

# MINUTES

## Greenwood City Council & Planning Commission Annual Joint Worksession



7:30pm, Wednesday, May 20, 2015

Old Log's Cast & Cru Restaurant, 5175 Meadville Street, Greenwood, MN 55331

### 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7:30pm.

Councilmembers Present: Mayor Kind; Councilmembers Bill Cook, Tom Fletcher, Bob Quam, Rob Roy

Councilmembers Absent: None

Planning Commissioners Present: Lake Bechtell, Kristi Conrad, Pat Lucking, Fiona Sayer, Rick Sundberg

Planning Commissioners Absent: David Paeper and Douglas Reeder

Others Present: City Zoning Administrator Dale Cooney, City Attorney Mark Kelly

**Motion by Bechtell to approve the agenda. Second by Lucking. Motion passed 10-0.**

### 2. INTRODUCTIONS

Each person shared their name, address, and what they do during the day.

### 3. MINI-TRAINING

The group discussed the following topics from the Quick Reference Sheet distributed at the worksession:

Greenwood is a "statutory city" with a weak-mayor / council form of government. Which means the powers of the mayor are not greater than those of any other member of the city council, with the exception of the mayor's role as presiding officer at city council meetings and several minor duties. The Greenwood city council has 5 voting members including the mayor. A quorum of the city council is 3 members. The planning commission (PC) holds public hearings and makes recommendations to the city council regarding the zoning code. The planning commission is appointed by the city council and has 5 voting members, 2 alternate members who vote only if a voting member is absent, and 1 city council liaison that votes only to complete a quorum. A quorum of the PC is 3 members.

**CONFLICT OF INTEREST** The fundamental duty of Greenwood public officials is to participate in city business without a personal conflict of interest. A "conflicted" public official may not vote on a matter of direct personal interest. However, a public official is entitled to vote or participate in deliberations regarding a matter of shared common interest. Even when an actual conflict exists, the public official remains entitled to address the council or PC on the matter from the floor. In the event of a conflict of interest, public officials are encouraged to state the conflict and voluntarily recuse themselves before an item is discussed or acted on. Only the person with the conflict may recuse him / herself from participation. The city council or PC as a whole, does not have the authority to "force" a member to recuse him / herself.

**THE OPEN MEETING LAW** (MN Statute 13D) requires that a "meeting" involving a quorum be open to the public. The purpose is to ensure that the public is informed and official actions are not taken in secret. A phone or email discussion among a quorum is a "meeting." A series of conversations, phone calls, or emails between a quorum is a "serial meeting." Chance meetings or social gatherings are allowed, but city business cannot be discussed. Public officials that intentionally violate the law are subject to monetary penalties and may be removed from office.

**CLOSED MEETINGS** In some cases, meetings may be or must be "closed." Common examples include performance evaluations of an employee (meetings must be "open" if requested by the employee), meetings authorized by statute or permitted by attorney-client privilege, meetings for consideration of certain details related to the sale or purchase of property, and security briefings or discussion of emergency response procedures. Closed meetings for employee performance and property sale / purchase discussions must be audio recorded and kept for 3yrs and 8yrs respectively. Closed meetings for attorney-client privilege are not audio recorded. In general, council action must be taken in an "open" meeting. View MN 13D.05 for more details.

**MEETING NOTIFICATIONS** The mayor or 2 council members may call a special or closed meeting with 72 hours notice (24 hours for an emergency meeting). Meeting notifications must be posted on city bulletin board, distributed to the city email list (includes the press), and mailed to persons who have requested mailed notification of meetings.

**PUBLIC HEARINGS** must be held for subdivisions, conditional use permits, variances, re-zonings, zoning code amendments, and liquor fee adjustments. Notice of the public hearing must be published in one of the city's official

newspapers 10 days in advance. Note: Ordinances require 2 readings (agenda item), but do not require a public hearing.

**THE DATA PRACTICES ACT** (MN Statute 13) applies to all “government data” defined as data in a physical form (written document, computer info, handwritten note, etc.) that is collected, created, received, maintained or disseminated by the city. There is no obligation for Greenwood public officials to respond to questions from the public. The requirements are: (1) the city must allow a person to see and make copies of public data; (2) the city must not allow unauthorized persons to have access to data that is not public; and (3) the city must appoint a Responsible Authority to ensure compliance. The Data Practices Act is very broad. A public official’s personal cell phone records or personal email could be subject to the Act if they are used to discuss city matters. The city is subject to significant monetary penalties for violation of the Act. A person who willfully violates the Act is guilty of a misdemeanor and may be suspended without pay or discharged.

**LEGAL ADVICE** The city is the client of the city attorney. The city attorney represents the city as a whole, not individual city council members, PC members, or staff. The city attorney is not a resource for citizens or property owners. Only the client may waive attorney-client privilege. When the client is a corporate entity, such as a city, its attorney-client privilege can only be waived by official city council action. Thus, unless the city council as a whole decides to make legal advice public, the legal advice must be kept confidential.

In addition, the group discussed the concepts of “takings” and “grandfathered rights.”

#### 4. OPEN DISCUSSION

Councilman Roy noted that the new St. Alban’s Bay Lake Improvement District will need to follow all of the rules regarding open meetings, data practices, etc. The group agreed that the city website should have a SABLID tab for posting public notices and that the city email system should be used to send out SABLID public notices.

The group discussed the merits of having city email addresses and electronic tablets to keep city business separate from personal life. The consensus of the group was that it would be worth checking into getting city email addresses, but that electronic tablets were too small -- especially for reviewing site plans.

Commissioner Conrad asked about the status of the St. Alban’s Bay Bridge. Councilman Cook explained that the new bridge rating now qualifies the cities of Greenwood and Excelsior to apply for grant money, but such an application will not be happening anytime in the near future. His best guess is that it will be 5-10 years before anything is done with the bridge.

#### 5. ADJOURNMENT

**Motion by Roy to adjourn the meeting at 9:02pm. Second by Quam. Motion passed 10-0.**