember Howell disagreed with it being called a witch hunt. She stated she will narrow the discussion down to two things: they have an employee who is the HR Manager who is texting job applicants at 2:00 in the morning, 1:46 a.m. She stated if she got a text at 1:46 a.m. it had better be an emergency. She stated she doesn't get text messages from anyone at 1:46 a.m. She pointed out two things, which she stated are facts. They have one job applicant who is text messaged at 7:32 p.m. in the evening, which is reasonable. They have one job applicant who is text messaged at 1:46 a.m. which is not reasonable. She stated text messaging job applicants who are City Administrator applicants is not reasonable. The letter went out from the City Administrator and City Attorney the following day at her request, because she reached out to them. She stated, so everyone would understand, the City Administrator and City Attorney do not work for her personally, and they would not have sent out an email saying no decision was made unless no decision had been made. She stated they are talking about two things. This should not be a tribal, partisan issue that is being made. She stated this is not a witch hunt. They are trying to address two things that should never occur in a job hiring process. The problem is that it has gotten to be this. She stated this is on Councilmember Riley and Mayor Kuzma for turning it into this. She asked them to talk to any city attorney who works in HR or any business owner who deals in employment. This would not be acceptable from an HR Manager. They would have liked to have this in a closed meeting and deal with this but Administrative Services Director Lasher chose to have it in an open meeting and that is fine. She stated these issues need to be addressed because they can't have text messages going out to job applicants at 1:46 a.m. in the morning. They need professional communication and have to have letters go out to applicants that when no decision has been made, they get equal messaging. She stated it is not wrong to expect that and she felt they have to deal with it even when it is hard. She understood the frustration and that this is hard. She repeated this is not a witch hunt. She understood it was hard for Administrative Services Director Lasher but they must address the hard things in the City. She stated she would have preferred to keep it in a closed meeting because it is awkward but repeated they can't ignore things just because they are difficult.

Councilmember Heineman commented he was not there to attribute motives to anyone including Ms. Lasher, Councilmember Howell, or Councilmember Riley. He asked to hear from Administrative Services Director Lasher after Councilmember Woestehoff had spoken. He stated he respectfully asked Councilmember Riley not to speak for him about his 'bs meter.' He stated he will keep his reasoning and his questioning as logical as possible and as detached from emotion as possible because if they are going through this, they should be going through it. He stated he wasn't going to assume Ms. Lasher did anything for malicious reasons or assign any negative motives to any Councilmember either. He hoped to be able to ground them in a logical and forward-thinking discussion.

Councilmember Woestehoff asked Councilmember Howell how many people she has hired and fired in the last year, how many in the last ten years. He stated he has quite a bit of experience in

this and texting applicants is not uncommon, it is a very common way to communicate with folks now days. Often times, it is the applicants' preferred method; therefore, he does that as well.

Councilmember Howell asked if Councilmember Woestehoff was defending text messages at 1:46 a.m. She asked how many city attorneys he has asked if this is reasonable.

Councilmember Woestehoff replied they heard in their last meeting that this was a complete non-issue that they are escalating. He read a statement "it was mentioned earlier that they should strive for high organizational morale and employee retention." That was written in the strategic plan and was a good reminder because they are failing at it badly. Last March, the majority of this Council decided to adopt Resolution #22-068 directing City of Ramsey Staff, Authorities, Boards and Commissions to take and follow direction from the Ramsey City Council. This set a terrible tone for this Council and since then, they have lost over 75 years of experience.

Councilmember Howell asked for point of order stating they are not talking about the resolution and asked Councilmember Woestehoff to stay on topic.

Councilmember Woestehoff replied he was. He stated Council didn't listen to Staff advice or their endorsement of the franchise fee. Council didn't listen to Staff advise when replacing the City Attorney, and now they disagree with the City Attorney. He stated Council hasn't listened to Staff advise about the most qualified candidates, from their experienced opinions, several times. When Staff asks for help, such as if Council could have an executive search team help with the City Administrator search, Council had said no, but let them know if you need anything else. He stated he is so disappointed in this body. He is very sorry to have lost such great Staff members recently. He stated he was not surprised, nor does he blame them. He posed the question to Councilmember Howell and Councilmember Musgrove when will it stop. Do they need everyone to quit. Is this just one more case for them to replace someone more aligned with their personal or political beliefs. He felt this was a cruel way to show power.

