

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

The Ramsey City Council conducted a City Council Work Session on Tuesday, May 10, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Mark Kuzma (attended remotely)
Councilmember Ryan Heineman (attended remotely)
Councilmember Chelsea Howell
Councilmember Debra Musgrove
Councilmember Chris Riley
Councilmember Dan Specht
Councilmember Matt Woestehoff

Also Present: Administrative Services Director Colleen Lasher
Interim City Administrator/Community Dev. Director Brian Hagen
City Engineer Bruce Westby
Parks and Assistant Public Works Superintendent Mark Riverblood
Police Chief Jeff Katers
Communications and Events Coordinator Megan Thorstad
City Attorney Fritz Knaak

1. CALL TO ORDER

Mayor Pro Tem Riley stated he will facilitate the meeting although Mayor Kuzma is attending remotely and is in charge. He called the City Council Work Session to order at 5:32 p.m.

Councilmember Musgrove stated there are some concerns that aren't on the agenda that she would like added to a Work Session. She stated she didn't bring it up to the Mayor because she thought he wouldn't be in agreement with a special meeting. She thought there were some important issues that need to be addressed with the Council including the City Attorney. She asked for Council direction if that discussion could take place tonight on the City agenda or during a special meeting.

Mayor Kuzma asked what she was referring to.

Councilmember Musgrove replied some of it is sensitive and she wanted to respect persons and information involved so she wanted to limit it to the Council but knew at some point it would become public.

Councilmember Specht asked if she was requesting a Closed Session.

Councilmember Musgrove confirmed this.

Councilmember Musgrove asked if they wanted to discuss it at the end of tonight's session adding it does involve some of the information in the Work Session of recent connection.

Councilmember Specht replied if it met criteria for a Closed Session, it would have to be at least 72 hours ahead of time to call a Closed Session.

Mayor Pro Tem Riley asked City Attorney Knaak for direction on legality for Closed Sessions and setting agendas.

City Attorney Knaak replied if they are talking about making it part of the agenda but closing it for an appropriate reason, they have to give notice of that, even for a Work Session. He stated there are any number of reasons a meeting could be closed but if it is something the requires consultation with a lawyer, there is attorney/client privilege that would work under some circumstances. He suggested if they are interested in having a Closed Session meeting, they could have a Special Session but it has to be noticed.

Councilmember Musgrove replied it doesn't have to be a Closed Session but she would like to have the Council and attorney, out of respect of personnel, before having other Staff personnel involved.

Councilmember Heineman stated there is full agenda for the Work Session but he would be willing to come back after the City Council meeting.

Mayor Kuzma asked if it was correct that the City Attorney stated notice had to be given.

City Attorney Knaak replied if it is going to be closed, yes.

Mayor Kuzma stated he thought a separate meeting should be set up.

Mayor Pro Tem Riley agreed with setting up a separate meeting because it is not on the agenda and no one is prepared.

Councilmember Musgrove stated she is prepared to send an email to Council and has paper copies for the attorney.

Mayor Pro Tem Riley replied that is something they have said to Staff is unacceptable to give information and be able to discuss it in a meaningful manner.

Councilmember Musgrove replied she is wanting to be sensitive and respectful of the information. She didn't want to risk being able to call a special meeting because if she has three Councilmembers, then she didn't want to risk breaking open meeting rules and already talking to someone about it.

Councilmember Specht asked for reasons why there can be a Closed Session meeting.

City Attorney Knaak replied personnel issues, anything that could involve litigation, even sensitive matters that would ordinarily require a lawyer to give confidential advice or hear confidential information from a client. He stated it was one of the least clearly defined exceptions. He stated it wasn't something that should be used unless there is some kind of serious issue related to personnel, pending litigation, or real estate purchases.

Mayor Pro Tem Riley asked if it needs to be noticed.

City Attorney Knaak confirmed this, adding unless it is an emergency, in which case it has to be published as an emergency and he wasn't sure if this would necessarily qualify.

Councilmember Musgrove asked if just the Council meets with the attorney to get advice, is that considered a Closed Session meeting.

City Attorney Knaak replied no.

Councilmember Musgrove asked if they would do that after the City Council meeting.

City Attorney Knaak confirmed this. He stated the danger of that is if it is thought that this could involve some sort of dispute, if it is on the record, they may end up waiving the attorney/client privilege so it is nice to know what will be discussed.

Councilmember Musgrove replied she and City Attorney Knaak had a conversation on the weekend about it.

City Attorney Knaak replied he didn't know that it would be something that would require attorney/client privilege or could be closed.

Councilmember Howell asked if the employee has the right to open the meeting.

City Attorney Knaak replied, yes if about the employee.

Councilmember Musgrove replied that is fine. She stated she would rather have it in that respective way.

Councilmember Woestehoff suggested a special meeting on May 17, 2022 after the Public Works meeting, a week from today.

Councilmember Musgrove stated some portion of her questions are timely and that is why she is looking for direction from Council to other Councilmembers on who to contact with City Staff regarding upcoming discussions.

Mayor Kuzma agreed with doing it after the Public Works meeting.

City Attorney Knaak replied he wouldn't be available that night.

Councilmember Howell asked it if fit under section four and six of the agenda tonight because if it doesn't have to be a closed meeting, and also number six mentions some of it may be closed, then it would qualify under that if it is an expansion of those topics.

City Attorney Knaak replied the portions under six that could be closed are related to terms of the contract. He stated they are not close to discussing terms of the contract so he didn't know that he could counsel them.

Councilmember Musgrove stated parts of it touch on four, but not six.

Mayor Pro Tem Riley stated he is hearing that out of discretion Councilmember Musgrove would like it closed but it sounds like legally it shouldn't be closed.

Councilmember Specht asked if it was correct that Councilmember Musgrove didn't want to wait a week. He suggested coming back after the Regular Session meeting to discuss it.

Councilmember Musgrove replied part of it is Item 2.4.

Mayor Pro Tem Riley asked if it has to do with the Charter Commission policy.

Councilmember Musgrove replied part of it does, yes.

Councilmember Woestehoff suggested getting through the current Work Session agenda and if it naturally comes up and satisfies the discussion great, if not they come back after the meeting.

Councilmember Musgrove replied she would be open to that.

Mayor Pro Tem Riley asked if they wanted changes to the agenda order.

Councilmember Specht asked if item four should be moved to the end.

Councilmember Musgrove replied she thought items two and three were lower priority and could be moved to the end. She thought item five had time and would be an on-going discussion.

Councilmember Specht replied the Council has agreed to come back after the Regular Session meeting, if needed.

Mayor Pro Riley asked Councilmember Musgrove to let them know if her topic is covered and if not, they will recess.

2. TOPICS FOR DISCUSSION

2.01: Quarterly Communications Update- Q1 2022

Communications and Events Coordinator Thorstad presented the 4th Quarter report. She noted these are given as part of the approved Communications Plan that was approved in 2021. She

added a verbal report on the newsletter. She stated that each time that a 16-page newsletter is printed, that is up to nearly 12,000 copies and that costs are going up and getting paper has been an issue. She stated a committee has been established with herself, the IT manager, Councilmember Woestehoff, and Councilmember Heineman to discuss the website redesign. She stated they met on March 10, 2022 and April 14, 2022 to review analytics, Civic Plus functions, and other customer pages. She stated they considered attributes that they wanted to include. She stated there is a new Civic Plus representative and a tentative meeting scheduled for late in June.

Councilmember Musgrove asked with the agenda being the most viewed pages, if it counts when the Councilmembers are looking for the agendas. She wondered if Councilmember activity would skew the information.

Communications and Events Coordinator Thorstad replied Councilmember activity is included.

