

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Labadie called the meeting to order at 6:04 P.M.

A. Roll Call

Present. Mayor Labadie; Councilmembers Johnson, Labadie, Callies, Maddy, and Sanschagrín; City Attorney Shepherd; City Administrator Nevinski; City Clerk/HR Director Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Morreim; and, City Engineer Budde

Absent: None

B. Review Agenda

Maddy moved, Sanschagrín seconded, approving the agenda as presented. Motion passed 5/0.

2. COMMUNICATIONS PREFERENCES AND AGENDA STRUCTURE

City Administrator Nevinski gave an overview of areas where staff would like input from the Council on communications for things such as legislation around Highway 7, EMC, fire training, and various other items. He explained that in the past, the Council has been informed of these in various ways and at different points in their process and staff would like some feedback on how the Council would like these handled moving forward.

Mayor Labadie shared a recent situation related to legislature where she was asked to provide a signature on behalf of the City when there was not time to present the information to the full Council. She stated that in this particular instance, she spoke with City Administrator Nevinski and Police Chief Tholen who were both in support, so she did provide a signature.

Councilmember Callies stated that in the past, Council has bypassed going through the City Administrator if there is something that is specifically related to other areas, such as Engineering or Planning. She asked how the Council felt about this approach.

Councilmember Johnson stated that he felt the role of the Council was to be a check and balance. He stated that he does not feel that he has ever been burdensome when he has asked questions, but if so, it would be helpful to have that information.

Councilmember Sanschagrín explained that he had tried to copy City Administrator Nevinski on these communications rather than just going to other staff members. He stated that his thought was that it would be helpful for City Administrator Nevinski to be kept in the loop on the various communications.

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City Administrator Nevinski stated that he fully supports the Council communicating directly with the subject matter experts on those kinds of questions because it is the most efficient approach, but noted that it was helpful for him to know that the Council has questions or concerns. He stated that he would appreciate being copied on those communications.

City Engineer Budde stated that he feels that if there are questions that are coming from the Council packet that they just want a bit of clarity on, he would appreciate an e-mail giving them a 'heads up' about the questions so staff can be more prepared with the answers.

Parks and Recreation Director Crossfield explained that for her, she came from a 'City Manager' style of administration, where staff did not interact with the Council other than in a formal setting. She stated that she does appreciate getting a heads up when there are questions because there are not as many hard and fast rules in her area as there are in the Planning and Engineering Departments. She stated that, for her, it takes her time to think through things before she can give an answer.

Councilmember Callies stated that she would appreciate having a heads up if there are big policy changes, things related to hiring, or other big changes coming up in how the City is doing things.

Planning Director Darling stated that generally, when the Council contacts staff and lets them know what their concerns are, those are shared with City Administrator Nevinski as well so he knows what is going on and what he may need to prepare. She stated that she does not have any concerns with members of the Council contacting her directly.

Public Works Director Morreim stated that he agreed and stated that he would support the Council including City Administrator Nevinski in their communications, but noted that staff is in contact with him on a daily basis. He stated that if there is anything that needs to be communicated with City Administrator Nevinski, staff is in touch with him.

Councilmember Sanschagrín asked if there had been anything that had caused concerns on the protocols that had been used thus far. He asked if over extending authority had triggered this topic of discussion. He asked if there was a checklist that may be able to give guidance to someone like Mayor Labadie that clearly outlines the parameters she may have in various situations.

City Administrator Nevinski stated that in his mind, the threshold ends up being whether the issue is controversial or where there may not be clear direction among the Council. He stated that if there is something that the Council is split on, there should be discussions. He noted that he feels that part of his job is to help filter through that and ask some of those questions.

Councilmember Maddy stated that he does not think it is legal for the City Administrator and Mayor to speak on behalf of the City, even for non-controversial issues. He stated that he thinks it would make more sense to simply state that the "City Administrator and the Mayor" are in support of this which he feels can be stated without speaking for the City. He explained that he did not feel comfortable with them saying 'The City of Shorewood' is in support of something without there being an open meeting and a conversation.