Councilmember Howell asked for point of order for the personal attacks.

Councilmember Woestehoff asked how hostile of an environment they were willing to create. He stated Administrative Services Director Lasher is the utmost professional. The relentless concerns over such a minor incident was tyrannical and unkind. He stated the City Attorney had stated this should not have risen to a public performance review. He stated no right was violated, no negligence or error occurred from City Attorney Knaak's perspective. He stated he and Councilmember Howell disagree frequently and that is okay, that is necessary, but asked her next time she wants to pick a fight to pick him. He asked her not to belittle the Staff, but to fight with him because she is bored or thinks he is a Democrat, and because he signed up to be in this ring. He stated the Council's role is to enable the Staff to do their best job, to let them have a safe space to provide their ideas and solutions to problems. Council's job is to trust the Staff's years of experience which outweighs their years as politicians. He stated the residents need Council to strive for high organizational morale and employee retention, not because they said it in the strategic plan but because they need it. Otherwise, the most qualified candidates will not apply to replace all of the resignations they have received, including the one today. He stated they have already seen this. He stated although he was extremely happy with their candidate for City

Administrator, they only received half the applicants that most, on average get for such a role. He stated it is tempting and take that nugget and fault Administrative Services Director Lasher that she didn't recruit well enough, but if they are looking for someone to blame they shouldn't look any further than this dais.

Councilmember Woestehoff addressed the Staff present and past stating he was sorry. To all the residents that are watching, he stated, this is why local government matters. This is why elections matter. If they know they can do better than this, \$5 and an application by May 31, 2022. He stated what Councilmembers Howell and Musgrove brought to this meeting was a disgrace, especially after it was inappropriately and unprofessionally discussed at the last meeting. He stated he is disappointed and hoped this topic was done.

Councilmember Howell pointed out that at the last meeting she spoke very little. She requested that the City Clerk send out these text messages to the whole Council hoping that the Mayor would do the responsible thing and address this with the City Clerk. She stated that it is unfortunate that Councilmember Woestehoff is filled with so much condescension because it makes it hard to work with someone filled with so much condescension and contempt for the person sitting next to them. She repeated that she preferred that this to be in a Closed Session and this was not her choice. She stated they have text messages that were sent to job applicants at 1:46 a.m. and she would be hard pressed to find someone who is not struggling with partisan issues who would find that reasonable to be text messaging job applicants at 1:46 a.m., which is not reasonable. She stated they have other forms of communication. She repeated the City Administrator and City Attorney rectified the situation by sending out a very professional letter stating no decision had been made, which should have been done in the first place. She stated it is unfortunate that Councilmember Woestehoff is taking two things that could have been discussed and rectified simply and is trying to turn it into a partisan issue on the dais. She stated this is not about persecuting an employee, it is about protecting employees because if there is an issue that they bring up, Council needs to be able to address it. She stated it is also about protecting job applicants so they will know if they apply for a job in the City of Ramsey that they will be treated equally. She stated right now she wouldn't have confidence in that. She stated this is unprofessional. She stated that Councilmember Woestehoff sees it as a partisan issue and couldn't simply deal with the two issues at hand and get a policy set going forward saying this will not happen again. She didn't think it was too much to ask that job applicants not be texted at 1:46 a.m.

Councilmember Heineman commented that this would be a great time with some of the passion running around that they hear from Administrative Services Director Lasher to set a base line for what she wants to talk about and then Council can resume discussion.

Administrative Services Director Lasher stated this has been incredibly stressful for herself, her family, and Staff here at the City. She stated she followed through on her word. She told both candidates when she had information she would send them a text. That is common practice as people like to be communicated with by text. She stated the handout that was distributed at the last meeting calling for up to her dismissal didn't feel like policy of an 18-year professional employee and was hurtful. The handout underneath the text that was sent to Mr. Hagen reads "notice the time, date and content to candidate number one, the candidate that HR personnel wanted to hire." She stated she made no secret that she thought Mr. Hagen was the best candidate.