Councilmember Woestehoff replied Councilmembers could be filtered from the count but would require everyone's IP address if they were willing to provide them. He stated the filtering could reflect everyone who isn't on City Council or Staff. He gave the reminder that the website redesign is cosmetic and doesn't involve restructuring. He stated for the free version of updates there are limited design changes that can be done. He stated there has been a lot of discussion about placement of items on the homepage but even adjusting items on the menu is a paid service. Those things could be done internally. He stated it won't be a drastic change without spending a lot of money.

Councilmember Specht thanked them for their work on the website and taking his feedback.

2.02: Review and Update City's Social Media Policy

Communications and Events Coordinator Thorstad reviewed key point from the draft Social Media Policy.

Councilmember Specht commented he agreed that it is a good policy that social media be used to direct to the website and for events.

Councilmember Heineman commented that he didn't agree with it and felt too much was left up to interpretation. He read "comments opposing religious groups, obscene content," noting so much of it is subjective. He stated that the City has the right to ensure posts reflect the City's best interest but if they were going to do that, all subjectivity be removed. He suggested turning comments off but if comments need to be monitored and censored that they may be liable for decisions people make. He felt if comments are going to be limited they should be turned off altogether.

Communications and Events Coordinator Thorstad replied that is a good point. She stated those stipulations are in the policy adopted in 2018, and in her time managing the social media page she has never had to block a user or remove a comment. She stated the intention behind the list in the policy is not to censor something that isn't liked; the intention is that people aren't posting pornographic content on the City's page because it tarnishes the reputation.

Councilmember Heineman replied there is liability that City has discretion to regulate what is said and filter what the City thinks is appropriate at any level is a set up for failure. He didn't know it was included in the 2018 policy as he wasn't around then. He stated in looking at the policy, Communications and Events Coordinator Thorstad raised a good point that things could be posted that the City wouldn't like but if they are going to monitor what is appropriate and what isn't, they will open themselves up to liability. He stated if the goal is to point people to the website, having dialogue as a part of the site may not be congruent.

Councilmember Howell commented she concurred with Councilmember Heineman that it might be better to turn off the comments altogether and focus on information versus engagement to avoid having to monitor comments. She stated the other section she wasn't in support of was the section regarding managing employees and agents use of social media. She thought the regulation of speech was inappropriate.

Mayor Kuzma commented that he was in support of turning off the comments.

Communications and Events Coordinator Thorstad replied one of the reasons why commenting is allowed is because a part of the strategic plan is to engage with residents. She thought that is an important feature and in her experience in the role it hasn't been a major issue. She stated there are several scenarios where this policy only governs the City of Ramsey's Facebook page. It doesn't have anything to do with community forum pages, employees or elected officials speaking as private citizens. She stated employees and officials agree to this when they sign a personnel policy stating they will behave in a professional manner that reflects positively on the City. She stated the intent behind this policy is to ensure that is followed on social media.

Mayor Pro Tem Riley replied he thought they all agreed it has good intentions.

Councilmember Specht commented he disagreed that comments should be turned off. He thought the interaction added value. Being able to tag friends on photos, ask questions and get answers, and give feedback. He supported making a list of things that are prohibited but thought that removing comments would show a fear of getting feedback or receiving comments.

Councilmember Musgrove asked if it was correct that Communications and Events Coordinator Thorstad stated this policy pertains to a certain website. She asked if part of the change to the policy include specifically naming what sites those are.

Communications and Events Coordinator Thorstad replied absolutely.

Councilmember Howell asked if employees and agents are already addressed in the Personnel Policy why isn't another policy created regarding articles written or letters submitted to the editor. She didn't understand the need for redundancy. She felt it was aimed at limiting speech.

Councilmember Heineman gave a scenario and asked if he was right on it. The scenario was that he agreed that a City Councilmember shouldn't go on to the Ramsey City Facebook page and give an opinion about something because that is acting in an official capacity. However, if he decided

on his Facebook page to post on the Ramsey Community page a negative comment against another Councilmember. He asked if the policy only applies to what is said on the Ramsey site.

Communications and Events Coordinator Thorstad replied no, if he has his own personal Facebook page and he has a Councilmember Facebook page, he has First Amendment right to speak as a private citizen and as a City Councilmember and the policy doesn't restrict that, it is only official City communications. She gave the example of a employee speaking at an open forum, they can identify themselves as an employee and give their opinion. They are protected by the First Amendment right.

Councilmember Heineman commented as long as it is within those perimeters. He didn't want to be limited on his own pages.

Councilmember Howell stated she objected to Councilmember Heineman because in the Fargo Council, they recently had a similar situation. She stated they had a City Councilmember write on official City letterhead his opinion and support of something which the other Councilmember didn't agree with. After disagreement, the Councilmember's First Amendment rights prevailed. She stated he could be a minority of the population and express that opinion. She found limiting the capacity of an employee or official to communicate in their official capacity while private citizens aren't monitored to be unreasonable.

Councilmember Heineman replied that it isn't being said they couldn't share their opinions, but that they couldn't say they are speaking on behalf of the City.

Councilmember Howell replied that is acceptable.

Councilmember Woestehoff commented on the structure of the policy. He understood the comments about the employees and agents but felt this policy is restricted to comments made on the page that is owned by the City of Ramsey. If it is an agent, such as an ad agency hired to do marketing for the City, that is where it comes into play. He clarified that it didn't address all employees, only those who are communicating on behalf of the City.

Councilmember Howell replied she appreciated the clarification.

Councilmember Woestehoff commented that he didn't disagree that letter G of the policy didn't have some level of opinion in it and asked the City Attorney to comment on the list and where it falls within the scope. He felt any content deemed unlawful or inappropriate by the City Attorney and he could come up with a list or he could be contacted if there was doubt about a post. He thought turning comments off was a disservice to the community because it impacts the reach. He stated he looked up the privacy policy on the Ramsey website and asked that it be reviewed because the link goes to a form that says "please contact the City for a policy."

Mayor Pro Tem Riley asked if there was agreement that there is enough to the policy that it can be worked with and make some changes.

Councilmember Musgrove replied yes. She added comment under number four: Comments and support of or opposition to religious groups or services. She stated the City promotes different activities within the religious community in the City and asked how that is effected by the statement. She asked if it means that as a City, information isn't being posted that has events.

Communications and Events Coordinator Thorstad replied they are; however, it is likely that this better fits with the community event promotion policy. If outside organizations request the City to assist them in marketing an event or program they have to agree to the community event policy and fill out an application. Those types of postings, either on the social media site, the community calendar on the website, those all filter through herself or the City Administrator. She offered to provide that policy for review.

Councilmember Musgrove stated if someone posted about a religious group or worship service or other activity at a church, this says the City can remove it.

Communications and Events Coordinator Thorstad replied from her understanding this clause was added to prevent situations where a religion that isn't as widely accepted spams the City Facebook page so that it makes it seem that the City agrees with or is a representative of an organization that may not reflect in accordance with the City's strategic plan and goals. She stated it was carried over from the 2018 policy.

Councilmember Heineman asked if Communications and Events Coordinator Thorstad could remain the moderator and if something is removed, the reason could be shared with the Council so there can be a discussion. He highlighted the statement that removing comments is a rare event.

Mayor Pro Tem Riley replied they would still need the policy.

Councilmember Heineman replied the policy could state that.

Mayor Pro Tem Riley agreed adding they are discussing something that has never happened.

City Attorney Knaak commented he could deem something inappropriate but didn't know he should be in charge of the Facebook page.

Communications and Events Coordinator Thorstad stated she could offer some clarification. She added in reading through the Communications Plan and the former Social Media Policy, her understanding is that in a situation like that, it is her job to monitor the page and if she sees something that may be in violation of the current policy, she would bring it to the City Administrator and they would take the appropriate action.

Mayor Pro Tem Riley asked if Council wanted to add that, finetune a few things, and have it brought back for final approval.

Councilmember Specht agreed and added a suggestion that the lawyer create of list of what legally should be there. He also asked for clarification on what this applies to.