City Attorney Shepherd stated that this ends up being more of an art than a science. He explained that he did not generally have a concern with the City Administrator and the Mayor representing the position of the City for issues that are consistent with the policies and discussions that the

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City has already had with respect to those, but noted that it will be on a case by case basis where it will apply.

Councilmember Callies stated that she agreed with Councilmember Maddy and noted that when there is a bigger policy issue that the Council has not really chimed in on, she feels that is different. She noted, for example, that she felt the Council should have had more discussion on the THC issue.

Mayor Labadie noted that one issue that she would have liked more of a heads up on was the high school job fair.

Councilmember Callies reiterated that if something is going to be a potential large change, she would like there to be some discussion and allow the Council to weigh in on the issue.

Mayor Labadie noted that if something has budget implications, she believes that should absolutely go before the Council.

Councilmember Maddy stated that in order to keep things simple, he would suggest that for public safety items, if the Chiefs, the Mayor, and the City Administrator, think it is not a big deal and non-controversial, he feels that they can go ahead and send a letter, but asked that they let the rest of the Council know that the letter was sent.

Mayor Labadie explained what type of items she normally runs past City Administrator Nevinski.

Councilmember Maddy stated that he would like to make sure that all Councilmembers can share in the knowledge that one Councilmember receives and gave the example of digging into various budget or infrastructure items. He stated that he would like some form of efficiency in letting the full Council know this information without duplicating staff time.

City Administrator Nevinski stated that he has seen it done in other communities and gave the example of a Councilmember asking a question regarding an agenda item which was then shared with the full Council in case someone else has that question. He stated that they can take a look at doing something like this as well.

Mayor Labadie moved the conversation onto Matters from the Floor and explained that the League of Minnesota Cities and the Minnesota Mayor's Handbook lays out that three minutes is a very standard amount of time. She stated that this information also lays out that it is not intended to be an interactive period of the meeting. She stated that when she first became mayor, she sent out a poll to other mayors and the overwhelming majority of the responses show that they also have a three minute time limit. She noted that she knows of some cities that have the Matters from the Floor segment prior to the Council meeting in order to prevent things like 'grandstanding' and more of a talking forum. She stated that she would like to hear the Council's thoughts on this segment because she feels what is currently being done is painful.

Councilmember Maddy stated that he has held a lot of public hearings in serving on the Planning Commission and feels he had learned a lot. He stated that he has never really learned anything from Matters from the Floor because it is just people coming in to complain about items that are off topic. He explained that his problem with Matters from the Floor is that the room is filled with applicants who have paid a lot of money for the City's code analysis of their proposals and citizens who care about what is on the agenda and not what other people are complaining about. He

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stated that he feels it is a waste of their time and also a waste of staff time to just sit through people complaining. He stated that the Council knew what they were signing up for, so it is not a waste of their time, but cautioned that he felt it also set the tone at the beginning of the meeting with the idea of 'us versus them', which is not accurate. He stated that he thinks when the complaints are crafted in something like the form of an e-mail it works out better. He stated that allowing verbal input at a working session he would support, but does not think it has any place at a normal meeting.

Councilmember Sanschagrín stated that he feels it is an important part of the Council meetings even if it is nothing other than people expressing their opinions. He stated that it would be nice if people would be a bit less 'prickly.' He stated that he appreciated any of the feedback that can be given, even if it may be difficult to hear. He stated that he had mentioned at a recent meeting the idea of possibly reframing it in order to make it more positive, but noted that he is prepared to hear the more harsh feedback if people have it. He noted that he has spent time watching other city council meetings and thinks that there may be some things that the City can learn in order to make this less adversarial. He stated that there have been times when a citizen has said something and the council responded that it was a great point and that they would take it into consideration when the decision was being made.

Councilmember Callies stated that taking things into consideration for a decision would be when something is actually on the agenda. She stated that she tends to agree with the opinion stated by Councilmember Maddy because the Council meeting is a business meeting and is not an open forum.

Councilmember Sanschagrín stated that the League of Minnesota Cities refers to it as an open forum.