She asked if it was biased to email him sooner than the other candidate, and answered absolutely not. She had Mr. Hagen's contact information in her phone and she sent him a very quick text. She stated she went home, had to look up Mr. Korin's contact information, which was public since he was a finalist. She stated she fell asleep. She stated she woke up in the middle of the night, as she often does stressing about work, and said to herself "oh I didn't follow through on my word." She stated she was tired and should not have sent the text at that time. She wished she had not. She stated she stood by the content of her text because in her mind 100% he was not being considered for the City Administrator position, he was being considered for a part-time consultant role referred to by Councilmember Heineman as "a defacto part-time position to use his skill to give guidance and balance the books until Mr. Hagen got established in his new position." She stated that is in the minutes, that is in the audio that is stored in the City's LaserFisch site, if you go to City of Ramsey.com click on documents, click on meeting audio, it is there. She stated Councilmember Heineman also stated at that time that he would only consider Mr. Hagen if candidate Mark Korin was allowed to serve as an Operations Advisor. She stated Councilmember Heineman also stated he felt that creating a part-time position that reports to the City Council would be an asset to Mr. Hagen and to provide on-going mentorship but not authority over Staff. She stated the minutes go on and on. She stated there was no circumstance where candidate number two would have passed the Council vote to be appointed. She stated she made a chart sitting in her recliner at home and under every circumstance the motion would have failed. Hire candidate Mark Korin flat out: four no's, three yes's. Hire Brian Hagen flat out: three yes's, four no's. Hire Brian Hagen if he showed growth on his test with candidate Korin, again that would not have passed. There was one suggestion, potentially, to hire one candidate first and then three years later hire another candidate. That did not gain any ground. She stated the only thing that was clear to her, and anyone who wants to listen to the audio because it is on the site for complete transparency, was that the recruitment was being put on hold to allow time for Brian Hagen to go and take an additional test and then the conversation would be resumed. If Brian Hagen was deemed not to be appointed, they were reopening the recruitment. She stated she had referred to the minutes quite a bit with Councilmember Heineman's statements and asked him if there was anything she had said that was not true.

Councilmember Heineman replied, no what Administrative Services Director Lasher said was accurate. He stated he thought the thing that, as they discussed, came to light is there was not a path forward for Mr. Korin. He had said he would vote for Mr. Hagen after giving him the opportunity to retest and improve because over the last six months there was growth that could be shown in that report and that would be the best to show their due diligence. He stated, no that was the summary. He admitted things moved a little quick after that meeting with Mr. Korin writing the email and the response that the City sent back to them, especially while he was gone for some military training. When the conversation happened that was a clear representation. He stated he didn't see that at first to be honest. He thought that was very strange at first, but later on he realized that was correct and that was the way it played out.

Administrative Services Director Lasher stated will all due respect, she didn't feel like this is policy. She stated to be sitting in a public meeting on May 10, 2022 and have a handout distributed because she followed through on her word and updated a candidate on their status at an agreed inappropriate time of the day, to propose dismissing her is very hurtful. To imply that she has favoritism to Brian Hagen because of the time the text was sent is ridiculous. She repeated Mr.

Hagen was in her contact list. She asked if she wished she hadn't sent a text at one something in the morning, and answered, absolutely, she wished she had not sent that text. She stated she maybe ought to stop trying to work 24-hours a day because it is not getting her very far.

Councilmember Specht stated he appreciated the information. He stated it was well rounded and helped fill in some gaps and questions, which was great. He stated he appreciated Administrative Services Director Lasher taking responsibility for the time and thanked her for that and for the information.

Councilmember Musgrove asked Administrative Services Director Lasher if she also agreed that the minutes of the Administrative discussion meeting ended with a pause on the process until they got further information back. In other words, everything was the same until the Council was able to come back to have a discussion until after the results came back. She believed the minutes will reflect that the hiring process was put on pause waiting for those results until they could have a further discussion about it, look at those results, and once again as a Council come to a decision. She stated that is part of their role as the body and direction. She stated her understanding was that they all left that meeting that night and the hiring process was on pause. There was no more calculating who was going to go forward, who was not, it was on pause. She asked if Administrative Services Director Lasher would say if that is an accurate reflection of the end of the meeting and that is what the minutes also show.

