ROLL CALL: Mueller, Gunn, Hull, Meehlhause, Bergeron

PUBLIC COMMENT

Citizens may speak to issues not on tonight’s agenda. Before speaking, please give your full name and address for the minutes. Also, please limit your comments to three minutes.

Agenda Items Discussed by Consensus

1. NYFS Mental Health Coordinator Donation – increasing contribution from $5,000 to $10,000 – Council Member Meehlhause
2. Density within the Planned Unit Development District – Director Sevald
3. Administrative issues - Administrator Zikmund – Handout at meeting

Next Work Session: Monday, February 4, 2019 at 6:30 pm
Next City Council Meeting: Monday, January 14, 2019 at 6:30 pm
To: Honorable Mayor and City Council
From: Jon Sevald, Community Development Director
Item Title/Subject: Density within the Planned Unit Development District

Introduction:
INH Properties is proposing to build a four-story, 127-unit apartment building at Crossroad Pointe, exceeding the maximum building height and density permitted. An amendment to the City Code will be necessary.

Discussion:
Crossroad Pointe is owned by the EDA, and has been marketed for development since 2015. Since this time, the City has received a number of official proposals, all of which exceeded City Code standards for density. It is likely that the INH project will be developed as a Planned Unit Development (PUD). PUD’s are intended to allow variations from the City Code for projects that meet certain size requirements, in exchange for developing a project that exceeds the minimum standards in other areas.

Based on a sketch plan submitted by INH for the December 10, 2018 City Council meeting, Staff has completed a cursory site plan review, determining the following ordinance amendments are needed:

Building Height
Maximum height permitted in the City is three stories. Four stories are proposed (at-grade garage + three stories of apartments).

Density
Maximum density permitted in the PUD district is 10% above what is allowed in the R-4 district (1 unit per 2,500 sq ft lot area). For Crossroad Pointe, after subtracting right-of-way, Staff estimates the site to be 3.8 acres in size. This equates to a maximum density of 73-units. Proposed: 127-units.

Recommendation:
Staff recommends that the City Code be amended such that dimensional and density standards be a guideline. The intent is for each PUD project to accomplish the City’s vision for that site, while allowing the density necessary to make the project economical.

Respectfully submitted,

Jon Sevald, AICP
Community Development Director
City of Mounds View Staff Report

To: Honorable Mayor and City Council

From: Brian Beeman, Assistant City Administrator

Item Title/Subject: Archive Social

Cities across the United States are required to archive their social media data. The League of Minnesota Cities provides an example social media policy that states:

“All social media communications or messages composed, sent, or received on city equipment in an official capacity are the property of the City and will be subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public upon request.”

Social media records in Minnesota are subject to the Minnesota Government Data Practices Act, “Which creates a presumption that state and local government records are accessible to the public.” The law applies to information in any form that is collected, created, received, maintained, or disseminated by government. This definition covers posts made by government entities on social media and public comments. The act applies to information in any form held by certain government agencies.

Archive Social is a company that archives government social media data. Staff has contacted other cities that are utilizing Archive Social’s services and all reviews have been positive. The City of Blaine used it for media data requests surrounding the water tower issues. Golden Valley, Bloomington, Minneapolis, have also used their services and Bloomington’s legal counsel advised the city to utilize Archive Social.

There are three service packages. Archive Social recommends the first package based upon the number of City accounts and records. The cost for the first package is $199 per/month or $2,388 p/year for 10 social accounts and 1000 new records per/month with unlimited data storage.

Respectfully Submitted,

_______________________
Brian Beeman
Assistant City Administrator
Protecting Mounds View, MN with Social Media Archiving
Why do we need to archive?

‣ Our social media is creating public records.

Open records laws maintain that we need to be able to produce social media records—both from our own content, and from content our constituents create—in response to records requests.

Social media is a mission-critical part of our communication strategy, and our constituents are creating, editing, and deleting records on a daily basis.

‣ If we do not preserve our social media records, we are potentially out of compliance with state records regulations.

‣ Beyond public records responsibilities, we will increasingly need to produce records for a variety of other types of requests.

Requests from internal stakeholders

E-discovery requests

“With the public records law in Massachusetts, it is critical to capture all of the records produced by social media. You are protecting your community, your employees and complying with the law.”

NICHOL FIGUEIREDO
Public Information Records Access Officer & Webmaster Framingham, MA

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Public Information Records Access Officer & Webmaster Framingham, MA
Examples of Our Social Media Records

Welcome to Mounds View, Minnesota

Kathleen Ann: The city had a residents complete a survey last spring. When will the results be shared?

City of Mounds View, MN: We are awaiting a response from the Dept. As soon as we hear back we'll update you on the status of the survey.

City of Mounds View, MN: The survey had 800+ responses, resulting in 50+ pages of comments thus far. A summary will be made available to the public as soon as possible. As, staff continues to categorize and tabulate the comments.
The Government Data Practices Act, Minnesota Statutes, chapter 13, creates a presumption that state and local government records are accessible to the public.

The act applies to information in any form held by certain government agencies.

All information in any form (written, computerized, on recording tape, microfilm, etc.) collected, created, received, maintained, or disseminated by government.

The act establishes a presumption that unless otherwise provided by law, all government data are public.