Mayor Pro Tem Riley asked for a list of which pages this applies to. He added this puts it on a timeline because as technology changes, the policy needs to change. He asked if she had enough direction to make changes and come back.

Communications and Events Coordinator Thorstad replied she did.

2.03: Review Time Limits for City Council Meetings

Interim City Administrator/Community Dev. Director Hagen stated Staff asked for feedback from other cities on what they do. He stated the responses were mixed between an ordinance or policy. The couple of responses received that if there is a specified time in the evening is passed, there would be a formal acceptance to continue. He stated in a couple of cities if an agenda item wasn't completed, it was added to the next meeting. One city reported if an item from their regular Monday night meeting wasn't completed, it was automatically continued to a Thursday meeting of that week. He asked for Council feedback.

Mayor Kuzma suggested no new cases be started after 10:00 p.m. and items not completed would be put to the next Council meeting.

Mayor Pro Tem Riley suggested Staff help by managing the agenda length and putting time sensitive cases first when creating agendas. He agreed with not starting new cases after 10:00 p.m. and if there was a unanimous vote, they could continue.

Councilmember Musgrove commented she wasn't in favor of this and felt it doesn't happen very often. She stated Staff could help by managing the agendas better and when public input could be limited to four minutes for the issues and four minutes against. Additional comments could be limited to be an addition to what has already been said. She stated they have asked in the past that if there are a lot of people that want to comment, a spokesperson be selected. She didn't want someone to leave without being able to speak because of the 10:00 p.m. time limit. She stated one night every two weeks is designated to go through topics. She felt time management could be better but didn't want to exclude someone from speaking on a topic.

Mayor Pro Tem Riley commented they just spent 40 minutes talking about a policy change that hasn't even been used in the past. He felt it was a disservice to keep people there until midnight to speak on a case.

Councilmember Specht agreed that it doesn't happen very often but also agreed that people aren't thinking clearly when it gets close to midnight. He suggested setting the time limit at midnight or 1:00 a.m. but not earlier than that.

Councilmember Howell commented she didn't support putting a time limit on meetings. She questioned if topics will continue to be pushed off if it isn't a topic that is seen as priority by the majority. She agreed that time could be managed better and with a three minute time limit for residents to speak. She suggested taking a look at agenda length and making adjustments because some agendas and meetings are short and others are long.

Mayor Pro Tem Riley commented that he isn't trying to stifle speech or keep anything off an agenda but is simply suggesting a way to manage the length of meetings because he feels it is a disservice to residents to make them wait that late to hear a case. He felt Staff help in creating the agenda and Council could help in managing the agenda by not adding to things and helping to prioritize.

Councilmember Woestehoff commented he supported setting a time for not starting a case after a set time. He asked if historical data on stop times could be obtained and used as a reference.

Councilmember Howell corrected that she is not saying anyone is currently trying to stifle speech but it could potentially happen.

Councilmember Woestehoff commented that he liked the policy that a meeting be set on another day during the week so every agenda item gets addressed.

Councilmember Heineman commented he didn't support restrictions to City Council meeting lengths because they are there to serve. If residents are there to speak, the Council can move cases to accommodate them. He felt it didn't happen very often.

Mayor Pro Tem Riley stated the consensus was inaction and requested Staff help to prioritize agenda items and balance the lengths.

2.04: Continued Discussions on Developing a Charter Commission Recruitment Policy

Administrative Services Director Lasher reviewed the staff report on prior discussions involving the development of the Charter Commission recruitment policy. She referenced the "Updated Draft" of the policy for their review and revision tonight. She asked if it was the case that there was Council consensus that they were not interested in having incumbents reapply, that simply their letter of interest to reapply should be forwarded to the Chief Judge. It would not state that it is "recommended" or "please reappoint", it would just state that "the following individuals are requesting reappointment". She stated unless she is really misunderstanding, she is thinking there would be no incumbent reapplication process.

Mayor Pro Tem Riley asked if there was Council agreement on that.

Councilmember Musgrove stated it would depend on the rest of the policy.

Mayor Pro Tem Riley asked if she may want incumbents to reapply.

Councilmember Musgrove replied only if they decide, as a part of the policy, that they are not going to have members of Commissions on the Charter as well. She stated she knew they had talked about that vertical appointment and if some of those terms end and come up, it depends on the policy on that. She stated she guessed they wouldn't be reappointed then.

Councilmember Woestehoff commented if he recalled correctly, he believed the City Attorney had said they couldn't limit other Boards and Commissions from being on the Charter. The only people they can limit from being on the Charter, according to State Statute, is Council.

City Attorney Knaak replied that is correct.

Councilmember Specht commented they could do it the opposite way where if they are on the Charter then they wouldn't allow them on the Public Works Commission, Parks and Recreation Commission, or whatever.

Mayor Pro Tem Riley replied that is a different policy.

Councilmember Specht replied right.

Councilmember Howell referenced the policy under Process. She stated if she remembered right, she thought the City Attorney had said if Council establishes a process, it goes to the City Clerk, she signs off on it, then it comes back to Council. She asked Administrative Services Director Lasher if it was going to be redundant if they put in there that applications could also be sent directly to the Judge because he might just say send them back to Council and go through the process of filling the City application out. She thought that was a conversation they had.

Administrative Services Director Lasher replied by asking the City Attorney to please correct her if she is wrong, but she believed it is their statutory right to be able to apply directly to the Judge.

Councilmember Howell replied that wasn't her question, it is putting it directly into the policy because anyone can. She stated in looking at other cities, if they say send it here or fill out our application, pick which route they want to go, it's not that they can't but why are they putting an application out there and not just saying send it to the Judge then. Because Administrative Services Director Lasher did both things equally and both things are equally available, she isn't saying they aren't. She asked why not just say send the letter directly to the Judge then and skip the whole application on the site.

Councilmember Specht asked if Councilmember Howell was saying just don't advertise it.

Councilmember Howell replied she is just asking because it seems like if the idea is to have information sent to the Judge, and yes they can send it this way, is Administrative Services Lasher advertising both things equally or is she not. And if she is advertising things equally, why have the application at all.

City Attorney Knaak replied you don't have to have anything. You can say nothing and just have people show up at the Judge's doorstep so to speak. If the idea though, is that they want to make sure there are applicants, which it seemed to him a lot of this stemmed from was a concern that there weren't enough, then ideally what you do is put a policy process in place and say okay we have this policy in place, if you want us to forward your name this is what you need to do for us to review it and do all the necessary stuff and then we will forward your name. You can do it on your own if you want. He thought most people would rather go through the City and some kind

of process where they know what is being looked at because it may not be something you necessarily know if you go directly with a letter to the Judge. So there is an advantage to work through the City but if someone wants to ignore it, they can.

Councilmember Howell stated her question is, what would City Attorney Knaak recommend, leaving both in here to try to capture more people, have just the one thing so it's less messy, or does it not really matter.

City Attorney Knaak replied this is a situation where messy is not bad, in other words you make sure that whoever applies knows they don't have to apply through the City but the City has a process. The City has an application that will get forwarded to the Judge and the applicant will be submitted in a packet with other applicants. He stated he suspected if the Judge's clerk knows there is a process for the City of Ramsey and they get a call from someone asking what the process for applying to the Charter Commission is, they will be told to apply through the City.

Councilmember Specht replied that made sense.

Administrative Services Director Lasher asked when an incumbent sends a letter of intent to be reconsidered if it is the Clerk's duty to forward the letter of intent to the Judge immediately or if it should be held. She stated in the past it has been immediately forwarded.

Councilmember Woestehoff asked Administrative Services Lasher, from the timing of things, if it is easier to manage and track who has indicated intent to renew if she manages the handoff to the Judge at the same time, the last day to claim reappointment. He asked if she could clarify the timing and if it was correct that she has said incumbents have to notify her by September 15.