Administrative Services Director Lasher replied she would say if they looked at the 30 seconds on the tape that may be assumed to be correct. She stated she stands by the fact that this recruitment was put on pause only for Mr. Hagen to be able to get in and have an additional test. That is the truth. She stated a policy could be developed that texts don't go out past 5:30 p.m. or something like that, but that is the truth. She stated she simply followed through on her word because if someone has gone through the entire process, how draining that is. She stated frankly they put him through the wringer because they are very thorough. She repeated she as just following through on her word. She stated she made a bad decision to send a text, but a text does not warrant asking for her dismissal.

Councilmember Musgrove stated part of the situation that ended in that discussion was we had a City Administrator who is a candidate, it was our former City Administrators last day that part of this was transpiring, and they tried to address some of the concerns with the Attorney. She stated her thought in bringing that forward was her best, and she admitted she is not the greatest at it, attempting to bring it to a Council discussion. She stated her fellow Councilmembers said there is nothing to see here and there are a lot of other things that they are trying to do instead of looking at the issues and addressing them. She believed they did herself and Councilmember Howell a disservice instead of saying as a Council they can make a decision-making process which didn't help because she thought people attributed motives instead of looking at an issue and saying someone felt like it was not accurate or right, they sent out emails after looking at it again after it was brought to their attention. She stated that happened to be City Administrator who did that on his last day.

Mayor Kuzma stated he concurred with Administrative Services Director Lasher that when the Council left that meeting, they were on pause for Brian Hagen. Mr. Korin was out, there was no

way they were going to hire him as an Administrator. So the pause was for Mr. Hagen to go through the test again to see if there was growth. He stated the records will reflect that he had stressed during the meeting that he wanted Mr. Hagen to be tested again because he felt it wasn't fair he hadn't been tested and they were going to use the test from his original meeting. Mayor Kuzma noted he had also stated that if it came back and they didn't feel Mr. Hagen had grown to that point, that they would start the process over. He stated that is where they were at.

Councilmember Howell read a note that went out to both job applicants on May 6, 2022, "Hi (Mark Korin) /(Brian Hagen) I am writing to provide additional information in regards to the City Council's actions this past Tuesday. The Council did not make a decision at the meeting and neither candidate has been rejected from the process. No candidate has yet been selected and the Council is simply allowing some additional time in order to gather some additional information. Thank you for your patience and we will keep you updated as we move through the process. Until a formal decision is made by the Council you remain one of two finalists under consideration for the position of City Administrator. Thank you for your interest in the position. Please contact our Administrator Services Director Colleen Lasher if you have any questions. Best regards, Kurt (Ulrich)." She stated the day that she found out that this was happening, she was talking to a Councilmember and proposing another strategy on how they could use both candidates and utilize them in the City. The premature decision of the City Clerk to do what she did negated what was going on. She stated they had put a pause in the process which lets them work with two people they chose to work with on the Council, not a quorum, but a couple Councilmembers and come up with ideas. She stated that shouldn't be lifted away from them. Councilmember Howell also pointed out that they are getting off track from the point that text messaging is a terrible form of communication. She stated this is the letter that should have gone out originally; it is a beautifully written letter. She stated this is how they should be communicating with job applicants in the City. She stated all she has been asking for is that they say go forward that the City Clerk won't be communicating in text messages with job applicants. And that they won't be communicating going forward at 1:46 a.m. regardless of the reason. She stated if it had gone out in an email this would have never happened. She stated those are the points she has been trying to bring forward. She stated if they don't say this won't happen going forward, there is nothing to say to fall back on and say this is what has been mentioned that we don't want happening again. She stated that is all she has been asking for. She repeated there are multiple people who disagree with Administrative Services Director Lasher's interpretation of events and it felt really unfortunate to have that pulled away from them when they were trying to have conversations with other Councilmembers in the background.

Mayor Kuzma asked Administrative Services Director Lasher if she had anything more to say.

Administrative Services Director Lasher replied she thought she said everything she needed to say without being redundant other than to add she could have been asked, instead of having this just appear on an agenda to propose her being fired. Just like she could have been asked back in February 2022 about advertising for another situation that she was under fire for. She stated she wasn't asked at that time either and it does feel very personal. She stated she has a cell phone, desk phone, and is available all the time. She stated she was never asked but could have easily provided an answer but instead it ended up in the paper and on Facebook. She stated she will stop talking now because she felt she had said enough.