Excerpt from the Minnesota Government Data Practices Act, page 2-3
http://www.house.leg.state.mn.us/hrd/pubs/dataprac.pdf
Social Media, LMC Model Policy

League models are thoughtfully developed by our staff for a city's consideration. Models should be customized as appropriate for an individual city's circumstances in consultation with the city's attorney. Helpful background information on this model may be found in Information Memo: "Computer and Network Loss Control."

This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.

City of ________, Minnesota
Social Media Policy

Purpose
Social networking in government serves two primary functions: to communicate and deliver messages directly to citizens and to encourage citizen involvement, interaction, and feedback. Information which is distributed via social networking must be accurate, consistent, and timely and meet the information needs of the City's customers. Since social media is used for social networking, this policy seeks to ensure proper use of the City of ________'s social media sites by its representatives.

The City of ________ wishes to establish a position of authority whereby representatives have the responsibility to use the sites.

Data Ownership
All social media communications or messages composed, sent, or received on city equipment in an official capacity are the property of the City and will be subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public upon request. The City of ________ also maintains the sole property rights to any image, video or audio captured while a City employee is representing the City in any capacity.

The City retains the right to monitor employee's social media use on city equipment and will exercise its right as necessary. Users should have no expectation of privacy. Social media is not a secure means of communication.

Policy Violations
Violations of the Policy will subject the employee to disciplinary action up to and including discharge from employment.
Why do we need an archiving solution – is there another way to do this?

“Facebook has no records management capability.”

JERRY LUCENTE-KIRKPATRICK
Formerly State Records Analyst
State of Arizona

Other methods don’t capture the content we need.

- We cannot rely on the social networks to archive for us.
  - The social networks do not provide user comments or revisions to content (edited, deleted, and hidden content) in their download features.
  - The social networks are not bound to public records laws, and have no legal obligation to retain records.

- We cannot rely on “manual” archiving, or screenshots.
  - Screenshots are only a snapshot in time, do not capture deleted or revised content, and are not searchable.
  - Screenshots have no metadata attached to them, and are not effective in court.

- We cannot just make our social media “one-way”.
  - There’s no way to consistently block users from generating content on our social media pages.
  - For example, on Facebook, we cannot disable users’ ability to comment on our posts.
How much does it cost, and what is involved with implementation?

- Pricing is fully transparent and designed to fit into discretionary budgets.
  - 90% of agencies are priced under $5000 per year
  - The pricing is based on average monthly record counts

- Most agencies fully connect in 20 minutes.
  - The system is cloud-based, and all it requires is connecting our social media accounts
  - No IT resources are required

- ArchiveSocial never has access to our social network passwords, and can only “read” our content.

“I can’t even begin to explain how much simpler and easier ArchiveSocial has made things. It’s not something I even have to think about now.”

SGT. CHRISTOPHER FULCHER
Chief Technology Officer
Vineland, NJ Police Department
Why should we do this now?

‣ It gives us confidence that we are in compliance with state records laws, and can easily respond to records requests.

‣ Without it, we are losing records daily, through deleted and edited content.

‣ As engagement on our social media increases, it gives us insurance in case of unexpected events.

"If you don’t have something like ArchiveSocial for your social media, you’re playing Russian roulette with your daily public records responsibilities — and that’s not a good idea."

REBECCA MEDINA STEWART
Director of Public Affairs and Marketing
City of Deerfield Beach, FL
Examples of Social Media Lawsuits

San Mateo updates Twitter policies in legal settlement: City and mayor highlighted in debate over social media’s role in public records

By Samantha Weigel Daily Journal staff, May 20, 2017

Beech Grove settles free-speech lawsuit over Facebook use

August 5, 2016 | Associated Press

KEYWORDS SOCIAL MEDIA / SETTLEMENT / BEECH GROVE / COURTS / NEGLECT

An Indianapolis suburb has settled a lawsuit accusing it of violating two women’s critical comments on its Facebook page.

Court documents show the plaintiffs will receive nearly $7,500 each from the city, and women will be allowed to post on Beech Grove city-run Facebook pages. The Libertas Union of Indiana filed the lawsuits. The pages were taken down in 2013.

Representing Irby attorney Blair Dunn said he estimates the settlement cost about $35,000.

Former Alamogordo Mayor, City found in violation of public records act

Tara Melton, Alamogordo Daily News

Published 7:26 p.m. MT April 29, 2016

Former Mayor Susie Galea and the City of Alamogordo were found in violation of the Inspection of Public Records Act after 12th Judicial District Judge Jerry H. Ritter Jr. ruled on Thursday that Galea’s Facebook page was subject to inspection requests under the state’s records act.
Why ArchiveSocial?

‣ The industry leader—working with more than 1500 agencies nationwide.

- From small towns to the largest cities, including NYC, Chicago, and San Francisco
- Currently working with agencies throughout Minnesota, including Blaine, Hennepin County, Minneapolis, & Golden Valley.

‣ It gives us the highest level of compliance.

- ArchiveSocial preserves more content than any other solution
- Search and replay features that enable us to easily respond to records requests

‣ They are in the top 1% of customer satisfaction scores for software companies, with a US-based customer support team ready to assist us.

“ArchiveSocial’s functionality, ease-of-use, compliance, and reporting features are better than their competitors. I was impressed by how simple it was to add accounts and to pull up records. Brilliant!”

DAVID BRAUHN
Communications Manager
City of Walla Walla, WA