

**CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION
MONDAY, APRIL 10, 2023**

**5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
6:00 P.M.**

AGENDA

1. CONVENE CITY COUNCIL WORK SESSION

A. Roll Call

Mayor Labadie _____

Johnson _____

Callies _____

Maddy _____

Sanschagrin _____

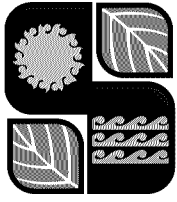
B. Review Agenda

ATTACHMENTS

**2. COMMUNICATIONS PREFERENCES AND AGENDA
STRUCTURE**

City Administrator Memo

3. ADJOURN



Title/Subject: Communications Preferences and Agenda Structure
Meeting Date: April 10, 2023
Prepared by: Marc Nevinski, City Administrator
Attachments: Excerpt of LMC Information Memo – *Meetings of City Councils*
Excerpt of Minnesota Mayor’s Handbook

Item 2

Background:

With the number of new staff members and the new composition of the City Council, several process-oriented questions regarding agenda and communication have emerged recently. Council discussion of these will help provide clarity and direction for both staff and Council.

Staff/Council Communications.

Over the past several months the City has been asked to react to a number of requests and proposals, including legislative initiatives and events. Examples include legislation around Hwy 7, THC and EMS, as well as changes to Oktoberfest, fire training opportunities, and the High School job and volunteer fair. The Council has been informed of these requests in different ways and at different points in their process. Discussion is requested regarding past communication approaches with Council on such matters, and Council’s preferences and objectives for the future.

Matters from the Floor. Many cities provide a forum for constituents to comment on matters not on a meeting agenda. Formats vary among cities in terms of length of time, decorum, agenda placement, title, and response. Shorewood has implemented and tested different measures with the goal of providing consistent, fair, and efficient opportunities for constituent comment. Council may wish to discuss any modifications to its format or protocols for Matters from the Floor, and perhaps consider if a more formal policy would be useful. Insight from the League of Minnesota Cities and the Minnesota Mayor’s Handbook about such forums is attached.

Agendas. Shorewood’s meeting agenda structure closely follows that suggested by the League of Minnesota Cities. Council may wish to discuss the agenda structure during the work session.

Financial or Budget Considerations:

None

Action Requested:

Council discussion on the above matters is requested.

RELEVANT LINKS:

See [Minnesota Mayors Handbook for sample Rules of Order for City Councils](#).

834 VOICE v. Indep. Sch. Dist., No. 834, 893 N.W.2d 649 (Minn. Ct. App. 2017).

~~The best rules of order are written, formally adopted and easy enough to allow every member to participate as fully as possible. It's very important to adopt written rules of order before there is a problem that rules of order could solve. If a meeting becomes contentious for whatever reason, it may be impossible to get back on track if there isn't already agreement on how the meeting should proceed.~~

~~Most cities formally or informally follow some version of Robert's Rules of Order, even though these rules are long, complicated and not ideally suited for smaller bodies made up of individuals with limited time or experience in rules of order. The League and Minnesota Mayor's Association provide a sample of simplified rules of order (complete with a 2-page cheat sheet) in the *Minnesota Mayor's Handbook*.~~

D. Audience participation

The people attending a council meeting do not normally take part in the council's discussion at a meeting. Only city council members and the elected city clerk in Standard Plan statutory cities can make motions and vote at council meetings. However, many city councils schedule a portion of their meeting for public comment. This is often referred to as an open forum. During this part of the meeting the chair of the council will recognize members of the audience to speak briefly on topics that concern them.

If a large number of audience members wish to speak, the meeting may not progress efficiently. Likewise, if one person spends a long time expressing his or her view, others may not get the opportunity to present their views. The following sections discuss ways to address some of these problems.

1. Limiting time

Some councils have addressed this problem by placing a limit on the amount of time audience members are allowed to speak at a meeting. For example, the council may ask people to limit their remarks to no more than three minutes or allow only a specified number of people to speak.

A number of cities have established rules or guidelines that citizens must follow when speaking at a meeting. Often, the speaker must notify the city at least one day in advance so that he or she can be put on the agenda. When a person notifies the city of his or her desire to speak at the meeting, he or she is given a copy of the "rules of conduct," which lists the time limit for speaking and any other city limitations. This gives the person time to plan his or her speech so it fits within the time limit. The mayor then reminds the speaker of the time limit before the speaker begins to speak.

Some cities will have a clock visible to the speakers so they can see when their time for speaking is over.

RELEVANT LINKS:

[Minn. Stat. § 412.191, subd. 2:](#)

[Steinburg v. Chesterfield County Planning Comm'n, 527 F.2d 277 \(4th Cir. 2008\); State v. Occhino, 572 N.W.2d 316 \(Minn. Ct. App. 1997\):](#)

[Minn. Stat. § 609.72, subd. 1\(2\). Note: The Minnesota Supreme Court held that Minn. Stat. § 609.72, subd. 1\(2\) is unconstitutional, in violation of the First Amendment, because it is overbroad. See State v. Hensel, 901 N.W.2d 166 \(Minn. 2017\); State v. Gny, 242 N.W.2d 864 \(Neb. 1976\):](#)

2. Limiting topic

Another option may be to limit the scope of comments to those matters being addressed by the council at the specific meeting. While this may be a way to focus the meeting on the matters being addressed by the council, it might also keep people from making the council aware of any new issues. Cities considering this approach might need to allow for other ways for people to bring up other topics.