Councilmember Callies stated that it is not designed to be a back and forth conversation. She stated that the Council does not know what people will be coming forward with so it is not fair to blindside staff or the Council. She stated that she did not think that they should wait until the end of the meeting to respond to what the public has stated but should be handled differently. She stated that she does feel it needs to be limited and noted that if it was something that a number of people were concerned about it should be put on the regular agenda.

Councilmember Sanschagrín stated that perhaps part of this discussion should be how citizens can get items added onto the regular agenda.

Mayor Labadie stated that she believes the agenda is largely driven by staff and by previous Council discussions.

Councilmember Johnson stated that he would like to continue with the three minute limit for Matters from the Floor. He stated that he agreed with the concern raised by Councilmember Callies regarding holding off on a response to the end of the meeting. He stated that there may be times where staff would feel confident responding immediately so they should be given that opportunity along with the chance to respond at a later date.

Councilmember Callies stated that she agreed that the Council should hear what people have to say, even if they happen to be angry, but it is unfortunate that some people have chosen not to treat the Council with respect.

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Councilmember Sanschagrín stated that he understands that concern and as a natural introvert he feels that if the Council attempts to take those individuals down the road of being polite it will go a long way. He stated that in order to get the most positive energy possible, they may need to work for it. He stated that he feels sometimes people just need to have the opportunity to get things off their chest and express themselves.

Mayor Labadie stated that she does not think the discussion can be around content because they cannot regulate that. She stated that she thinks they are trying to figure out a procedure.

Councilmember Maddy stated that he believes the whole Council is open to receiving whatever feedback comes their way, but it is a matter of when it comes. He stated that he thinks the question is whether it should be done during a normal meeting and whether it should have a limited time.

Councilmember Callies stated that she did not want to have public comment at a different time. She stated that she would like to see the Matters from the Floor kept at three minutes and just continue to do the best they can.

Mayor Labadie asked for Council input on the best way to let the speaker know the timing of their comments and how much is left. She explained that in the past when she was letting people know, she felt a lot of aggression coming at her when she would cut people off. She stated that, at the last meeting, City Administrator Nevinski took on that role. She explained that he had also come up with the concept of a countdown clock.

City Administrator Nevinski explained that the countdown clock is set up for three minutes and at thirty seconds left, it would emit a small ding and then there would be another ding at the end. He suggested that the Council could give it a try and see how it works.

Councilmember Johnson reiterated that he would like staff to have the opportunity to comment immediately if they have information that they are confident in sharing rather than waiting for the end of the meeting.

Mayor Labadie stated that she worries about uniformity with that approach and could see people complaining that staff commented on one item but not another. She stated that she felt uniformity was the key to his approach.

City Administrator Nevinski stated that he likes having a written response and believes that works well because many times the questions are not simple and easy ones to answer on the fly. He stated that it is helpful if Council gives staff the direction to research the issue or add an item to a future agenda for further discussion. He stated that he would suggest that the City develop a written policy.

Councilmember Maddy stated that he gets hung up in the situation where someone could come and say something that is completely false and everyone else in the room does not know it is false. He stated that he does not want to tie staff's hands so much that they are not able to put something down immediately.

Councilmember Sanschagrín asked if City Administrator Nevinski could chime in various situations and determine whether the response should be a memo and serve as sort of a 'referee' in these situations.

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City Administrator Nevinski stated that if there are false statements being made, he thinks it is especially important to have a memo so there is a clear record. He stated that he does not want staff to be put into a position to get in a battle, in the moment. He stated that if there is something that has a simple answer, he feels that can be done in the moment, but many times there is a lot of 'meat' behind what people are saying so a more robust response would be helpful.

There was general consensus to continue Matters from the Floor as is, with a three minute time limit.

Mayor Labadie noted that she would also like it to be known that people cannot give their minutes to someone else and explained that she had let it happen at one meeting and regretted it.


3. ADJOURN

Maddy moved, Johnson seconded, Adjourning the City Council Work Session Meeting of April 10, 2023, at 6:54 P.M. Motion passed 5/0.

ATTEST:



Sandie Thone, City Clerk


Jennifer Labadie, Mayor