Administrative Services Director Lasher replied she would be reaching out to incumbents by September 15 to let them know that their term is about to expire and ask for their interest in serving again. She stated it is easier to type up one envelope with one cover letter and send them off altogether rather than individually.

Councilmember Woestehoff replied it doesn't seem there is a written deadline in the policy that they need to be respond by and asked if that would be helpful, then she could send them off a day or two later.

Administrative Services Director Lasher replied that would be helpful.

Mayor Pro Tem Riley commented that seems pivotal and thought that should be added so everyone knows when and what.

City Attorney Knaak commented with an observation of how the courts work. He thought parceling it off as they go through makes a lot of sense. He stated he wasn't suggesting giving more work to Staff but felt the courts would prefer that everything come to them in one packet instead of having to create their own. He thought their preference would be that it would come through the City, whether it be incumbents or new applicants, and the whole package would be

submitted together by the City. He felt sending them all together to the Judge would validate the City's process, even without a recommendation.

Councilmember Woestehoff asked if City Attorney Knaak was suggesting sending incumbents and new applicants be sent in the same package at the same time.

City Attorney Knaak replied the more that can be put together into a single packet, the better off the City is. He stated that knowing how the courts work, he felt they would rather things come in the same packet.

Mayor Pro Tem Riley asked Administrative Services Director Lasher if the policy indicates that is how things will get done, or is that a modification that would need to be added.

Administrative Services Director Lasher replied now the policy says it will be two separate mailings.

Mayor Pro Tem Riley asked Council if they agreed it should be one based on the attorney's suggestions.

Councilmember Musgrove replied it is a unique situation when residents, according to the statute, can send a letter anyway and the Judge may use the letter they get to appoint people before incumbents are able to get their information there. She preferred everything be sent together but stated the Judge may already have to keep a separate packet if people are applying directly.

Mayor Pro Tem Riley replied he thought the City can only be in charge of what the City can do.

Councilmember Musgrove agreed but didn't want incumbents to not get reappointed if other applications get in before them. She added that the Judge may have a process to not look at them until later and work them all when they come in. She wanted to discuss it and questioned if it would be valuable to have the incumbents sent separately with an indication of how many open seats there are.

Mayor Pro Tem Riley replied the attorney has suggested that if the City has a process, that would most likely carry more weight than if someone sent a letter on their own.

City Attorney Knaak commented if they added a consistent process and if the court knows how things are handled in Ramsey, that they are looking for direction.

Councilmember Musgrove asked if they are causing a confusion by adding that other statement in there, even though it is a part of the statute. She suggested simply putting the statute there.

Councilmember Howell asked if the cover letter sent to the Judge could ask that he consider any applications that come directly to him at the same time as the packet that is put together by the City. She asked if that would take care of the issue.

City Attorney Knaak replied it is ultimately the Judge's call but this is something, if there is a policy which is thought out and interested parties are being solicited, it takes it off the Judge's desk. He stated he was certain there wouldn't be any pushback on it. He felt if they make that request, it will probably be gratefully received.

Councilmember Musgrove replied she was okay with that.

Administrative Services Director Lasher gave a scenario of three terms that are about to expire, all three incumbents want to be reappointed so there would be zero vacant seats once the Judge makes those appointments. She asked if, at that point, would she proceed with the annual recruitment that would go in the November/December issue of the *Ramsey Resident* or would that be omitted.

Mayor Pro Tem Riley asked if they had already agreed it would be omitted.

Councilmember Woestehoff asked if they wouldn't be statutorily required to have some sort of posting regardless if the incumbents choose to retain their seats.

City Attorney Knaak suggested they leave it posted and if they get interest in it, even if there is someone, then they have choices between the incumbent and someone new and it could be forwarded at the same time.

Mayor Pro Tem Riley asked City Attorney Knaak if it was a legal opinion he was giving.

City Attorney Knaak replied that is a recommendation yes, a legal opinion, as this is all just a matter of reading that statute.

Councilmember Musgrove stated she thought that is a good idea because they have, as a part of the policy, what they do if there is a vacancy and they are drawing back on the potential applications. She agreed that it should be official even though it is there passively all year round.

City Attorney Knaak commented he was aware of situations in other cities where there have been people who have come in, and in none of those cases has he seen an incumbent removed. He stated he has seen situations where people have contacted the court and asked to be considered.

Councilmember Woestehoff commented he thought they can post and lightly promote but advertising dollars wouldn't have to be spent on things such as Facebook ads. He thought it was a passive post. He appreciated the fact that it is one more thing for the City to talk about for engagement. He felt getting people involved is something they should be doing whenever they could.

Mayor Kuzma commented he thought the policy would be posted.

Councilmember Woestehoff commented he thought Mayor Kuzma was asking if there was consensus to post it.

Mayor Pro Tem Riley stated they are going to interpret the Mayor's comments that he was asking if Council was in consensus that the position will be posted even if there are incumbents that want to be reappointed. He asked Mayor Kuzma if that was his question.

Mayor Kuzma replied yes.

Mayor Pro Tem Riley asked if there was a consensus that they want to post even when they feel there is no opening.

There was Council consensus to post even when there is no opening.

Administrative Services Director Lasher replied that works well for efficiencies in the event that there could be a midterm vacancy.

Councilmember Howell asked what the retention period is going to be on those applications, how long will Administrative Services Lasher hold onto them once they are collected.

Administrative Services Director Lasher replied previously they had talked about one year. She stated she had put in the draft policy to state 14 months. The reason for that is that she wouldn't want to exclude someone and give a little wiggle room on the calendar in the event that it is slightly over one year and questions arise if it is a valid application or not. She asked if 14 months was acceptable.

There was Council consensus to hold applications for 14 months.

Councilmember Musgrove asked Administrative Services Lasher if that would be added onto number seven: Incumbent Application Process for both of them. She stated it is listed under number seven and asked if it would be listed under Retention.

Administrative Services Director Lasher asked about the partial term vacancies. She stated the City's Charter requires that all vacancies be advertised in the City's official newspaper. She stated that is not a problem and can be done easily. It also requires that all vacancies be advertised in the *Ramsey Resident*. She stated there was previous discussion about not wanting to run a continual ad in the *Ramsey Resident*. She stated her suggestion, which she reviewed with the City attorney today, is to run a small ad for just the Charter Commission, not the other Boards and Commissions, showing how people can apply. She stated the reason for that is that under no circumstances can they get somebody appointed within that 60 day timeline if they have to get it in the *Ramsey Resident*. For example, the January/February *Ramsey Resident* deadline is December 1st so there is no way to ever meet that. She suggested Staff run a small ad in every edition of *Ramsey Resident* to meet that requirement.

Councilmember Woestehoff commented he thought that was fair but suggested adding other Boards and Commissions as well because if people apply during the year, they would get added to the next recruitment. He thought the more people could be encouraged to be engaged on any Board or Commission the better, he didn't want to see it done just for the Charter Commission. He stated he thought at a minimum having it done for the Charter Commission would be acceptable to meet

the requirement to meet the timeline but was in favor of having a small ad for all Boards and Commissions.

Administrative Services Director Lasher replied that is a great idea. She stated the regular Boards and Commissions policy was due to come back soon so she would be sure to include that. She stated under Partial Terms, the first step would be to go back to the recruitment file to see if there is a viable candidate that could be considered. She asked what would happen if there were more applicants than there were vacancies. She referenced the email she had forwarded on April 14, 2022 and another today where there was a response from the Chief Judge saying he wants the City to establish a separate interview panel and process. She stated she knew the Council wasn't in favor of that but it is a question she had to ask.

Mayor Pro Tem Riley stated there are two minutes left before he will recess this meeting.

Councilmember Howell replied she had a lot of questions and didn't remember getting the email on April 14, 2022 and asked what happened between April 12, 2022 and April 14, 2022. She thought more time was needed.

