

MINUTES
COMMITTEE-OF-THE-WHOLE WORK SESSION
February 1, 2010
City Hall Conference Room
6:40 pm / Immediately following council meeting

PRESENT: Mayor Stiehm, Council Member-at-Large Anderson, Council Members Austin, McAlister, Martin, King, Clennon, and Pacholl.

ABSENT: None.

STAFF PRESENT: Public Works Director Jon Erichson, Human Resource Director Trish Wiechmann, City Attorney David Hoversten, City Clerk Lucy Johnson, Administrative Services Director Tom Dankert and City Administrator Jim Hurm.

ALSO PRESENT: Human Rights Commission members Stephen Wald, Kathryn Martin, Kristen Lindbloom, Firefighters Jim Halsey, Troy Tigner, Tom Schulte, Dan Kane, Public, Austin Post Bulletin, and Austin Daily Herald.

Item #1 – Closed session for a personnel evaluation pursuant to M.S. 13D.05, Subd. 3. See DVD in Human Resources office for minutes.

Mayor Stiehm opened the meeting at 6:40 pm.

Item #2. – Human Rights Commission Blue Cross/Blue Shield grant presentation: Kristen Lindbloom requested council support in applying for a \$50,000 grant through Blue Cross/Blue Shield to implement a Community Building Project. Ms. Lindbloom noted they have worked with APEX Austin, the public schools, and Riverland Community College on this grant. The grant would foster connectiveness between our residents, and we would partner with the schools and the college.

Ms. Wiechmann stated the Human Rights Commission submitted a letter of intent to Blue Cross/Blue Shield, and they have now asked us to submit the full grant application.

Ms. Lindbloom stated she would like the city to approve the grant request under the arm of the Human Rights Commission. Ms. Lindbloom stated the Human Rights Commission will write the grant, and we don't need any financial support.

Council Member Martin stated we are becoming a more diverse community. This grant could have a snowballing effect, and this is sending a good message by our Human Rights Commission.

After further discussion, motion by Council Member Martin, seconded by Council Member-at-Large Anderson to recommend to Council their support for the Human Rights Commission grant application. Item will be added to the next council agenda. Carried 7-0.

Item #3. – Consideration of a complaint against an employee: Mr. Hoversten stated we received a hand-delivered complaint against Human Resources Director Trish Wiechmann for canceling a meeting. Mr. Hoversten stated Council Members Clennon and Martin signed the complaint in regards to a special meeting that had originally been scheduled by a council vote for

the evaluation of City Administrator Hurm. The purpose of the closed meeting was to review the evaluations of Mr. Hurm by the City Council. Some of the evaluations had not been turned in, so in the opinion of Mayor Stiehm and Council Member-at-Large Anderson, a closed meeting would not be productive at that point in time, so they cancelled the meeting after discussions with Mr. Hurm. Ms. Wiechmann was merely the staff person who emailed out the cancellation of the meeting at the request of Mayor Stiehm, who under the Charter is in charge of the City of Austin. Mr. Hoversten stated Ms. Wiechmann is a subordinate to Mr. Hurm, who is subordinate to Mayor Stiehm. Mr. Hoversten stated it appears there was frustration that a meeting was cancelled under some administrative procedures. Mr. Hoversten stated in his opinion there is no basis whatsoever to discipline Ms. Wiechmann for this incident. Mr. Hoversten further noted that in review of the Charter, Ordinances, and Roberts Rules of Order the cancellation of meetings is not addressed. There is no legal basis to find any validity to this complaint. Mr. Hoversten also stated Ms. Wiechmann could have had this hearing in closed session but opted for a public meeting instead.

Mayor Stiehm stated we were waiting for information from some city agencies (HRA Board for example) before we met on the evaluation. Since we had not yet received this, we decided to cancel the meeting.

Council Member Austin stated this is a classic case of shooting the messenger. Council Member King noted his agreement and that no action is necessary.

Council Member Martin stated this shows the holes in our communication on issues like this. Council Member Martin stated he viewed this as Ms. Wiechmann made the decision to cancel the meeting on her own, so there is some good information we are hearing here. Council Member Austin stated this information is all in the backup material including the email stating it was the request of the Mayor and Council Member-at-Large to cancel the meeting.

