

**City of West St. Paul
Open Council Work Session Minutes
February 12, 2018 at 4:30 p.m.**

1. Roll Call

Mayor Halverson called the meeting to order at 4:30 p.m.

Present: Mayor Jenny Halverson
Councilmembers John Bellows, Anthony Fernandez, Ed Iago, Dave Napier,
Bob Pace and Dick Vitelli

Absent: None

Also Present: City Manager Ryan Schroeder
City Attorney Kori Land
Police Chief Manila Shaver
Community Development Director Jim Hartshorn
City Clerk Shirley Buecksler

2. Review and Approve the OCWS Agenda

Mayor Halverson noted that Item E will be moved to follow Item 4A as Item B. Council approved the OCWS agenda, as amended.

3. Review the Regular Meeting Consent Agenda

Motion was made by Councilmember Bellows to move Items N and Q to New Business for further discussion. Council approved the Regular Meeting Consent Agenda, as amended.

Motion was made by Councilmember Bellows and seconded by Councilmember Vitelli to close the meeting at 4:33 p.m., pursuant to Minnesota Statute 13D.05 Subd. 3(b) for attorney-client privileged communication and discussion of all litigation.

All members present voted aye. Motion carried.

Present during the closed session were:

Mayor Halverson
Councilmembers John Bellows, Anthony Fernandez, Ed Iago, Dave Napier, Bob Pace and Dick Vitelli
City Attorney Kori Land
City Manager Ryan Schroeder
City Clerk Shirley Buecksler

4. Agenda Item(s)

a. Closed Pursuant to MN Statute 13D.05 Subd. 3(b) for Attorney-Client Privileged Communication

Attorney Land provided an overview. Council asked questions and received answers.

Councilmember Bellows motioned and Councilmember Vitelli seconded to open meeting at 5:55 p.m.

All members present voted aye. Motion carried.

b. Review of Committee Bylaws (moved from Item e)

Attorney Land said that, in trying to make the bylaws between each of the committees more uniform and in review of those bylaws, the issue arose as to how to remove a committee member, when necessary. She said this is not a typical clause in bylaws with other Cities and suggested inserting language into the 'vacancies' section of the bylaws.

Mayor Halverson said she likes the language and that it's the Council's prerogative to remove a committee member. Councilmember Bellows disagreed. He said that, if the concern is removing someone for cause, the claim is that we cannot give due process because they would be considered as an employee. Attorney Land clarified that there is no process in the current bylaws for removing a member.

Councilmember Bellows stated that he asked in early January to have the individual who accused members of Council of violating State statute to come to an OCWS meeting and provide evidence of such claim. He said that Council has that right but, if the Council adopts this set of bylaws, Council would run the same risk of people making claims on social media without any support to those claims. Councilmember Bellows said his proposal was to give this person an opportunity to present any information supporting his claim and to also file his claim with the Police Department. Councilmember Bellows said he doesn't like having his name engaged in collusion with other individuals, as well. He said this matter has been delayed for too long.

Mayor Halverson said this has nothing to do with people at the Council table and asked if a charge was formally filed against anyone. She said this was a Facebook post only and that people make claims no matter what process is used. She added that this is social media, not a formal charge, therefore the City should not be using its resources here; this is a civil matter between the individuals involved.

Councilmember Bellows said if this person cannot support their claim, then he would like him to state that he cannot support his claim, especially because this person is a member of a City commission.

Mayor Halverson said she has not heard from anyone else on this matter and that this is the first meeting held since Councilmember Bellows' request in January.

Councilmember Iago said there are two points to this situation: First, there are four Councilmembers who cannot talk about it and, second, it's in regard to the conduct of an appointed committee member and, if any committee member is making accusations and threats, he wants them held accountable. Councilmember Iago said he doesn't want that type of person sitting on a committee and using it as their pulpit to make accusations against Councilmembers.