Mayor Pro Tem Riley asked Administrative Services Director Lasher if there was anything else she wanted to cover quickly but they would come back to the issue Councilmember Howell raised when they reconvene.

Administrative Services Director Lasher replied no, this is still on the future Work Session to talk about this on May 24, 2022.

RECESS AND RECONVENE

Mayor Pro Tem Riley recessed the meeting at 6:59 p.m.

Mayor Pro Tem Riley reconvened the meeting at 9:02 p.m.

2.04: Continued Discussions on Developing a Charter Commission Recruitment Policy (continued)

Mayor Pro Tem Riley stated Administrative Services Director Lasher was about to bring up the bigger issue with the Judge's email and thought there would be a lot of questions about that.

Administrative Services Director Lasher stated she had sent emails to several city clerks asking for policy samples and did not get any responses so she thought she would reach out to the Judge to see if they have any sample policies or insights. She had sent that email well prior to the Council meeting on April 12, 2022 but did not get a response until April 14, 2022 so the conversation took place without the Judge's response. She read the email "My preference as Chief Judge would be for the City to form a committee consisting of part City Charter Commission members, part City Councilmembers, part City Staff to review applications and make recommendations." She stated there were more details but that was the main point of the email. She stated prior conversations

involved not having City input but creating a better application and allowing the Judge to make the appointment but now there is this new information. She asked for Council comment.

Mayor Pro Tem Riley asked Councilmember Howell to ask her question from before the meeting was recessed.

Councilmember Howell apologized for losing the email from her inbox and for resending it. She asked if this is something that is required because it is a strong recommendation or if the Council can do its own thing.

City Attorney Knaak replied the Council isn't required to do anything. He stated there is no basis in the statutes or reason why the Council should be picking this group or that group. He stated the problem is that there are reappointments every two years. He stated there is no process other than the process the Council has. He suggested the process they have is done consistently so they know what to expect. He stated it was within the Council's discretion to set up something this elaborate but there is no requirement that they do so.

Mayor Pro Tem Riley commented it seemed to him that the Judge didn't like this part of his job. He stated he didn't care for the Judge's suggestion but preferred they come up with something they think makes sense and present it back. He agreed with wanting to make the Judge's job easier with improved questions on the application.

Councilmember Musgrove commented she didn't like it either. She thought it would be helpful to see the email that went out with the question to help with clarity. She thought they had better direction from the Judge last time in the previous email with having a policy that they wanted and how other cities do it somehow, some do it another way, and they had a consensus that they had reached before. Councilmember Musgrove replied she didn't see the email Administrative Services Lasher had sent.

Administrative Services Director Lasher replied it is in an attachment to the case called "Judge email". She stated she had sought out sample policies from other cities and hadn't had any luck and asked if the Judge had any policy recommendations.

Councilmember Woestehoff commented he agreed with what has been said so far and the process outlined by the Judge isn't in alignment with what he would want. He stated from the last discussions, the Council has no real purview of who the applicants are but to send the applications and allow the Judge to make the decision. He stated he would like to stick with that.

Councilmember Howell concurred that she liked the direction they were going and had a good, simple working plan.

Councilmember Heineman commented removing the City Council from the decision-making process is important if the Charter is going to be a co-lateral entity.

Mayor Kuzma commented he would like to keep it simple with the applications being sent to the Judge by the City but otherwise have a hands-off approach to allow the Judge to make the decision for complete transparency.

Mayor Pro Tem Riley stated they fall back to the suggested questions that they were going to be doing.

Administrative Services Director Lasher stated if it is a normal annual recruitment she had no questions with regard to timelines unless Council has feedback for her. When it is a mid-year vacancy she wanted a due date identified because having an open-ended due date creates problems. She asked if, for example, the edition of the *Ramsey Resident* is January/February, she would like to identify the first business day in February. If it is April/May then it is the first business day in May. She noted that gives at least three full weeks from in home delivery date to the deadline, which she felt was reasonable and would help her to not wonder.

Mayor Pro Tem Riley asked if there was Council consensus with setting a firm date.

Councilmember Woestehoff agreed. He referenced the sentence in 2c which reads “the application deadline will be no less than three weeks after the estimated delivery date of the *Ramsey Resident*,” and suggested adding “the next issue of” for clarification. He asked if it was correct that the goal was to have it published in the *Ramsey Resident* and then three weeks after that publication is received.

Administrative Services Director Lasher replied that whole sentence would be revised. It wouldn't say “application deadline will be no less than three weeks after the estimated delivery date,” it would say something to the effect of “the first business day of the second month as listed.” She stated she will talk with Communications and Events Coordinator Thorstad to come up with wording unless the Council has suggestions.

Councilmember Woestehoff asked if it was always January/February, March/April.

Administrative Services Director Lasher replied yes, adding May/June.

Councilmember Woestehoff asked if her goal would be the first day of the even months.

Administrative Services Director Lasher confirmed this.

Councilmember Musgrove asked if they answered the question in number one on page two about ranking the candidates if there are more than one.

Mayor Pro Tem Riley replied they had said they didn't want City Council to have input so he suggested not ranking them.

Councilmember Woestehoff commented it would be clear that they wouldn't pass on an available and interested applicant.

Councilmember Howell suggested changing the language so it doesn't say "identify a candidate" or "the candidates."

Councilmember Woestehoff stated in one for Partial Year Terms where it says "Refer back to the recruitment file to identify the candidates for consideration for the current vacancy." The direction would be if there is a file of three or four applicants, those would be sent to the Judge.

Administrative Services Director Lasher asked if there would be no recommendation from Council.

Councilmember Woestehoff replied correct.

Mayor Pro Tem Riley added, in response to the question if they get ranked, the answer is no.

Councilmember Musgrove asked if there is only one spot and three applications are sent, what happens to the two that don't get chosen.

Mayor Pro Tem Riley replied they stay in the file.

Councilmember Woestehoff asked if their clock starts over because they have already been in the file.

Administrative Services Director Lasher replied that is a good question and asked for Council input.

Councilmember Musgrove asked if they would be looking for any feedback from the Judge as to why they selected that candidate and if there are any that would he wouldn't want reconsidered.

Mayor Pro Tem Riley replied what if he said no.

Councilmember Musgrove asked if then the clock would be restarted for consideration.

Mayor Kuzma recommended restarting the 14 month clock for those applicants.

Councilmember Woestehoff replied the clock should go off the initial application to make it easier for the Staff to track. He suggested it could be extended to 16 months but felt everyone could also reapply.

Councilmember Musgrove commented for tracking for the Staff to keep it at 14 months and not start if over.

Mayor Kuzma replied he was fine with that.

Administrative Services Director Lasher replied applications that are in the file, regardless of the process they have gone through, after 14 months from the date received they are no longer to be kept in the file.

Councilmember Musgrove asked if it would be easier to track if there was one date.

Mayor Pro Tem Riley suggested it be from the due date so she is doing one recruitment every year.

Administrative Services Director Lasher replied that is a good idea.

There was Council consensus for that idea.

Administrative Services Director Lasher stated her question seven was answered because there was no interview.

Councilmember Musgrove asked if point d is stricken.

Administrative Services Director Lasher replied the City Clerk will send the applications to the Judge. She apologized, noting she is going on a 16-hour day and is starting to get bleary-eyed.

Councilmember Musgrove commented the City Clerk sends a letter to the Judge asking to have an application reviewed, okay.

Administrative Services Director Lasher asked if under Recommendations, they just keep number one.

Councilmember Woestehoff replied he thought so.

Councilmember Musgrove commented on her thought on number two, that because this is a policy it just states the policy, which would provide clarification for having it in there. She asked if she was understanding the purpose for having it in there.

Councilmember Woestehoff replied he sees the point but it was also contradictory because section one says Council wants to be separate but section two implies that they do recommend a specific candidate.

Councilmember Musgrove replied it would be a specific nature of a candidate, not a specific candidate.