Council Member-at-Large Anderson stated the most disturbing aspect of this here is that Council Member Clennon and Martin never brought this up at all, they just filed a complaint. This could have been discussed rather than filing a complaint against Ms. Wiechmann. Council should ask questions in the work session rather than going through a complaint process.

Council Member King stated Ms. Wiechmann's good name has been tarnished here. Council Member King stated he personally supports her and that he apologizes for this action by Council.

Council Member Clennon stated her whole point here is what is the value of our vote? We set the time and we set the date. It was decided by some not to meet at that time, as some council members may not want to waste their time. Council Member Clennon stated we should still meet.

Council Member-at-Large Anderson stated it was inappropriate to target a staff person here. Council Member King agreed, noting things come up and we make changes as we go.

Mayor Stiehm stated we tried to accommodate Council by not meeting for no reason. Council Member Austin stated we should thank staff for not making us meet again for no reason.

After further discussion, motion by Council Member King, seconded by Council Member-at-Large Anderson to recommend to Council the dismissal of the complaint against Ms.

Wiechmann. Initial voice vote had some nay votes. Council Member Martin clarified the motion on the table. Roll Call was voted on as follows:

- Council Member McAlister Aye
- Council Member Austin Aye
- Council Member Pacholl Aye
- Council Member King Aye
- Council Member Clennon Aye
- Council Member Martin Aye
- Council Member-at-Large Anderson Aye

Carried 7-0. Item will be added to the next council agenda.

Item #4. – Plan for succession – protocol for the Police Department: Ms. Wiechmann noted this succession plan for the Police Department was actually reviewed at this evening’s council meeting. Ms. Wiechmann noted the next step is to hire an entry level officer to fill the vacancy created by the termination of the police captain. We need three names on the eligibility list to hire the next officer as one withdrew last week. The packet went out to the next applicant on the list to complete.

Council Member King questioned how soon the Police Chief’s position would be posted. Ms. Wiechmann stated she will meet with the Mayor regarding the duties of the emergency management coordinator, which is part of the police chief job description. If we back this description out, this may change the pay rate associated with the position. Oral interviews will have to take place and some sort of “practicals” will be needed like what is done for the sergeant and lieutenant positions.

Ms. Wiechmann stated that currently Detective Krueger and Lieutenant Mueller are splitting the chief duties, based on the request of Mayor Stiehm.

Mayor Stiehm stated the captain position will come from an internal candidate, while the chief position is open to both internal and external applicants.

Council Member McAlister stated he feels like he would like some input and the ability to meet with the final candidates for questions, etc. Mayor Stiehm stated this makes sense and that we should ensure this happens with both the Fire Chief and the Police Chief position.

Firefighter Troy Tigner questioned the potential of people running for the police chief job could be in charge of the department in the interim. Mayor Stiehm stated this is common practice for police departments. Mr. Tigner stated this option was not available for the recently vacated Fire Chief job as the council did not want somebody there doing the job and then applying for the fire chief’s job at the same time. Council Member McAlister stated these two employees that are running the Police Department will not be tooting there own horn while they are running the Police Department.

Council Member-at-Large Anderson stated who and how the decision is made regarding the emergency management coordinator. Ms. Wiechmann stated Mayor Stiehm, City Administrator Hurm, and the County have had discussions regarding the issue. There is plenty of training needed and we are still in the initial discussions here. Mayor Stiehm noted he liked the thought of the fire chief and police chief doing the job jointly.

Council Member Martin clarified Mr. Tigner's point that the Fire Department could not have a current employee be the temporary fire chief because internally this was not a good idea, but for the Police Department it is okay to do this. Why? Ms. Wiechmann stated it was correct that council discussed reasons for not having the interim Chief come from the existing rank of firefighters, but there were several reasons for the decision, not just one.

Council Member King stated that Commander Lovik can still apply for the fire chief job. Council Member Pacholl stated all applicants would have to take the Fire Civil Service test no matter what.

This is for informational purposes only.

