

**MINUTES**  
**COMMITTEE-OF-THE-WHOLE WORK SESSION**  
**June 20, 2005**  
**City Hall Conference Room**  
**5:30 p.m.**

**PRESENT:** Mayor Rietz, Council Member-at-Large Christopherson, Council Members Hecimovich, Jorgenson, Nordin, and McAlister

**ABSENT:** Council Members Dick Pacholl and Scott Pacholl

**STAFF PRESENT:** Jim Hurm, Paul Philipp, David Hoversten, and Tom Dankert

**ALSO PRESENT:** Roger Everett of Ron's Pawn Shop and Dick Lang (both left before the meeting started), Austin Daily Herald and Austin Post Bulletin, Dan Wilson (6:37 p.m.), Dave Olsen (6:37 p.m.), Bruce Hovland (6:37 p.m.), and Amy Palmer (6:37 p.m.)

The Mayor called the meeting to order at 5:00 pm.

**Item #1 – Auto pawn system** – Mayor Rietz noted the auto pawn system will be discussed before the July 18, 2005 city council meeting as Council Members Scott Pacholl and Dick Pacholl will not be able to attend this meeting due to a death in the family.

Mayor Rietz did note that there will be both a regular council meeting and a work session on July 5 (Tuesday) due to the 4<sup>th</sup> of July holiday. Additionally, we will have budget discussions on July 11 for two to three hours, and on July 20 we have the employee appreciation picnic.

**Item #2 – Indemnification agreement for the police pistol range** – Police Chief Paul Philipp discussed the request by Mower County to use the Police Department's gun range. The proposed indemnification agreement was drafted by Mr. Hoversten to cover the city from loss in the event something happens with Mower County employees shooting at our range. Additionally, Mower County has agreed to contribute approximately \$400 per year for this use. Chief Philipp noted the City must first approve this and then we will take it to Mower County for their approval.

Council Member-at-Large Christopherson questioned if the employees of Mower County shot and broke something, they would have to pay for the repair. Chief Philipp noted this was correct.

Council Member Nordin questioned if a specific use schedule would be set up to avoid conflicts of both Mower County and the City using the range. Chief Philipp noted Mower County would call us to set up the times they wanted to shoot at the range.

Motion by Council Member Hecimovich, seconded by Council Member Jorgenson, to recommend approval of the indemnification agreement with Mower County to council. Carried 5-0. Item will be added to the next council agenda.

**Item #3 – Fire Department grant application** - City Administrator Hurm noted this grant was much like the COPS grant the City of Austin received a number of years ago to hire the Ellis School Liaison officer. We are looking at retention of the part-time fire personnel. We are proposing to use the funding request to pay for YMCA memberships for the paid-on-call staff. After the grant runs out, it would be 100% our cost, but we anticipate this would be a great benefit to the paid-on-call staff. The grant application needs to be submitted by later this week. City Attorney Hoversten noted this would probably only be available to the paid-on-call staff, not their families.

Mr. Hurm noted the Fire Department is planning on doing the application, no need for further council approval.

Council Member McAlister stated that he is not comfortable jumping into this grant knowing we will have additional cost in the future. Also, other groups could make the same argument that they should also have their YMCA memberships paid for. Mr. Hurm noted this was a perk for the paid-on-call staff and a token of appreciation for them giving up their free time to help the Fire Department out.

Mayor Rietz suggested we discuss this issue further after tonight's council meeting as Fire Chief Dan Wilson will be in attendance then.

**Item #5 – Administrative matters** – Mayor Rietz noted she had a letter from Chief Wilson regarding the pending vacancy in the department and the request to fill the vacancy.

Council Member McAlister noted that Chief Wilson's letter does not state we have a letter of resignation from the employee. Mr. Hurm noted after the employee's sick leave is used, he will not be returning to the city. Council Member Hecimovich stated that we still do not have any letter of resignation. Mr. Hurm noted the file is complete, so he will not be returning. Council Member McAlister stated he will not approve a replacement until the resignation letter is in hand. Mr. Hoversten stated that staff could check to see if there is a letter of resignation in the file.

Mayor Rietz asked Council if they would like to approve all replacements when there is a staff vacancy. As Mr. Hoversten stated, does Council want all offers of employment to be brought to the council level? Mayor Rietz noted she does not want to micromanage the departments, unless Council wants to weigh in on some of these decisions.

Council Member Jorgenson noted she has always been disappointed that we have not put the entire issue on the table. The only department untouched is the Fire Department. Council Member Nordin stated that other departments have been cut.

Council adjourned the work session to go to Council Chambers for the regular meeting at 5:25 p.m.