Mayor Halverson said that's why this is being discussed tonight. She added that, even if the accuser comes in to discuss the situation, it will still only be a Facebook post.

Councilmember Pace said he was at the committee meetings and listened to it. He said the Council should adopt these bylaws but that, if the Council removes this individual, the same thing will happen. He said that, at some point, it becomes too much when personal and business life is threatened and it needs to stop. He also added that people will never come on the Council if we allow others to come in with a personal agenda. Councilmember Pace said that members of the Environmental Committee have used their meetings to discuss removing members from the Council.

Councilmember Vitelli said that a hearing is not necessary to remove a committee member.

Mayor Halverson suggested that Councilmembers let her know if removing a committee member needs to be added to an upcoming meeting and she will add it to the next agenda if there are at least four votes to support that.

Councilmember Bellows stated that Commissioner DeLaRosby accused Councilmembers Iago, Pace, Fernandez and himself of colluding to remove Matt Fulton. He said that DeLaRosby's statements specifically accused the four of them of violating open meeting law and that a second violation would be potential for removal from public office. Councilmember Bellows said this is not an insignificant issue because DeLaRosby made a specific allegation of a crime. He said it was a factual claim by DeLaRosby, not an opinion, and it gives rise to the potential of criminal conviction, if proven. Councilmember Bellows said that DeLaRosby should be asked to substantiate the basis for the claim and, if there are facts, they need to be supported.

Council discussed simply disregarding false claims like this, but Councilmember Bellows said it will continue if it isn't stopped.

Councilmember Fernandez said the issue is the fact that committee members are part of a team and he has never seen this type of behavior condoned. He said if people are a part of a committee, then they should show some respect.

Councilmember Napier said staff advisors attending committee meetings need to be accountable and should state to the commissioners that these meetings are intended for getting things done. He also stated that the City Manager should be informed by staff on what is happening in these meetings so that they are productive. Councilmember Napier said the duties of the commissions are to carry out the actions of the Council.

Councilmember Vitelli suggested to Councilmember Bellows that he write a letter to this person and state there should be no political talk at committee meetings, this is improper behavior and, if it happens again, he will be removed.

Councilmember Pace said, of at least eight of the Environmental Commission meetings he has been involved with, that the agenda lists new and old business but with nothing in-between. He stated that one of these meetings was all about bashing Councilmembers and discussion about how to remove them from office. Councilmember Napier said staff needs to control this kind of conversation.

Councilmember Bellows said there needs to be more detailed agendas for committees. Schroeder said the agenda should be worked out in advance between the Chair and the

staff advisor. He also stated that, if the committee gets off on that tangent, they should be directed back to the agenda.

Councilmember Napier said he is not intending to downplay the situation but that this discussion is getting the Council worked up when it shouldn't.

Councilmember Iago said he will not support the draft of the bylaws the way they are written. He said it doesn't work to have a committee interview applicants and forward names to Council. Attorney Land said members of each committee are appointed differently.

Mayor Halverson said this is an entirely different matter and asked if the Council is okay with leaving the draft language vague.

Councilmember Napier asked if it could be left as it currently is. He added that he doesn't want someone on the committee spending their time bashing others.

Councilmember Bellows said there needs to be a reason to remove someone. Councilmember Napier said staff could note that the person is not acting responsibly. Mayor Halverson said the other issue is determining good cause, as opposed to just removing them.

Councilmember Bellows asked if there is any support from the Council if he asks Mr. DeLaRosby to come in. Councilmembers Iago, Fernandez and Pace said yes. Mayor Halverson said she thinks it sets poor precedence.

c. Digital Signage in Residential Districts

Item continued.

d. Special Assessment Policy

Item continued.

e. Sanitary Sewer Connection Requirements

Item continued.

5. Adjourn

Motion was made by Councilmember Napier and seconded by Councilmember Fernandez to adjourn the meeting at 6:28 p.m.

All members present voted aye. Motion carried.

Jenny Halverson
Mayor
City of West St. Paul