Kurt Ulrich, former Ramsey City Administrator stated he overlapped this situation a little bit so he wanted to weigh in. He stated every employee serves at the pleasure of the Council and it is their right to hold those employees accountable, that is their job. He stated as Administrator he always respected that. He stated Council had talked a lot about process and thought the one process that they needed to focus on is how they deal with employees. They have an Interim City Administrator and to bring in an 18-year trusted, truthful, loyal employee up to a public panel; he knew they had asked for it to be closed but still it is a public lashing. He stated in his opinion it is not a good way to deal with employee issues. Council are the boss and have both the obligation and the responsibility to treat their employees fairly and with respect and to call for dismissal for an item like this could have been handled a different way, not in this public realm but through the Interim City Administrator. He stated he understood the concerns they have with the process. He stated when he sent his email as a follow-up, he made it clear he was providing additional information because technically the email that was sent out by Administrative Services Director Lasher was correct. Mr. Korin was not selected that evening. That doesn't mean he wouldn't have been selected the next meeting of the Council, it didn't say he was totally eliminated from the process. It didn't preclude those rights of the Council to do that at a later time. He thought that was a misunderstanding, that was the case. That wasn't true. The email said he was not selected, it didn't say he was totally rejected from the process. He clarified that, rightfully, this needs to be cleared up with the applicant. They aren't booting him out, they are just saying they need to take more time, explore other options, get more information, and that was a legitimate misunderstanding of that email, noting in the hiring process the door is not closed on any applicant until the final hire is made. That is typically how it goes. He stated it is also not unusual to tell a candidate that they have not been selected to go forward at this time. With the key being "at this time" because often they will go back to a pool of candidates they have rejected and come back to them and hire them. He stated he was not at that meeting so he doesn't understand the dynamics but he did consult with the City Attorney and confirmed that no decision was made so he sent out the clarification memo. He stated it was the last memo he sent in his career at the City. He stated if they are going to focus on process, he suggested focusing on the process that they as employers, that trusted obligation to this great group of people that are actually loyal to the community, to the Council, know who their bosses are. He stated there is no question that the employees know who the bosses are, that is the Councilmembers. There is a strong obligation they have to treat employees fairly. He suggested they continue to do that and be tolerant and patient when they have the opportunity to do that. He wished Mr. Hagen the best of luck. He suggested they pull their team together because they need to work together to support each other and support the Ramsey employees who will serve them well. He stated they could get a high functioning organization but it will take some work. He stated this is a difficult process for Administrative Services Director Lasher to go through, the Council as well.

Councilmember Howell stated she had asked that these text messages be sent out to the entire Council so they could review them. She had hoped that the Mayor, being the leader of our group, and the Chair, would take the lead on dealing with this situation and nothing happened. She reiterated they requested a closed meeting; the public meeting is the decision of the City Clerk which is her right. She suggested if Administrative Services Director Lasher was going to complain about a public meeting, that she not request one. She stated they have to address these issues because this is about having a good process in place to ensure this doesn't happen. This is

not about picking on a City employee but is saying this can't be happening, Staff can't be text messaging at 1:46 a.m. no matter the reason and she shouldn't have been text messaging with job applicants in the first place. She stated if they had the City Administrator on staff at the time, she would have expected that he could have handled this for them but she didn't feel it was right to put Mr. Hagen in an awkward position being the Interim City Administrator and a job applicant and expect him to take care of this situation because considering the dynamics, it is a little odd. She stated she recommended putting a letter in the employee's file saying that this is what happened. Disparate messages went out to candidates, the communication with job applicants was via text messaging, there was a huge disparity in the time frame. Council doesn't want text messages going out to job applicants in the wee hours of the morning and keep communications during business hours via email which is what it should be going forward and that Administrative Services Director Lasher understands that and that this won't be happening again. She thought it was a reasonable ask to put that in the file and make sure everyone understands this going forward and they don't have this happen again.

