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

The Ramsey City Council conducted a regular meeting on Tuesday, June 25, 2024, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: None

Also Present: City Administrator Brian Hagen
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: Presentation of the 2023 Annual Comprehensive Financial Report by the City's Auditing Firm of Malloy, Montague, Karnowski, Radosevich & Company (MMKR)

Aaron Nielson, CPA from Malloy, Montague, Karnowski, Radosevich & Company, came forward and presented the Council with the findings of the 2023 Comprehensive Financial Report. He shared the overall good financial standing of the City.

3. CITIZEN INPUT

Roxanne Tersteeg, 6263 Rivlyn Avenue, came forward and shared that on June 8 around 10:30 a.m. she and her husband were having breakfast outside at their picnic table and when they went inside, they heard water rushing into their basement. She explained that the water was higher than the bottom stair. She added that she heard from others in the area that they also had water in their basements. She stated there were 6 affected homes and her house had 10 inches of sewer water in the basement. She explained that the highway construction manager came through to assess the issue pretty early and stated that the construction company was responsible for this and they would make it right for the affected homes. She shared that the City had a few people in trucks sitting on

the side of the roads watching what was going on. She noted that each of the affected homeowners handled the sewer water the best they could. She shared that she and her husband waited to see what the construction company was willing to do to help the situation. She added that they were told not to sleep or eat in the house and to save receipts for all of their expenses. She explained that they contacted a cleaning service to help clean up the property and the construction company rented them a dumpster for garbage and Pods for their belongings they were hoping to salvage. She shared that they had a backyard full of personal belongings that had been in the sewer water. She noted that they received their claim number and were assigned an adjuster on June 11. She explained that with all of the preparations they had made they expected to be back in their home quickly. She added that even though the house had already been cleaned up, it still smelled as bad, if not worse, than when the flood started. She shared that the third-party adjusters were a nightmare and she tried to get away from their involvement; however, she was told they were too far along in the process to part ways with them. She explained that one of her main problems with the adjusters was that they wanted a complete inventory of everything that was in the water, meaning she would have to pick through the fecal coated personal belongings to take an inventory. She shared that they found a bag full of fecal matter in their basement that was left behind by the cleaning crew. She stated her main issue with the adjusters is that they are insisting that the only items to be claimed are the ones that physically touched the water, nothing involving the air. She noted that the adjuster will not even acknowledge anything that was affected by this water evaporating and being carried to other items that did not touch the water. She explained that fecal air has been circulating throughout her house since this incident. She said this whole situation will be very costly to them and they are being encouraged to save their receipts with no guarantee that they will be paid back for these expenses. She stated they are spending over \$200 a day just on food and lodging. She emphasized that they did not cause any of this to happen. She asked if Ramsey had been more present at the start of this issue if the situation could potentially be in a better place. She noted that there were posts on the Ramsey Facebook page about the construction of the highway and the smell of sewage in certain areas. She added that her water was shut off for a couple of hours a few days before the incident took place. She noted that all of these things should be under investigation to ensure that they do not happen again. She said the Ramsey gateway project is US Highway 10, US Highway 169, State Highway 47, and County Road 10. She asked with this project encompassing the US Government, the State of Minnesota, Anoka County, and the City of Ramsey, where are they able to get help with this situation so they can get their lives back sooner. She said she is looking for any advice and direction that can be provided. She showed the Council photos of her basement and backyard to show the damage done.

Mayor Kuzma apologized to Ms. Tersteeg for the entire situation and how she is currently being treated by the third-party adjuster. He asked City Attorney Knaak how the City can respond to this unacceptable situation.

City Attorney Knaak explained that sewer backups are an insurable risk as far as the City is considered. He asked whose insurance company Ms. Tersteeg is dealing with.

Ms. Tersteeg noted that it is the insurance company for the construction company. She added that the insurance company has been doing things purposefully out of order.

City Attorney Knaak shared that part of the issue with this situation is that they are not dealing with the City's insurance company, but the construction company's insurance. He noted that the City is not directly interacting in this situation as they do not have the responsibility. He added that the City would be able to step in and oversee this. He noted that anything not covered by the construction company's insurance could ultimately be covered by the City later on, which would give the City reason to be directly involved in this situation. He explained that a construction company's insurance company is likely going to be less interested in citizen satisfaction with the outcome than a City insurance company would be. He said this is a very unique case.