Some cities will establish general rules outlining when citizens may speak at council meetings. Often these guidelines will require that the topic be identified in writing a few days before the actual meeting. The specific topic and the speaker’s name are then put on the agenda. Such procedures are helpful in allowing the council to plan an efficient meeting and to prepare a response to the issue if needed. It also helps to remind the speaker that he or she may only address those issues on the agenda.

~~E. Maintaining order~~

~~A statutory city council is authorized to preserve order at its meetings. The mayor, as the presiding officer, is also vested with some authority to prevent disturbances.~~

~~While council meetings must be open to the public, no one who is noisy or unruly has a right to remain in the council chambers. When the council decides that a disorderly person should not remain in the meeting hall, the police may be called to execute the orders of the presiding officer or the council. No matter how disorderly the meeting, it will still be a legal meeting and any action taken at it in proper form will be valid.~~

~~If the audience becomes so disorderly that it is impossible to carry on a meeting, the mayor has the right to declare the council meeting adjourned to some other time (and place, if necessary). The members of the council can also move for adjournment.~~

~~If the mayor is not conducting the meeting in an orderly fashion, there is relatively little the other council members can do to control the action of the presiding officer. However, a majority of the council can force adjournment if they feel it is necessary.~~

~~A person who disturbs a lawfully held public meeting may be guilty of disorderly conduct. Any conduct that disturbs or interrupts the orderly progress of council proceedings is a disturbance that may generally be prevented, or punished if an ordinance violation is involved.~~

- Not recognize a breaching council member’s request to speak, limiting the member’s role in debate until decorum is observed.
- Declare the council member’s actions out of order.
- Order removal from the council chambers by law enforcement until the council member agrees to abide by council rules of decorum.

In addition, if provided in the council’s policy, generally any council member (including the mayor), may make a motion to censure a council member for conduct that breaches decorum. A censure often takes the form of a resolution adopted by council vote noting the council member’s conduct and expressing disapproval of such conduct.

IV. Citizen input and audience participation in council meetings

Audience members do not have a statutory right to take an active part in the council’s discussion at a meeting. Only the council can make motions and vote at a council meeting. Audience members may not speak unless they have been recognized by the presiding officer.

A. Forums for public comment

Many city councils schedule a portion of each council meeting for public comment. These are often referred to as “open forums.” During this part of the meeting, the presiding officer will recognize members of the audience to speak briefly on topics that concern them. These forums are different from formal public hearings required by law on specific issues.

It is a good idea to have a policy in place related to city responses to citizen input at meetings. Often it is helpful to have a policy to not respond immediately or to take direct action in response to citizen requests. Instead, the city should adopt a policy referring most citizen comments or requests to city staff for further research and a written report back to council. This allows the city the opportunity to gather all the facts and make a measured and fair response.

While many councils recognize the value of citizen input, citizen comment can negatively affect meeting efficiency if not managed. For example, if a large number of audience members wish to speak, the meeting may not progress efficiently. Likewise, if one person spends a long time expressing their view, others may not get the opportunity to present their views. The following sections discuss ways to address some of these problems.

See Appendix A: Minnesota Mayors Association City Council Bylaws and

Appendix C, Summary Rules for Public Comment.

See Section IV-C.

1. Limiting time

Some councils have addressed this problem by placing a limit on the amount of time audience members are allowed to speak at a meeting. For example, the council may ask people to limit their remarks to no more than three minutes or allow only a specified amount of time for the whole comment period. Time limits should be adopted in a policy, applied equally and neutrally to all members of the public, and practiced consistently at every meeting.

2. Limiting topic

Another option may be to limit the scope of comments to those matters being addressed by the council at the specific meeting. While this may be a way to focus the meeting on the matters being addressed by the council, it might also keep people from making the council aware of any new issues. Cities considering this approach may want to consider other ways for people to bring up other topics. Limits on topic should also be adopted in a policy and applied equally and neutrally to all members of the public.

3. Advance written notice

As a third alternative, cities may choose to adopt policies that require advance notice of a person's desire to address council. The notice usually must be submitted in writing a few days before the actual meeting. The specific topic and the speaker's name are then put on the agenda. Such procedures are helpful in allowing the council to plan an efficient meeting. It also helps to remind the speaker that they may only address those issues listed on the notice.

B. Meeting disruptions and unruly citizens

Minn. Stat. § 412.191, subd. 2.

A statutory city council is authorized to preserve order at its meetings. The mayor, as the presiding officer, is also vested with some authority to prevent disturbances. Home rule charter cities may have similar provisions in their charters.

While council meetings must be open to the public, no one has the right to disrupt the council proceedings. When the council decides that a disorderly person should not remain in the meeting hall, the police may be called to execute the orders of the presiding officer or the council.

If the audience becomes so disorderly that it is impossible to carry on a meeting, the mayor has the right and duty to declare the council meeting temporarily recessed or adjourned to some other time (and place, if necessary). The members of the council can also move for adjournment.