Mayor Kuzma replied he disagreed. He stated he took offense of Councilmember Howell accusing him of not acting. He stated at the previous meeting the attorney clearly stated five or six times that this did not rise to the level that they are bringing it to. He felt that it was mentioned but it was ended at that point. He stated Ms. Lasher does a great job and he is ashamed that they are putting her through this. He apologized publicly to Ms. Lasher for that because he appreciates everything she does. He stated he doubted there will be any emails or text messages going out in the wee hours of the morning and they didn't need to worry about that.

Councilmember Heineman commented this is a mess. He thought they needed to understand that things like this happen, this entire situation happens. It happens in businesses; there are going to be sticky situations that require very nuanced approaches to how they are handled. What is unique to this situation is that it is broadcast all over the City. He stated usually when a situation like this occurs the chain of command will talk to each other, they will solve it, they will squash it and it will be over. He stated this is very unique. He thought former City Administrator Ulrich had a good word when he said patience. He stated he thought patience is very important. Instead of blaming Administrative Services Director Lasher or City Councilmembers they didn't agree with, he will just say they had a very complicated discussion with hundreds of different scenarios of what if they did this, what if they did this. He admitted he didn't have a path forward for Mr. Korin and he did for Brian Hagen. He stated Councilmember Howell wasn't wrong that they were all very confused when they left and then when Mr. Korin wrote the email and Mr. Ulrich wrote the email back it was just a mess. A mess has happened, it is how they deal with these messes. He stated it is very confusing and now they have to move on from it. He stated what he sees is not as performance. He sees if Council has an issue with text messages and with the times they go out, then he suggested a policy or guiding principles could be put in place. He didn't think this was a performance issue. He stated he has gone back and forth on this. He stated he talked to Councilmember Howell and to Administrative Services Director Lasher and what he found was that when they talk to each other, they figure stuff out and they get resolved. Talking comes with patience as Mr. Ulrich stated. He suggested later, at a Work Session, they put forward a policy to say no more texting and with a time constraint and that moving forward they have patience, talk to each other, and communicate because every single member has fallen short on this. He stated he could go down the line and then point ten fingers at himself and say he is just as much to blame

as everyone and it is true. He stated this is not abnormal and anyone who wants to say the City Council doesn't know what they are doing, no this happens. He gave the example of board rooms, stating this stuff happens and it's okay, it's just not televised. He stated that it is okay, it happened, but what is not okay is that it continues to happen the way that it is happening. He suggested putting together another policy to guide how to address notifying applicants. He stated they could all admit this is not the perfect scenario and they all want to go forward. He suggested they all stop yelling at each other and the Staff and admit that it is each of their fault or blame him if that is what it takes to move forward. He stated there is a discussion coming up about how to be productive and how to work together as a team which what they need to be focused on. He asked for respective discussion if it continues.

Mayor Kuzma commented he couldn't agree with Councilmember Heineman more.

Councilmember Howell replied it was unfortunate that Councilmember Heineman was characterizing and trying to bring up issues that could turn into major issues if it is a common practice in the City with hiring as yelling at employees. She stated all she did last meeting is send an email asking that these be sent to all the Councilmembers so hopefully the Mayor could engage it and bring a solution to the table. Tonight she brought forward that she didn't want to see going forward that they have text messages at two in the morning or communicating via text messages with job applicants. She didn't think that was a big ask. She stated if they are going to have a professional image in the City she didn't think asking that the HR Manager don't do those things is a big ask. She stated they are limited and they had to have it in this format which was tricky. She stated it would have been nice to have it in a discussion in a Work Session and it seemed like it couldn't be done that way so they were stuck with this format. That puts everyone in a position of having a very hard discussion in a very public manner. She stated if these things aren't addressed with an employee who should know better and has a lot of years of experience, this is the standard that is being set for the City. She thought it was not a big deal to have a letter stating going forward these things will not happen and she finds it unfortunate that they couldn't come to that conclusion tonight and Councilmember Heineman is accusing people of yelling.

Councilmember Heineman replied he wasn't trying to use divisive language so if he said yelling he apologized. He wasn't accusing anyone of yelling he didn't mean that. He stated he didn't find text messages horribly offensive but would agree that the time was incorrect. He agreed it should be addressed but it should be made a policy, not a performance issue.

Mayor Kuzma commented they have talked about it enough and he was tired of rehashing it. He asked the Council to move on.