Ms. Tersteeg explained that she and the other affected homeowners just want their homes to be cleaned and for them to be able to get back to normal life. She noted that there is no procedure for how this works.

City Attorney Knaak shared that there are some initial things that the City can do to put some pressure on the contractor to be more responsive. He explained that there is a procedure in place to be followed when sewer backups occur. He shared that the League of Minnesota Cities fully insures these kinds of things; however, in this situation, they are dealing with someone else's insurance.

Mayor Kuzma asked if they would be able to send someone out from the City to the property to condemn it.

City Administrator Hagen stated he would caution against condemning a house. He explained that they are really having to lean on the County and MnDOT with this situation as that is who the construction company has a contract with. He said he has not heard an answer back from the County on where they are at with this.

Councilmember Specht emphasized that this situation is absolutely disgusting. He added that he is frustrated that the Council was not notified about this situation when it first happened. He asked if Ms. Tersteeg has the number of who she can talk to at the County about this.

Ms. Tersteeg said no as she does not know who to contact about this.

Councilmember Specht asked if they could continue to follow up on this and talk to the League of Minnesota Cities to see if there is anything else they can do to help put pressure on this situation.

City Administrator Hagen explained that he and City Attorney Knaak can take the direction from the Council and the residents and bring this to the County to help make something happen. He said they will need to start by going to the County as they are the ones who have the contract with the construction company. He added that they will advocate for full replacement of everything affected by this incident.

Councilmember Musgrove thanked the residents for coming to bring this issue forward. She noted that this should be a very high priority item for the County and they should have already heard back from them at this point. She asked if there is anything the City can do to try to get the County's attention to get this moving. She noted that she has known people in the past to have flooding in

their basements and things were taken care of very quickly in those situations. She stated that having this sitting for nearly 20 days at this point is only making it worse and it will continue to get worse as time goes on. She said the County needs pressure put on them to act quickly to rectify this for the affected residents.

Councilmember Howell apologized to the residents who are going through this horrific situation. She echoed Councilmember Musgrove's point that they need to put maximum pressure on the County. She noted that this is a health issue and if it is not taken care of, it is the City's obligation to make sure it is taken care of. She added that the Council was not notified about this when it happened.

Councilmember Woestehoff asked if they have all of the addresses of the homes that were affected by this.

Scott Shoemaker, 6150 Rivlyn Avenue, came forward and shared that he also lives in one of the affected homes. He stated that he and the other affected homeowners are not looking for the City to take responsibility for this, but rather for the City to offer assistance to ensure that the responsible parties are held accountable for their actions. He said he has a list of all of the affected home addresses. He added that he also has a list of people who he has contacted from the responsible parties with an action item list and they have not gotten a response at this time. He asked if he could add the Council to this list so they are involved in the communications being sent. He said he wants the Council to know how this is being handled and how it has been very unprofessional up to this point. He explained that there is dried excrement on their floors still to this point. He noted that their entire finished basement has been fully gutted. He said he and his wife both work from home and their home offices, and their son's bedroom are completely destroyed and gone. He noted that the immediate need is for the space to be cleaned so they can go back down in this area. He stated his biggest complaint is the lack of response they have been getting from the insurance company.

Mayor Kuzma emphasized that they will be putting pressure on this situation to get things moving.

Jenn Shoemaker, 6150 Rivlyn Avenue, came forward and shared the story of June 8 when the incident took place. She stated that day they were scheduled to host family and friends for their son's birthday party. She explained that when they discovered the flooding had started, they began trying to unclog their toilets and drains as they thought the drains were causing this flooding. She shared that she had attempted to clean up the water with her shop vacuum before she realized that she was cleaning up fecal-infested waters. She noted that six houses in her neighborhood had sewage and methane gas forced into their houses through the drains. She said that this was just the beginning of their nightmare. She shared that after this she saw one of her neighbors and Pat Igbert from Ames Construction walking down the road and Mr. Igbert informed her that there was a malfunction, and they should hire someone who could start the clean-up and Ames would take care of it. She added that Mr. Igbert also said that the sewer line is over capacity. She noted that the Council approved adding 14 houses to the end of Rivlyn Avenue in the past three years, four of which just went on sewer in the past year. She explained that the following day the mitigation process started and their whole basement was gutted. She said this cut their living space in half to around 1000 square feet for four adults and three dogs. She explained that four days after the flood