Item #5. – North Main flood berm: Mr. Erichson stated we have four options for the structure adjacent to the Mill Pond. Mr. Erichson stated walls need to go into areas where there is not enough room for the cheaper berm. The proposed structures provide for coverage equal to the 2004 flood, plus 3 additional feet. Mr. Erichson discussed the four options as follows:

- Option #1 Solid Flood Wall – Estimated cost is \$1.4 million and would extend 7.5 feet into the air. A six-foot tall person could not see over the wall.
- Option #2 Solid Wall with Raised Road – Estimated cost is \$250,000 more than Option #1 and would provide an estimated structure 5.5 feet high plus the road would be raised approximately two feet.
- Option #3 Invisible Wall – Estimated cost is \$500,000 more than Option #1. This would provide a wall approximately five feet in height, with the ability to add planking to increase the structure to 7.5 feet in height.
- Option #4 Invisible Wall with Raised Road – Estimated cost is \$750,000 more than Option # 1 and would provide a wall an estimated 3 feet in height with the ability to add planking to increase the structure to 7.5 feet (after the road is raised approximately 2 feet).

Mr. Erichson noted staff's recommendation is Option #4 as this decision will need to be lived with for many years. The cost is more than the other options, but staff looked at other issues like water safety, personal security, graffiti, and other potential conflicts with not being able to see the other side of the wall if it is solid in construction. The flood response times have also been evaluated with the allowance of time required to put the slats into the structure. Annual drills would need to be done to ensure staff understands the task of protecting the area.

Mayor Stiehm questioned the timeframe. Mr. Erichson stated the estimated total cost of the project is \$9.267 million. The local option sales tax has pledged \$3.75 million through a council resolution. Additionally, a \$3.16 million grant has been secured and we are working on another \$2.5 million grant that appears to be in the final stages of review by the federal government. Mr. Erichson stated the goal is to start this project in 2010 and finish it in 2011.

Council Member King questioned if local bidders would bid in on this project. Mr. Erichson stated he would anticipate multiple bidders on this project.

Council Member Martin stated the citizens are saying we need to do this and we need to do it right the first time.

Mr. Erichson also stated the additional cost of the invisible wall and raised road would be eligible for funding under the different grants we have received or anticipate receiving.

After further discussion, Council noted their preference at this point as follows:

- Mayor Stiehm Option #4
- Council Member McAlister Option #1
- Council Member King Option #4
- Council Member Austin Option #4
- Council Member Clennon Option #4
- Council Member Martin No vote now, but we need to do this right
- Council Member Pacholl Option #4
- Council Member-at-Large Anderson Option #4

Mr. Erichson stated he would bring this back to Council in the future, but we may want to talk about this at another work session after you hear from the citizens within the community.

Mayor Stiehm requested that all four options be posted on the city's website.

Item #6. – Bonding bill request – verbal presentation: Mr. Erichson stated he testified a week ago Friday at the State to request 2010 funding from the DNR for flood mitigation phase 2, 9, and 12 for \$3.75 million. Mr. Erichson stated if the pending federal grant for \$2.5 million does not come through, we would attempt to use the bonding money to cover the shortfall.

This is for informational purposes only.

Item #7. – Initial discussion on violation of liquor license penalties: Ms. Johnson stated this topic came up after the last event whereby four violations occurred throughout the city's undercover compliance check. There have been discussions in the past of forcing the employee to pay the fine to the city, but some establishments require the employees to pay for at least part of any fines received. Council Member Pacholl stated that several people have commented that the employee should pay the fine.

Ms. Johnson stated the State changed the licensing fees and increased them to \$560 per organization (up from the \$250 annual fee). The provision also allowed for the municipality to give \$100 of this back to the bar/organization if they had regular training sessions with their employees. Ms. Johnson noted that to date nobody has ever applied for the rebate.

Council Member Austin stated we license the organization; let's let them decide how they want to run their business. He added that it is their job to train and police their employees. He still has a problem with making a business close down as this could be a hardship.

Council Member Pacholl proposed an increase in the fine instead of closing them down. Council Member King stated he is fine with the ordinance as it is currently written. Council Member Martin stated he still has a problem with what he considers entrapment, but maybe we should give them a hefty fine in lieu of closing them down.