Councilmember Woestehoff replied he saw what she was saying. He stated he preferred leaving it at option one.

Councilmember Howell asked about number three.

Councilmember Woestehoff commented he didn't think it was necessarily relevant because it isn't limiting the field but it is also stating the City has some sort of other version of evaluation. He stated he preferred the hard distinction.

Councilmember Musgrove commented this policy is for Council, City Staff, and the Judge, and those two points further clarify that they want to be out of it but have some intentions of what type of candidate is being looked for.

Councilmember Howell replied she would like to include all of it. She felt it isn't trying to narrow down people's views or exclude any views and is not telling what type of philosophy, government, or history they are interested in, or what type of political science views are, but to have people who have those types of interests. She expressed concern that if a bunch of paralegals or history majors apply and then if a plumber applies who is knowledgeable, she didn't want that person excluded because they don't have a degree. That is what she thought was reflected in number three.

Mayor Pro Tem Riley replied he would be comfortable with number three. He felt number two stated they didn't want people excluded, except people who aren't listed. He didn't like number two because it puts in a preference. He didn't like number three because he wasn't sure it was necessary but suggested rewording it.

Councilmember Woestehoff concurred. He stated he understood the spirit of number three more than number two. He didn't have issue with someone lacking a degree.

Mayor Pro Tem Riley suggested wording that they are looking for someone who is well rounded and not necessarily have an education.

Councilmember Heineman replied the purpose of the guidance is to validate the person that is applying has the interest Council is looking for. He thought they were all fine. He added the application questions that are proposed aren't saying specific qualities are desired but is a way for people to vet themselves out through the questions.

Mayor Kuzma commented he wasn't in favor of question two. He thought three was okay, noting there is the application and the City wants the Judge to be able to make the decision. He thought the simpler the process could be made and keeping the Council at a distance the better.

Councilmember Heineman asked if in number two, they are saying to the City Council that with every opening Staff would pen a new letter of what the Council is looking for or would a template be sent. He would be in favor of a template but a new letter would get into biases and subjectivity.

Councilmember Howell replied the idea behind Recommendations was just a blanket cover letter that goes out and once completed, Council is hands off.

Councilmember Heineman replied he would be okay with it if it was very vague and stated something like "the City Council recommend to the Judge that the Judge looks for candidates who show a broad depth of knowledge when it comes to forms of government, philosophy, and literature." He stated getting too specific introduces biases and he wanted it to be kept broad but to ensure interests and experience were appropriate for the Charter Commission.

Councilmember Howell replied she would accept that revision.

Councilmember Musgrove referenced the title “Recommendations” and asked if it is recommendations for the Judge.

Councilmember Woestehoff agreed and stated this document is a policy and under the recommendation section, he likes number one that states Council has no recommendations. He commented that recommending people from all walks of life should be considered by the Judge but he didn’t know if it needed to be included in the policy or in this spot.

Councilmember Heineman commented when it is said Council doesn’t want to have input on who is selected to the Charter, he takes it to mean not having input on applicants. He thought having a standard statement that to be a Charter member it would be helpful to know the forms of government, what the Constitution looks like, and a general idea of political science. He thought they could give general guidance which wouldn’t be contradictory to having direct influence.

Administrative Services Director Lasher suggested changing the title to “Recommendations and Desired Qualifications.”

There was Council consensus to change the title to “Recommendations and Desired Qualifications.”

Councilmember Howell agreed, adding they were tasked with developing a policy which she thought should include qualities for someone who would do well on the Charter for the Judge. She stated the Judge will have discretion on what kind of governmental philosophy applicants have. She thought that was the Council being hands off while showing that they cared about the qualifications of the applicants.

Councilmember Musgrove asked if all three points are going to remain.

Councilmember Woestehoff replied he liked the change of title because it helps him better associate what that section is. The desired qualifications, those could be outlined in the policy but he would defer to the application questions that allow the applicant to express their skill sets and desires.

Mayor Pro Tem Riley pointed out Councilmember Heineman’s qualification list to be people who have a broad knowledge of government and philosophy.

Councilmember Heineman replied all three points are kept in but number two is changed to be very broad and short.

Mayor Kuzma commented they can try this and if it causes confusion for the Judge, it can be revisited and modified.

Councilmember Howell asked if Councilmember Heineman had a suggestion for making number three more concise.

Councilmember Heineman suggested “we’d like candidates to be judged on their holistic knowledge of areas applicable to a Charter Commission.” He wasn’t sure it needed to be changed.

There was Council consensus to not change number three.

Councilmember Woestehoff replied with modifications, he could support it but suggested the Council look at that section more on their own time and present it to Staff for more input.

Mayor Pro Tem Riley replied this document is getting close and there are too many things that need to be finalized.

Administrative Services Director Lasher replied she would appreciate the opportunity to have one more draft.

Mayor Pro Tem Riley asked about the section with the interviews.

Administrative Services Director Lasher replied yes she has that crossed out. She stated Additional Steps Number One states when applications are received that the applicant would be notified. She stated she would like to see less phone calls and emails. She suggested creating a professional automated response.

Councilmember Musgrove agreed.

Mayor Pro Tem Riley added it could include that the application will stay on file for 14 months for the current or any future vacancies.

Councilmember Woestehoff asked about page four.

Administrative Services Director Lasher replied if Council agreed on page four, the questions she had on page four didn’t apply anymore because they both regarded interviews. She stated number five, nine, and part of number ten were unnecessary and she crossed them out.

Councilmember Musgrove agreed with taking number five out. She didn’t have a problem with number nine and asked Administrative Services Director Lasher about the current process for orientation because the Charter Commission doesn’t meet as often.

Administrative Services Director Lasher replied the process for orientation and getting policies would be part of the required oath of office that must occur within 30 days. She stated the paperwork is forwarded to the County so that would be a time for them to get the binder with the Strategic Plan, the Charter, and things that are normally given to new Charter members

Councilmember Musgrove asked if it states that in the part about them taking their oath.

Administrative Services Director Lasher replied it is in the timeline but she could add it in.

Councilmember Musgrove replied it might be good to clarify it.

Councilmember Woestehoff suggested having a policy that the Charter Commission Chairperson reach out to the new member. He thought it could be number nine except take out the section where Staff is involved and just ask the Chair of the Charter Commission to reach out.

Councilmember Musgrove referenced page three, Terms and Requirements, number three, and asked if the sentence needed to be adjusted.

Administrative Services Director Lasher replied “terms are to be staggered.”

Mayor Pro Tem Riley asked City Attorney Knaak if there has been anything he has heard tonight that he thinks would be a problem.

City Attorney Knaak replied no.

Mayor Pro Tem Riley commented another draft will be reviewed and there should be a quick approval.

2.05: Discuss Collecting and Compiling Ramsey City Policies

Mayor Pro Tem Riley asked if this could be pushed to another night.

Councilmember Musgrove asked if they could do that because they have already voted to approve the agenda.

Councilmember Specht replied it is a Work Session so it could be done.

Mayor Pro Tem Riley commented he thought this could be Staff driven. He stated if there are policies, they all need to be in the same place and people should be aware of them. He suggested moving to the next item.

The Council agreed and there was consensus to move on to the next agenda item.

2.06: Discussion Regarding the New City Administrator’s Employment Agreement (May be closed to the public)

City Attorney Knaak stated the reason it may be closed is because negotiations would occur with the applicant which isn’t happening right now so this topic can wait.

There was Council consensus that this topic can wait.

3. TOPICS FOR FUTURE DISCUSSION

3.01: Review Future Topics/Calendar

Mayor Pro Tem Riley asked City Attorney Knaak how to proceed. He asked if it was correct that they can't close the session.

City Attorney Knaak replied no, but they don't know what the topic is.

Mayor Pro Tem Riley replied he didn't, so they just talk about it.

City Attorney Knaak replied yes.

Administrative Services Director Lasher asked if it needs to be noticed as such.