took place she was contacted by Ames' insurance company. She said the person she spoke to, Sherri, was rude and unsympathetic towards the situation. She shared that she was so upset that she cried while on the phone with Sherri and explained that this situation was not at all their fault and they just want their basement back. She noted that she and her family stayed in the house all week, suffering from terrible stomach aches, headaches, and sore throats. She said they did not have anywhere to go with four people and three dogs. She explained that when the insurance adjuster came to their home, he could smell the sewage from outside and said this was one of the worst sewage backup situations he had ever seen in his career. She added that the adjuster directed them to hire a biohazard cleaning company to have everything in their home cleaned to get the smell out. She shared that after the first week, Trish from Ames, called her and said that they had hired ServiceMaster to come clean all of their houses for a second time. She noted that last week they were told they were still waiting to schedule hygienists to come out to the homes to get samples from before ServiceMaster would be able to come out so they would be able to have a comparison for before and after the homes are cleaned. She explained that she sent emails to both the insurance company and to ServiceMaster to ask what all was included in the cleaning and she never received a response. She shared that after many calls and texts, they were told that they could get an AirBnB to house their family to get them out of the house, which is when they spent four days at an AirBnB in Ham Lake, which is the only place that would take them with their three dogs. She said the AirBnB was in the basement of someone's home and was not a comfortable living situation. She went on to share that Ames brought a consultant over to the home who said the health standard of the house should be safe. She added that Ames is still dragging their feet to get a hygienist to the house while accusing the homeowners of not letting ServiceMaster into the home to clean. She shared that this past Saturday she walked through her home with a methane meter which detected methane throughout most of the main floor of their home, but slightly lower in the basement as an air scrubber had been placed down there. She noted that Ames and their insurance company have said ServiceMaster will only clean the basement and not upstairs. She explained that she again called Trish at Ames to ask about ServiceMaster cleaning and asked for a written list of what would be included, which Trish refused to provide, saying she 'could not make any promises.' She shared all of the terrible frustrations that this situation has caused, including displacing their family, sickness, and lost sleep. She noted that last Monday, over a week after the incident had occurred, they found out that the City Council had not been notified of this devastating incident. She asked why they had not heard from a single City or County official on this matter at all. She added that the day that the incident happened there was a State representative who was on location within a few hours, yet they have not heard anything since from this representative. She explained that the project that this sewer line was being worked on is a MnDOT, Anoka County, and City of Ramsey project and Ames is the one getting paid for this project. She asked why the City has not gone to bat for these residents to hold Ames Construction accountable for this matter. She asked why the sewer line was over capacity to begin with. She asked why 14 homes were approved to be added to this neighborhood without addressing the sewer line first. She asked what the malfunction was that caused this. She shared that their Councilmember was told that a temporary sewage line was set up that relied on an electric pump to move the sewage and either this pump failed or the generator that ran the pump ran out of fuel. She said she wanted to know what the City, County, and MnDOT are going to do to make this right for the six homes that were destroyed. She shared her concern with the actions that the City has taken, or lack thereof, for biohazard situations.

Mayor Kuzma apologized to Ms. Schumacher that they have been going through this and noted that it is unacceptable how this has been handled. He said they have directed Staff to do whatever the City can do to help get this situation remedied. He added that the Council was only informed of this situation recently and did not even know the depths of how bad it was.

Councilmember Specht shared that he would continue to reach out to different Anoka County Commissioners to have them put pressure on this situation.

Councilmember Howell said they will try to emphasize this as a biohazard issue.

John Kidd, owner of both 6225 and 6237 Rivlyn Avenue, came forward and shared that 6225 Rivlyn is a rental property that is currently occupied. He thanked the Council for their time listening to the residents on this matter. He noted the job of a Councilmember is not an easy job. He shared that there was an engineer from the City on property at some point, yet the information was not shared throughout the rest of the Staff and Council. He explained that he is having to displace his renters in order to get the house cleaned. He said he does not have a process with this and there has not been any progress made working with Ames. He shared that when ServiceMaster came out, they wanted his signature, to which he told them that if Ames was the one who ordered them to come out then Ames can sign for it. He noted that all of the homeowners are waiting for this surface testing that Ames is insisting, yet it has not happened. He added that ServiceMaster has had a dehumidifier in his home for five or six days running. He shared that he hopes having the Council on board putting pressure on the situation that they will begin to see some results and a resolution. He asked the Council to advocate for them through this process and create a sense of urgency to get this resolved. He thanked the Council for their willingness to help. He said he needs to know who is going to pay for his displaced renters and he would also like to know who to contact to send bills to.

