

MINUTES
COMMITTEE-OF-THE-WHOLE WORK SESSION
June 21, 2010
City Hall Conference Room
6:50 Regular Meeting (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: Community Development Director Craig Hoium, Assistant City Attorney Craig Byram, Parks and Recreation Director Kim Underwood, Public Works Director Jon Erichson, Administrative Services Director Tom Dankert and City Administrator Jim Hurm.

ALSO PRESENT: Austin Post Bulletin and Austin Daily Herald.

Mayor Stiehm opened the meeting at 6:50 pm.

Other Item – Special Meeting: Public Works Director Jon Erichson requested a special work session to be held on Monday, June 28 at 5:30 to discuss the Lansing Township annexation and the outstanding assessment issues. No objections noted.

Item #1. – Ballot questions as proposed by Charter Commission: Mr. Hurm discussed the backup relating to the three questions that are being proposed to the voters at the next general election. The three questions are proposed to be phrased as follows:

1. Shall the Austin City Charter be amended to provide that council members-at-large elected after November 1, 2014 serve terms of four years?
2. Shall the Austin City Charter be amended to provide that mayors elected after November 1, 2012 serve terms of four years?
3. Shall the Austin City Charter be amended to provide that the mayor has the right to vote on any matter in the event there is a tie vote among voting council members?

Mr. Hurm noted the questions need to be approved at the next council meeting.

Motion by Council Member Austin, seconded by Council Member King to recommend to Council the wording as presented above. Carried 7-0. Item will be added to the next council agenda.

Item #2. – Swimming pool ordinance report: Mr. Hoium outlined some proposed development standards regarding swimming pools within the city limits. Mr. Hoium noted there are many portable pools within the community, and does council want to update our ordinance to allow for some different fencing around such structures. Mr. Hoium noted other communities have other requirements, but currently these pools that are 18 inches or deeper are required to have six-foot fences around them. Mr. Hoium noted some of these portable pools are four feet deep, and there are some public dangers involved here.

Council Member King questioned if other communities are going towards fence requirements on these types of pools. Mr. Hoium stated some are; Faribault, for example, requires a permit and a barrier.

Council Member McAlister stated he has heard concerns and complaints against these pools. We do have the public calling us questioning what type of fence is required for this type of pool.

Mayor Stiehm questioned if Council wanted an ordinance on this issue? Mr. Hoium noted that our current ordinance requires a six-foot fence if the pool is eighteen inches or deeper, but maybe the City Council would want to lower the fence requirements for these types of pools. Also, a zoning permit would be required.

Council Member-at-Large Anderson stated on the other cities we look at for comparisons, twenty-four inches is the lowest, and we don't want to be overly protective. Council Member-at-Large Anderson questioned if we should increase our current ordinance to twenty-four inches from the current eighteen-inch requirement for a fence.

After further discussion, no objections were heard for amending the current ordinance to require a four-foot fence around portable pools that are greater than twenty-four inches in depth.

This is for informational purposes now, as the proposed ordinance will come back for an official vote once it has been redrafted.

Item #3. – Report on the use of Lydia Lien estate funds: Ms. Underwood updated Council on the \$210,124 of estate funds that had been received by the Parks and Recreation Department last year. Ms. Underwood noted her Board had allocated \$100,000 to the Hormel project back in 2009. Additionally, another \$30,000 will go towards the Mill Pond area, leaving \$84,124. A portion of these remaining funds will go towards some statues in the Mill Pond area (estimated cost of \$18,000 with half of this being donated by Anderson Memorials).

This is for informational purposes only.

Item #4. – Code of conduct documents: Council Member-at-Large Anderson updated Council on a proposed document from the City's ethics committee (made up of Council Member-at-Large Anderson and Council Members Austin, Clennon, and King). The three documents are as follows:

- Citywide Standards of Conduct (covers all those associated with city-elected and appointed officials and employees)
- City Code of Conduct
- Standards of Conduct at Public Meetings

Council Member McAlister stated the Code of Conduct needs to be consistent between the city council and the mayor terminology. Council Member-at-Large Anderson agreed, noting we should change "council members" to "council" as that will include the mayor.

Council Member McAlister questioned, hypothetically, what would Mr. Dankert do if a council member did something to him; what is his recourse. Council Member Austin stated he would go

to the City Administrator according to our Code of Conduct(#7) and the City Administrator would then take care of the issue.

After further discussion, motion by Council Member Austin, seconded by Council Member Pacholl, to recommend the three documents above to Council for approval. Carried 7-0. Item will be added to the next council agenda.