Council re-adjourned the work session at 6:37 p.m.

**Item #4 – Liquor store delivery ordinance** – Mr. Hoversten stated that Dave Olsen of Apollo Liquor was going to have delivery of alcohol from his business through the Express Delivery Service run by Amy Palmer. This system would comply with state statutes, however in order to comply with the local ordinance, we need to amend our ordinance to facilitate such delivery.

The proposed ordinance came from the City of Plymouth and mirrors the state requirements and regulations. Chief Philipp noted checks on the system will also be done.

Bruce Hovland, owner of Sportts Restaurant, noted that allowing this delivery service would be great for the community.

Council Member McAlister questioned if the current ordinance prohibits such delivery. Mr. Hoversten noted that was correct.

Motion by Council Member Hecimovich, seconded by Council Member McAlister, to recommend to Council the approval of the amended ordinance as discussed above.

Before the vote was taken, Council Member Nordin questioned how people would know if minors are not being served? Mr. Hovland noted you won't know for sure, but you will have signatures for those people that accepted the alcohol delivery. Amy Palmer noted they could also assist law enforcement if they see some minors where alcohol is being delivered, and being signed for by adults. They would call the authorities to have it checked out.

A vote was taken on the prior motion. Carried 4-1. Council Member Nordin voted nay.

Item will be added to the next council agenda.

**Item #3 – Fire Department grant application (continued)** – Mayor Rietz questioned what funding would be required after the grant application funds run out? Chief Wilson noted there are absolutely no requirements to fund once the federal grant dollars are used up. Chief Wilson noted the Rochester Fire Department is requesting funding for three additional full-time fire fighters. If Rochester's grant is funded, it would eventually fall on the shoulders of the City of Rochester to fund the new personnel.

Chief Wilson noted the deadline for the grant application is June 28 at 5:00 p.m. Chief Wilson noted he has spoken with several of the guys and they stated they would use the memberships if they were provided to them. Chief Wilson stated the Fire Department is looking at requiring that the membership be used at least eight times per month.

Council Member Hecimovich questioned what was wrong with applying for the funds if there is no financial commitment by the city. Chief Wilson noted this would help with paid-on-call staff retention.

Council Member McAlister questioned what would happen if somebody was injured while working out under this program? Is it our responsibility? Chief Wilson stated that was a great question. Council Member McAlister stated he was fine with this if we have no liability. Mayor Rietz requested that Chief Wilson inform everybody by email the answer to Council Member McAlister's question regarding responsibility for injuries while at the YMCA.

Council Member Hecimovich stated he was fine with this also, as long as there is no financial obligation by the city. Council Member-at-Large Christopherson stated he was in approval of this, however Council Member Nordin noted she was not in favor.

Mr. Hurm noted it would just be for a single membership for the paid-on-call employee then.

**Item #5 – Administrative matters (continued)** – Mr. Hurm stated that he would like to start the process at the Fire Department. Chief Wilson stated there was no letter of resignation, but the employee cannot come back to work per the doctor's instructions. Three doctors have stated that the employee will not and shall not return to work for the Fire Department as a full-time fire fighter. Chief Wilson stated that Trish Wiechmann, HR at the city, has checked with the League of Minnesota Cities and is clear on this process.

Council Member McAlister questioned if the employee has applied for disability yet. Chief Wilson noted this was done months ago. Council Member McAlister stated that until we receive an official letter of resignation or retirement, we should not do anything with the position. Additionally, all vacancies should come to council for approval.

Motion by Council Member McAlister, seconded by Council Member Nordin, to recommend to Council that all full-time vacancies be brought forward to council for discussion and approval. Carried 5-0. As vacancies come up, council shall approve them at the council meeting level.

**Item #5 – Administrative matters (other)** – Mayor Rietz requested all council members use the same lingo for roll call on all motions/resolutions/ordinances.

Council Member Hecimovich questioned the status of Wal-Mart moving into town. Council Member Hecimovich has been asked this question by many residents, yet he has no answer for the residents. Mayor Rietz requested that Craig Hoium send an update out to the council as to the status of this.

**Item #6 – Closed meeting for City Administrator evaluation** – Motion by Council Member Nordin, seconded by Council Member Jorgenson to close the meeting pursuant to Minnesota statute 13D.05 subdivision 3 for the purposes of evaluating the city administrator. Carried 5-0.

Meeting closed at 7:14 p.m.

Meeting re-opened at 7:22 p.m.

With no further business, motion by Council Member Nordin, seconded by Council Member Jorgenson to adjourn the meeting at 7:23 p.m. Carried 5-0.

Respectfully submitted,

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Tom Dankert  
Director of Administrative Services