Ms. Johnson stated the way compliance checks are done in Austin, an entity could never reach the third or fourth offense as we don't do the compliance checks frequently enough.

Council Member King stated we just passed a social host ordinance to make it tougher on people that supply alcohol to minors. Now is not the time to be lightening up on this because it would be sending the wrong message.

After further discussion, motion by Council Member King, seconded by Council Member Clennon to leave the ordinance as is. Before the roll call vote, Council Member McAlister stated he still does not like the closing part and would like to jack up the fines. Roll call taken as follows:

- Council Member McAlister Aye
- Council Member King Aye
- Council Member Austin Aye
- Council Member Clennon Aye
- Council Member Martin Aye
- Council Member Pacholl Aye
- Council Member-at-Large Anderson Aye

Council Member Martin stated there is a double standard on votes between the way this vote was made and the way the last vote was taken (regarding the complaint).

Item #8. – Actuarial Review: Mr. Dankert noted we are required to get an actuarial valuation every three years in accordance with governmental accounting standards. Mr. Dankert noted he received two quotes, one from Hanf Actuarial for \$3,000 and one from Van Iwaarden Associates for \$4,050. The City of Austin used Hanf Actuarial back in 2007 for the review, and Van Iwaarden Associates has partnered with the League of Minnesota Cities for a discounted rate. Mr. Dankert noted Minnesota Statute 471.61 subdivision 2b requires the City to charge a blended rate for retiree health insurance (retirees are charged the same rate as employees) even though it is an industrywide standard that retirees have higher health care costs than working employees. Additionally, we have one retired firefighter that has free health insurance until age 65, but he will be off of our plan in June. These two events are triggering the need for an actuarial valuation.

Motion by Council Member Austin, seconded by Council Member King to recommend to council the approval of Hanf Actuarial for the actuarial review for \$3,000. Carried 7-0. Item will be added to the next council agenda.

Item #9. – Retreat/goals: Mr. Hurm discussed the order of the goals (see attachment of goals) as voted on by Council, noting Council should add this to the next agenda for official approval. Council Member-at-Large Anderson questioned what “Importance of Watershed District” meant. Mr. Hurm stated he believed it was to keep Council informed of the activities of the newly formed watershed district.

Council Member Martin questioned where do we go from here. Council Member Austin stated we should review these every quarter to get a status update of how we are doing in accomplishing these goals.

Motion by Council Member Pacholl, seconded by Council Member King to recommend to council the approval of the goals for 2010. Carried 7-0. Item will be added to the next council agenda.

Item #10. Matters In Hand & Open Discussion: Motion by Council Member Pacholl, seconded by Council Member King, to recommend to Council removal of “Review ordinance for liquor license violation penalties” from the Matters In Hand. Carried 7-0. Item will be added to the next council agenda.

Mr. Hurm noted employee evaluations are in progress. Mayor Stiehm noted we need to schedule another closed meeting for February 16, 2010 to continue the evaluation of the City Administrator.

In regards to succession planning, no decision has been made here noted Mr. Hurm. Additionally, Mr. Hurm stated we should have Mr. Erichson here for the next work session to discuss vehicle accidents by employees.

Under open discussion, Council Member Clennon questioned the status of committee assignments. Mayor Stiehm questioned if anybody wanted to drop their committee assignments. Council Member Clennon stated she would like to be on the following committees:

- HRA
- DCA
- Chamber of Commerce
- AMCHF
- LEC
- Fire

Council Member Pacholl stated the Fire Committee is supposed to be dissolved in the near future. Mr. Hurm stated there is an opening on the Mower County Water Management Committee. No takers volunteered for such assignment.

Mayor Stiehm stated that if somebody wants to give up a committee assignment, to let him know.

Council Member-at-Large Anderson stated that through the League of Minnesota Cities, smaller communities can pool their funds together and jointly train. Information was given to Mr. Hurm on this.

Adjournment: Motion by Council Member King, seconded by Council Member-at-Large Anderson, to adjourn the meeting. Motion passed unanimously. Meeting was adjourned at 9:00 pm.

Respectfully submitted,

Tom Dankert