City Attorney Knaak asked as what.

Administrative Services Director Lasher asked if the topic needs to be noticed 72 hours ahead of time.

City Attorney Knaak replied the meeting has to be noticed, the question is whether or not if the agenda has to be noticed. He stated on something like this, there isn't much that can be done about it. He stated it isn't a good practice and suggested the Council set the discussion and put it on the agenda for another Work Session.

Councilmember Heineman asked if there were grounds for Councilmember and Staff input at the end of a Work Session, if that would be an appropriate place to bring it up.

City Attorney Knaak replied if the idea is to discuss a particular thing that is fine. He stated in their agenda it is Future Topics and certainly that is something that would be an appropriate discussion.

Councilmember Heineman stated Councilmember Musgrove could suggest a future topic and then in that and could say what she needs to say.

City Attorney Knaak replied yes, he thought that works.

Councilmember Musgrove stated she didn't like that approach because that is how things get lost in trying to find them because they are in Future Topics. When she has tried to do that she has missed things because they were in a Future Topic section and didn't come up under any title or anything.

Councilmember Heineman replied he was saying if she wanted to talk about something tonight she could phrase it as "I would like to add to future topics and issue I'm having and that issue is" and that would open up the door to discuss what she has to say.

Councilmember Musgrove replied part of it can fall under the category of Ramsey City Policies so if that can be brought back and discuss it as a specific policy in relationship to agreeing that policies need to be worked on.

Councilmember Heineman commented he thought they were all ready to hear it so he would be okay with that.

Councilmember Musgrove commented part of it has to do with the hiring process for the new City Administrator so she would want to be sensitive to that and so is looking for City Attorney direction on whether candidate Interim City Administrator/Community Dev. Director Hagen should be present.

Interim City Administrator/Community Dev. Director Hagen offered to step out.

City Attorney Knaak replied he didn't know if there was a reason one way or another, it's up to him.

Interim City Administrator/Community Dev. Director Hagen stepped out.

Councilmember Musgrove stated she sent the email and has paper copies. She asked if Administrative Services Lasher Director wanted one.

Administrative Services Director Lasher replied yes please.

Councilmember Musgrove stated she was sorry if she didn't send one to Administrative Services Director Lasher. She asked if everyone was able to open the email. She wanted to bring this up because it is the first Work Session since the last meeting. She stated the Interim City Administrator is a candidate involved with this discussion so she couldn't bring it to him. The HR Manager is part of the subject of the discussion so she didn't feel comfortable bringing to her but she felt like it needed to be part of the public record. As a Council, she needed to know who she should be speaking to. As a Council, she wanted to be able to come to that decision about, if they have questions and concerns about the hiring process who do they go to. She stated that is part of her reason. She stated she basically has it presented out with the information which one candidate received which was different than another candidate, which lead one candidate to send an email saying "I'm not going to. And I'm basically thanking you." And then the prior City Administrator did the right thing in a corrective action and sent out an email and so she has questions about the City Administrator did the right thing, was there Staff discussion that warranted this response. Did the Staff and the City Attorney have a discussion on how to resolve this and are there any potential legal issues with what happened.

Mayor Pro Tem Riley interrupted to state he is still reading the email.

Councilmember Musgrove apologized.

Mayor Pro Tem Riley stated he needed to do her a service, he couldn't listen to her and read this. He didn't mean to interrupt.

The Council took time to read the email.

Administrative Services Director Lasher commented she would like this to be held in a Closed Session meeting where she has the authority to open it. She stated this is regarding her performance.

Councilmember Musgrove stated that is part of the reason she wanted to at least be able to hear from her with the Council present, be able to understand what happened, and what are some possible resolutions. She noted that communication is only by email, only during business hours, and decisions should be equally communicated. She stated she put in there some things about what they could do. They could do nothing and she is just seeking Council discussion. She stated she didn't know who to go to with regard to the administrative process if she has questions.

Mayor Pro Tem Riley asked City Attorney Knaak if they can be talking about this right now.

City Attorney Knaak replied he suggested that to the extend to what they are dealing with is some kind of direct or indirect comment on performance by Administrative Services Director Lasher, she is entitled having that as an agenda item and entitled to having that in a Closed Session meeting if she wishes to.

Administrative Services Director Lasher replied she will open it to the public.

City Attorney Knaak commented he understands. He stated he isn't really sure it comes to that level based on what he is reading here. He stated there is implication that there is some kind of wrong doing on Administrative Services Director Lasher's part. City Attorney Knaak stated he sees it as a communications error that was rectified by former City Administrator Ulrich immediately when he became aware of it, at least that was his perception of it, and remedied the problem. He stated he understands that this is a very sensitive issue but if they are going to push this into a scenario, it is going to be a criticism of an employee and that changes the game. He stated then it is something that is a little bit different. He stated Administrative Services Director Lasher is already indicating that she wants to stand by her rights and he isn't sure it is even an incident that warrants that. He stated he is not belittling Councilmember Musgrove's concerns; he didn't want to be misunderstood. He stated as a practical matter, there are some issues here but he didn't like putting it on the agenda and having it discussed as a question of whether there is liability, no, he can say that right off. Whether that would regard Mr. Korin or Mr. Hagen he doesn't see it or know where it would be coming from. He stated there is no right that is being violated or anything like that the City has caused, nor that was caused by negligence or error. He stated that is his initial read on this, if this is going to be a situation where they are going to be reviewing Administrative Services Director Lasher's performance, they are certainly within their rights to do that and she is within her rights to respond if that is their intention. But that has to be a separate meeting called for the purpose of doing that review. Of course Administrative Services Director Lasher has rights.

Mayor Pro Tem Riley commented that is a pretty clear answer.

City Attorney Knaak continued that is not to say that this can't be raised or shouldn't be raised, that is her right as a City Councilmember, but this isn't the right way to do it, not in this way. It has to be a formal meeting. He indicated it is probably not good to do it at a Work Session.

Administrative Services Director Lasher stated she would request a public meeting on the regular agenda.

City Attorney Knaak replied it would have to be that anyway, the only question is whether or not it would be public.

Administrative Services Director Lasher replied it could be closed but it would be her option to open it.

City Attorney Knaak replied it starts with closed and Administrative Services Director Lasher would have the option to open it. He stated he doesn't know how much is there, it is certainly getting escalated into something he isn't sure it is, that is why he is cautioning Councilmember Musgrove.

Councilmember Musgrove stated she is looking for direction in the next month they have to continue with the administrative hiring process, who do they go to, that is her reason for bringing it up.

Mayor Pro Tem Riley stated Councilmember Musgrove went about it poorly.

Councilmember Musgrove apologized for that. She stated she is doing the best she can, she is coming to seek advice, and wanted to get Council advice.

Mayor Kuzma commented Councilmember Musgrove could have called him and they could have had this discussion offline.

Councilmember Musgrove replied if she had called him and he didn't want to have a special meeting, then she loses the right to call a special meeting.

City Attorney Knaak stated they have done their search internally, there is no third party responsible for this. They haven't done anything wrong, they have done a good job overall in doing a search like this on their own. He stated there are bound to be a few bumps in the road, and he felt that was important to be discussed, which is what they are doing. He stated that any issues like this get settled but there is no reason right now to suggest that the overall process was in any way jeopardized by this.

Councilmember Musgrove replied okay.

City Attorney Knaak continued asking them to believe him that he is not belittling the questions Councilmember Musgrove is raising but he didn't think that what is being talked about here rises to the level of a criticism or performance review.

Councilmember Musgrove replied okay.

City Attorney Knaak stated they could make it that, and that is okay, and she is within her rights to respond to that. He didn't think that is where Councilmember Musgrove was coming from here.

Councilmember Musgrove replied, no and referenced the last page she has, stated she would like to know what the policy is on this. She looked for it and couldn't find it.