City Attorney Knaak interjected they will need to take some action or summary action with respect to this performance review. If it is the determination of the Council that no action or discipline is deemed warranted, he suggested that the Mayor say so and establish that in the record. In addition to that, any additional actions they want to take, for example issues of communications with job applications to be applied to all applications and applications in the future as a matter of policy should be addressed soon. He stated that could be made a part of the motion as well and separated out but he thought that needed to be brought to a conclusion.

Motion by Councilmember Howell, seconded by Councilmember Musgrove, to put a letter in Administrative Services Director Lasher's file stating a summary of what happened and that it will not happen with a job applicant in the future.

Future Discussion:

Councilmember Riley commented Councilmembers Howell and Musgrove keep looking like they are looking for a policy and the policy that they came up with is to put a reprimand in a personnel file. He stated he didn't understand how that makes sense. He stated his 'bs meter' went off there.

Mayor Kuzma called for a vote.

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

City Attorney Knaak suggested the motion should be that no action or discipline is deemed warranted having heard the matter regarding Administrative Services Director Lasher's actions and that the Council shall address the issue of communications with job applicants to be applied to all employees and applications in the future.

Motion by Mayor Kuzma, seconded by Councilmember Woestehoff, that no action or discipline is deemed warranted having heard the matter regarding Ms. Lasher's actions and that the Council shall address the issue of communications with job applicants to be applied to all employees and applications in the future.

Further Discussion:

Councilmember Howell stated her 'bs meter' is going up with this and unfortunately they don't have people who have the guts to actually deal with tough issues.

Councilmember Heineman stated that one thing they haven't done, which has been made quite apparent, is address that there has been a lot on a lot of employees' plates. He stated this is may be something to discuss later on. He asked if Administrative Services Director Lasher had anything she wanted to say, noting the Council is looking for corrective action and he thought the majority of the Council would say that could be done through a policy regarding the text messages. He asked Administrative Services Director Lasher if there was anything she was asking for or anything she wanted to see happen. He stated this was brought up as a personnel issue so he wanted to get her opinion on it.

Administrative Services Director Lasher replied she would request that she be asked a question rather than things getting to this point. She stated she was on vacation that Friday when this started and understands that Councilmember Musgrove called Sue Hurd in Human Resources, Ms. Hurd is the HR Generalist. Ms. Hurd called Councilmember Musgrove back and left a message and didn't get a response. She asked that Council show trust in employees and ask questions if things seem off. She stated things can seem off. She stated they are really very busy and sometimes things are not handled perfectly but they are not this terrible. She asked that they please ask and she would be happy to answer questions before something gets this out of control.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Heineman, Riley, Specht, and Woestehoff. Voting No: None. Present Not Voting: Councilmembers Howell and Musgrove.

**7.02: Adopt Resolution #22-114 Denying an Easement Encroachment Agreement for 16306 Lithium St NW (Project 22-122); Case of Igor Zhelavskiy**

City Planner McCann reviewed the staff report. He stated the applicant is proposing to keep a 10 by 12-foot utility shed in its current placement within the drainage and utility easement. As the City code stands, they do not allow accessory structures in drainage and utility easements. The existing shed was discovered through the code enforcement process. He stated the applicant was offered alternate locations on the property that would meet requirements but they refused the locations due to conflicts with irrigation on the property. He stated the structure encroaches by five feet on two sides of the easement but does meet code for setbacks. He stated multiple departments of Staff reviewed this during one of the development review meetings and recommend adopting Resolution #22-114 denying an easement encroachment agreement because other viable locations are on the property and the irrigation concerns are not enough to necessitate the agreement. He stated the applicant is online.

Councilmember Musgrove referenced the case and stated part of the reason why the applicant didn't want to move it out of the easement is because of irrigation. She asked City Planner McCann to explain how that would be impacted.

City Planner McCann replied he spoke to the applicant and believed he was referring to the sprinkler system and if he were to bring it outside of the easement, farther into the yard, it would be over one or more of the sprinkler heads.

Councilmember Musgrove asked for an explanation of the role that easement plays on the property.

City Engineer Westby replied that is a drainage and utility easement and he believed there are no utilities underneath that easement and it is strictly needed for drainage.