Councilmember Musgrove asked if there are any services that the County can provide to help with this, such as an environmentalist who can come do some of the safety testing.

City Administrator Hagen said he is not sure; however, he and Staff will be looking to the County to get them to help in any way that they can while also putting pressure on Ames to rectify the situation. He added that they will share the link to this meeting with County officials.

Councilmember Specht encouraged other Councilmembers to contact County and State officials to put pressure on this situation.

Councilmember Woestehoff thanked all the residents for coming forward this evening. He acknowledged that it was likely very difficult for the homeowners to relive this nightmare.

Councilmember Olson also thanked the residents for coming forward and for their patience and understanding with the Council not being informed of this right away. He asked the residents to trust that the Council will keep this top of mind and work to get a resolution.

4. APPROVE AGENDA

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

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

5. CONSENT AGENDA

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

- 5.01: Receive 2023 Annual Comprehensive Financial Report
- 5.02: Approve the Following Meeting Minutes:
 - 1) City Council Work Session dated June 11, 2024
 - 2) City Council Regular dated June 11, 2024
- 5.03: Approve Business License Applications.
- 5.04: Authorization to Hire two Community Service Officers (CSO/LEPS)
- 5.05: Adopt Resolution #24-175 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of June 6, 2024 through June 19, 2024.
- 5.06: Adopt Resolution #24-152 to Enter into Clean Water Fund Grant Agreement with the Metropolitan Council to Accept Water Efficiency Grant Funds
- 5.07: Adopt Resolution #24-155 Declaring Participation in State Performance Measurement Program
- 5.08: Adopt Resolution #24-161 Approving Partial Payment to Northdale Construction Co. Inc. for Improvement Project #21-08, WTP Trunk Watermain Improvements.
- 5.09: Adopt Resolution #24-162 Approving Partial Payment to Douglas-Kerr Underground, LLC. for Improvement Project #23-19, The COR Mass Grading Improvements.
- 5.10: Adopt Resolution #24-163 Approving Partial Payment to North Valley, Inc. for Improvement Project #24-01, Barthel's Rum River Acres and White Pines Estates Street Reconstruction.
- 5.11: Adopt Resolution #24-164 Approving Partial Payment to North Valley, Inc. for Improvement Project #24-12, Juniper Woods 1st - 3rd Street Reconstruction.
- 5.12: Adopt Resolution #24-165 Approving Partial Payment to Enebak Construction Company for Improvement Project #23-20, The COR Mass Grading.
- 5.13: Adopt Resolution #24-168 Approving Final Payment to Northwest Asphalt and Maintenance for Improvement Project #24-08, 2024 Crack Seal Improvements.
- 5.14: Adopt Resolution #24-171 Ordering Request for Proposals for Fire Station No.1 Sewer and Water Connections
- 5.15: Adopt Resolution #24-172 Denying Petition Request for Concurrent Detachment and Annexation for Property PID 18-32-25-33-0002 (15861 Jarvis St NW)
- 5.16: Adopt Resolution #24-173 Approving Change Order No. 2 for Improvement Project #23-20, COR Mass Grading
- 5.17: Adopt Resolution #24-174 Authorizing Partial Payment #12 to Magney Construction, Inc. for Improvement Project #21-09; Centralized Water Treatment Plant.

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

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

None.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Hagen announced upcoming meetings and events. He shared that early voting starts this Friday.

9. ADJOURNMENT

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

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

Motion carried.

The regular meeting of the City Council adjourned at 7:54 p.m.

Respectfully submitted,

Brian S. Hagen
City Administrator

ATTEST:

Katie M. Schmidt
City Clerk

Drafted by Ava Major
TimeSaver Off Site Secretarial, Inc.

A recording of this meeting is available for viewing online at www.qctv.org
<<http://www.qctv.org>>. Recordings are available for 36 months after the date of the meeting.