Councilmember Specht asked if this is a policy and does it come down to a policy of this is how they respond when people apply, versus not respond, or is it performance. He stated that is what he is asking.

Councilmember Musgrove replied she thought it was more policy.

Mayor Pro Tem Riley stated it looks like a witch hunt.

Councilmember Woestehoff stated yes, it absolutely looks like a witch hunt.

Councilmember Musgrove replied no, that is not her intention.

Mayor Pro Tem Riley replied it is veiled. He asked City Attorney Knaak if he could answer the question for them if they don't know where to go.

City Attorney Knaak replied sure. He stated here's the interesting thing, and it would be a situation where he would have to make an exception to the rule, because usually when he is contacted by a Councilmember, as he said early on, he talks to the City Administrator. He stated here it is a little awkward and is a delicate situation. He stated he could certainly do that. He stated from what he sees, what he is concerned about is that they are really doing it right overall, maybe some things weren't communicated in a way that were ideal but he thought former City Administrator Ulrich took care of that part of the problem. He stated things happen and he thought former City Administrator Ulrich did a reasonable job of taking care of whatever misunderstanding there might have been and this process can continue. He didn't think it was necessary at this point to suggest that there has been any kind of wrong doing, even negligence. He stated that was their call, and is only if they want to make it that kind of an issue. He stated based on his experience, he is not seeing that it is.

Mayor Pro Tem Riley asked if the question was answered.

Councilmember Specht replied yes.

Councilmember Howell asked if it could be fair to divide this into, really it seems like there are three things here. One is saying what is the policy, they are talking about policy issues and doing a better job with policies and having that in place. What is the policy to follow to make sure they get the best results in how they communicate with people who are job applicants.

City Attorney Knaak replied he thought that was a very good question to ask. He stated part of the answer is going to come from the fact that they are basically doing it firsthand. They are discovering what works and what doesn't work. He stated that it is a fair thing to say that in the

future, they may have a somewhat different means of communicating things. He wasn't sure. As they look at what they have done, there should be a consideration on their part of what parts of this, because it was done all internally even though it could have been hired out, did they like about this process, what parts didn't work. He stated all in all he would say it seemed to have worked and asked what would they have done differently. He thought it was fair to be asking those questions of themselves as they are going along, which is what they are doing here. He cautioned, because this is not easy, especially when they have two strong candidates and two groups on the Council that are feeling pretty strongly on both sides, it is not easy to go forward on this in a way that somehow if it is not working the way they think it ought to, doesn't reflect adversely on the Staff because it shouldn't be. He stated his sense is that the Staff, even though Mr. Hagen is on the Staff, have been pretty nonpartisan from what he has been observing. He stated he would be happy to be there to answer any questions, or offer direction that they think might be necessary. He thought they were doing things right.

Mayor Pro Tem Riley stated the question that Councilmember Musgrove posed of who should be contacted with issues like this, in this situation, it would be City Attorney Knaak.

Councilmember Musgrove replied part of the conflict with that is that City Attorney Knaak, in his role as attorney, provides Council with direction but his other role is to protect the City and so to her that is difficult to have him be point person for questions.

City Attorney Knaak replied when she talks about protecting the City, his client is the City.

Councilmember Musgrove agreed.

City Attorney Knaak continued they run the City, they are the City Council, and he can certainly interact. When he talks about reporting, as he said to her, there should always be somebody in the administration that knows the communication is going on. They may not know what was communicated, that is not important, but they need to know that communication is going on and that is the way he approaches it. He stated he never reveals what was said, just that there was a conversation. He didn't see that as a conflict, that is what City Attorneys do if they want.

Councilmember Musgrove stated her intention was to be able to have a discussion with the Council honestly about who do they go to and it is a particularly interesting situation with the hire being now the Deputy/Interim Administrator and the communication that happened afterwards. She is just pointing it out and would like to know if there is a policy and if not, if that is something that Administrative Services Director Lasher would be saying is needed or not needed.

Administrative Services Lasher stated she has three questions. She stated she would like to know that email that City Administrator Ulrich sent to Mr. Korin was received by all Councilmembers.

The Council indicated answer was yes.

Administrative Services Director Lasher continued, number two, as an exemptive employee with the City of Ramsey she is granted discretion on how to do her job. And updating candidates on the status in the process when she has conversations with them, and she says she will send them

an update so they don't have to wonder all night, she felt like that was in her discretion. Now one of the texts should have been more thorough but she stated she was exhausted. She stated she is exhausted. She stated she asked the Council to please to outsource this recruitment and maybe other cities have found there are reasons to outsource the top level position. There have been a lot of hiccups along the way in her opinion. She continued, noting she had stated at the beginning of this process she didn't want to do it if she couldn't do it well. So there were some things she wished had gone better but she is over worked and is stretched way too thin. She is doing the best she can and doesn't appreciate this. She indicated that is all she wanted to say.

Mayor Pro Tem Riley stated in answer to the question, in the interim, he would say go to City Attorney Fritz because this a very specific thing. He didn't know there could be a policy if they had thought of it in the past anyway.

Councilmember Specht asked if there was a way to set general guidelines. He would always be open for feedback if there are things that they see and can give feedback.

Mayor Pro Tem Riley commented the normal answer that is known, is that they would go to the City Administrator and that would be the normal fall back. He stated he understood this was different. He stated in this special situation, they would go to City Attorney Knaak.

Councilmember Musgrove stated she appreciated Administrative Services Director Lasher just now providing the information about her exempt status which provides her some liberty in doing that, which she wasn't aware of and that makes it a totally different perspective on what happened. She stated she didn't know that. She stated that was part of her reason for wanting to have this discussion with Council and have that information.

Councilmember Howell commented she disagreed with the City Attorney on this and didn't understand how there are such different messages in front of them. She would want to have a further conversation that needed to be in a Closed Session just to talk through stuff. She stated she understood being overwhelmed but there were so many disparities on so many levels that for her, it is really hard to grasp. She would prefer having a discussion that is thorough about this.

Mayor Pro Tem Riley replied if they are going to do that, it needs to be added to an agenda; that was clearly answered.

Councilmember Howell agreed, adding she wasn't objecting to that, just making a statement.

Mayor Kuzma commented he understood Councilmember Howell's and Councilmember Musgrove's concerns but thought Administrative Services Director Lasher did as good a job as she could. He thought this was getting blown way out of proportion and he would like to stop this nonsense right now. He thought this is going way overboard and they are almost shaming Administrative Services Director Lasher for something she worked really hard at. Staff tried to outsource this thing but the Council decided to keep it inside and go on the cheap. He stated he didn't believe this is rising to that degree. He stated if they want to set policy for the future, that is fine but he is ready to put this to bed.

Mayor Pro Tem Riley stated he thought they were done so he'll call this adjourned.

Councilmember Specht summarized if they want it on the future agenda, otherwise they can look at the policy at a future time.

Administrative Services Director Lasher asked if Council wants to have a Work Session discussion on May 24, 2022 about filling the Public Works Superintendent position. She asked if something should be scheduled for discussion.

Mayor Pro Tem Riley asked if the question was on the date or if the position needs to be filled.

Administrative Services Director Lasher replied the question is when do they want to discuss it.

Mayor Pro Tem Riley replied the sooner the better.

Councilmember Musgrove asked if it was July 8, 2022.

Administrative Services Director Lasher replied it takes 12 weeks to fill the position.

Councilmember Specht replied that is a City Council night.

Mayor Pro Tem Riley stated that is a yes.

4. MAYOR /COUNCIL /STAFF INPUT

None.

5. ADJOURNMENT

The Work Session of the City Council was adjourned at 10:10 p.m.

Respectfully submitted,

Brian S. Hagen
Interim City Administrator/Community Dev. Director

ATTEST:

Katie M. Schmidt
Deputy City Clerk

Drafted by Joni Helmeke
TimeSaver Off Site Secretarial, Inc.