Item #5. – Existing Law Enforcement Center Committee’s role in remodel project: Mr. Hurm noted the LEC Committee meets as needed, however they did not meet several years ago with the last remodeling project. Mr. Hurm questioned if the City Council would like the LEC Committee to handle the estimated \$1,600,000 remodeling project (\$800,000 of which is the cost to the City of Austin).

Council Member Austin stated it would make sense for the LEC Committee to handle this, as they have the history.

Mr. Dankert noted the \$800,000 in funding has already been approved and lined up, and this should liquidate the Police PERA Fund.

Council Member Clennon requested that that written minutes/notes be taken at meetings and then passed onto the council. Mr. Hurm noted that could be done, and that we would also update Council at the work sessions or council meetings under Reports. Council Member King noted the work session may be a better place since some decisions could be up to a debate.

No objections noted.

Item #6. – Matters In Hand: None.

Item #7. – Administrative Report: Mr. Hurm noted we could get new email addresses for all council with the “ci.austin.mn.us” ending if Council is interested. Mr. Hurm polled Council, and at this time Council Member-at-Large Anderson and Council Members Clennon and Martin requested the email addresses.

Mr. Hurm noted he would take care of this.

Item #8a. – Open discussion – park recycling: Council Member-at-Large Anderson questioned the expansion of recycling that we had talked about. Council Member Austin stated there are issues with the County recycling program that make it difficult for them to do this in our parks.

Item #8b. – Open discussion – new fire chief: Council Member Clennon noted Mickey Healey is starting as fire chief in July, and during his interview he wanted direction from Council. Council Member Clennon questioned when we would meet with Mr. Healey on the direction we want for the Fire Department. Council Member King stated he is not looking for direction, but he wants to be on the same page as Council. We don’t want to do his job, noted Council Member King. Council Member Clennon questioned what should he expect then. Council Member Austin stated our expectations are that he will run the Fire Department with the 24-hour coverage that council has directed the previous fire chief to provide. Council Member Clennon

wondered about the different reports that had been drafted on the Fire Department review. Mayor Stiehm stated those reports told us to keep our noses out of the Fire Department.

Council Member Clennon questioned if Mr. Healey asks for direction then, should we give him some, and does this mean we will not be meeting with him ahead of time. Council Member King stated that at the newly elected official's conference, they were told our jobs are to govern the city, not to run the day-to-day operations. But, Council Member Clennon questioned, what do we expect of the new fire chief, and are we willing to listen to him? Council Member Austin stated we can have a meet and greet, but that should be about it initially.

Council Member King reiterated his stance that he does not want to micromanage the Fire Department as we all have our own agendas for this department. We may scare him off noted, Council Member King.

Council Member Pacholl stated the attorney from Minneapolis told us that we stick our noses in too many things and we need to stay out of the Fire Department.

Mayor Stiehm stated if the Fire Chief has issues, he can meet with us then, as he is in charge now.

Council Member McAlister stated we still have the Fire Committee. Council Member Clennon thought this was to be dissolved. Council Member Austin gave his understanding of the Fire Committee and its history, noting we should let the new Fire Chief get into the system and then we can meet with him later. Council Member McAlister stated we should give Mr. Healey six months to get acquainted.

After further discussion, Mayor Stiehm stated we could meet with him just before his six month probation ends.

Item #8c. – Open discussion – defibrillators in city facilities: Mr. Hurm noted Police Officer John Mueller is still researching grant opportunities for these.

Item #8d. – Open discussion – succession planning: Mr. Hurm noted this still needs to be done. Council Member Clennon questioned what had been done with this. Council Member Austin noted there is not a whole lot we can do as we cannot just give the job to a person, and we can only hope our staff gives us adequate notice. Council Member Clennon noted she did not even remember this issue being discussed.

Mayor Stiehm noted he is all for streamlining this process as the police chief and fire chief hirings have taken way too long. Mr. Hurm noted we will leave this on for now.

Item #8e. – Open discussion – LGA: Council Member-at-Large Anderson questioned when we will find out our LGA for 2011. Mr. Dankert noted it is required to be certified to us by August 1, but any certified amount can be unallotted by the Governor after the next forecast that is due out in early December. Mr. Dankert noted we are a few weeks behind on the budget preparation, but we may end up budgeting for 2011 LGA at the same reduced amount as we will receive in 2010.

Adjournment: Motion by Council Member McAlister, seconded by Council Member King, to adjourn the meeting. Motion passed unanimously. Meeting was adjourned at 8:50 pm.

Respectfully submitted,

Tom Dankert