Councilmember Musgrove asked if it was the case that part of the shed is on blocks and part is on the ground. She asked that the picture of it be displayed and how easy it would be to move.

Councilmember Woestehoff commented he understood her question and thought there were concrete footings. He thought the underlying question was if Council was comfortable allowing a building to exist in a drainage easement when there are other viable spots in the yard, regardless if it is easy to move or not.

Councilmember Musgrove replied she was asking if it would be easy to move.

Councilmember Woestehoff asked if Council was comfortable asking the applicant to move the building.

City Engineer Westby commented the applicant is online but is not indicating a desire to speak at this time.

Councilmember Heineman asked the applicant if he had anything to say and he was willing to make exceptions if he could get some reasons why from the applicant.

Councilmember Specht agreed he would like to hear the applicant's perspective.

Councilmember Heineman commented he would really like to hear from the applicant but he is not willing to speak and provide input, there are other alternate areas to put the shed, and it doesn't fit the standards.

Motion by Councilmember Heineman, seconded by Councilmember Riley, to adopt Resolution #22-114 Denying an Easement Encroachment Agreement for an accessory structure at 16306 Lithium Street NW.

Councilmember Specht asked if Elsie has been let in online.

City Engineer Westby replied he tried to admit Elsie a minute ago but something was preventing her from joining.

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

**7.03: Adopt Resolution #22-115 Accepting Bids and Awarding Contract for Sunwood Drive and Waco Street Reconstructions, Improvement Project #22-01**

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #22-115 accepting bids and awarding contracts for improvement project #22-01 to Novco, Inc. for the bid in the amount \$560,896.85.

Motion by Councilmember Musgrove, seconded by Councilmember Howell, to adopt Resolution #22-115 accepting bids and awarding a construction contract for Sunwood Drive and Waco Street reconstructions, improvement project #22-01 to Novco, Inc. for the bid in the amount of \$560,896.85.

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

**7.04: Adopt Resolution #22-120 Approving Joint Powers Agreement with Anoka County for Roundabout Improvements at Alpine Drive and Armstrong Boulevard/County State Aid Highway 83**

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #22-120 approving a joint powers agreement with Anoka County for roundabout improvements at Alpine Drive and Armstrong Boulevard.

Mayor Kuzma commented the road is pretty rough on Alpine Drive going north. He asked what the plan was for getting that patched.

City Engineer Westby replied the Public Works Committee also brought that up and asked Staff to make sure that rough section was included in this reconstruction and it is going about 15 feet past that point. He stated that is a 2023 project so in 2022, they will continue to patch it and in 2024 the CIP includes a project for Alpine Drive up to Puma Street.

Councilmember Riley stated when he heard about this he had questioned if it was necessary but there have been a couple of accidents within a couple of weeks so this is very necessary. He stated a roundabout was decided for Council to be the best way to handle it.

Motion by Councilmember Riley, seconded by Councilmember Specht, to adopt Resolution #22-120 approving a joint powers agreement with Anoka County for roundabout improvements at Alpine Drive and Armstrong Boulevard.

Further discussion:

Councilmember Specht thanked City Engineer Westby for his work on this and forward thinking with the watermain. He thought it was a good agreement.

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

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

Interim City Administrator/Community Dev. Director Hagen announced tomorrow evening from 4:30 to 6:30 p.m. there will be a Highway 47/BNSF Railroad study open house held at the Anoka County Educational Service Center. He announced the open house for the billboard ordinance is scheduled for this Thursday from 5:30 to 6:30 p.m. before the Planning Commission meeting and the public hearing will be held at that Planning Commission meeting. He stated at the last meeting, a Home Occupation Permit was tabled for the applicant to conduct more due diligence work and give updates because the motion said to bring it back this evening. He reported the applicant engaged an architect to determine what is needed. The applicant is moving forward but is not yet ready to work with the City Council so it will come back as soon as they can.

## **9. ADJOURNMENT**

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

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

The regular meeting of the City Council adjourned at 8:41 p.m.

Respectfully submitted,

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Brian S. Hagen  
Interim City Administrator/Community Dev. Director

ATTEST:

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Katie M. Schmidt  
Deputy City Clerk

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