

**M I N U T E S**  
**CITY COUNCIL ANNUAL RETREAT**  
**January 6, 2010**  
**Ruby Rupner Auditorium, J.C. Hormel Nature Center**  
**5:30 pm**

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

**ABSENT:** None.

**STAFF PRESENT:** Jim Hurm, Jeanne Howatt, Tom Dankert, Paul Philipp, Ann Hokanson, Paul Philipp, and Kim Underwood.

**ALSO PRESENT:** Rochester Mayor Ardelle Brede Austin Post Bulletin, and Austin Daily Herald.

Mayor Stiehm opened the meeting at 6:00 pm.

Mayor Ardelle Brede spoke on ethics and conduct of the city council. He discussed briefly the open meeting law and that council members should refrain from replying to all, which would be a violation of the law. Most violations are unintentional. Sometimes it is not a matter of ethical behavior but just behavior. He said sometimes he will call council members in to discuss their poor behavior. An ethics code is not going to be able to address behavior. Usually it is a matter of censoring the council member – a slap on the wrist and public admonition. Mayor Brede serves on the LMC ethics committee. The committee recently came out with a Model Statement of Values and a template Code of Conduct. The Code of Conduct is the legalities, a law-based document – what you can accept as a gift, etc. The Model Statement of Values is what you’re aspiring to. Mayor Brede said the City of Rochester simultaneously was developing its own code of ethics. Rochester created an Ethical Practices Board. They advertised for the vacancies, and the council selected the members.

Now, if something is viewed as unethical behavior by staff or elected officials, the matter is taken to that board. If the board feels the matter is frivolous, it is dismissed. If they feel it has merit, it will be taken to a higher step to do some inquiry. The city attorney is an ex officio member. Dassel Peterson, a committee member; Kevin Frezell, an author of one of the League’s documents, and the Rochester city attorney are good resources.

Mayor Brede reiterated that this doesn’t cover instability and behavior. When asked if the ethical practices board has ever been used, Brede said he believed if it had been, there has been nothing more than matters deemed frivolous.

Mayor Stiehm asked if the board could be used for consulting, too. Mayor Brede said it probably could. As for reappointments, they are done by that committee. Terms were set at the beginning. And no one from council can be on it ever.

Mayor Brede talked about a group of Rochester leaders called the Dirty Dozen. Council members are invited to this group but check at each meeting to make sure there isn't a majority of council members present.

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Mayor Stiehm called for board appointments. The following appointments will be brought to the next council meeting for approval:

**CITY/COUNTY HEALTH BOARD (County Appointment)**

*Meets the 4<sup>th</sup> Thursday of January, and the 3<sup>rd</sup> Thursday of March, May, August and November – 7:00 pm, Health and Human Services-Oak Park Mall*

1. Jeff Austin

**HOUSING AND REDEVELOPMENT AUTHORITY BOARD**

*Meets the 3<sup>rd</sup> Wednesday of the month – 4:30 pm, HRA*

1. Dick Pacholl

**LIBRARY BOARD**

*Meets the 2<sup>nd</sup> Monday of the month – 3:00 pm, library*

1. Brian McAlister

**PARK AND RECREATION BOARD**

*Meets the 1<sup>st</sup> Wednesday of the month – 5:15 pm, Park & Rec office*

1. Jeff Austin

**FAMILY CONNECTIONS**

*Meets 3rd Tuesday of the month -- 9:00 am, Mower County Board Room*

1. Steve King

**AUSTIN/MOWER COUNTY TRANSIT (AMCAT) BOARD**

*Quarterly meetings. No set time.*

1. John Martin
2. Steve King

**CABLE TV COMMITTEE**

*No set meeting times*

1. Dick Pacholl

**CONVENTION & VISITORS BUREAU**

*Meets the 4<sup>th</sup> Tuesday of the month – 1:00 pm, various business locations*

1. Janet Anderson

**DEVELOPMENT CORPORATION OF AUSTIN**

*Meets the 3<sup>rd</sup> Tuesday of the month – noon, Town Center Conference Room*

1. Brian McAlister

**CHAMBER OF COMMERCE BOARD**

*Meets 3<sup>rd</sup> Wednesday of the month – 7:00 am, Chamber of Commerce*

1. Brian McAlister

**PORT AUTHORITY OF AUSTIN**

*Meets 4<sup>th</sup> Wednesday of the month in March, June, September, December (plus several special meetings) – 4:30 pm, Council Chambers*

1. Brian McAlister
2. Jeff Austin

**AUSTIN/MOWER COUNTY HOMEOWNERSHIP BOARD**

*Meets January, April, September – 6:30, City Hall Conference Room*

1. Jeff Austin
2. Marian Clennon

**MOWER COUNTY WATER MANAGEMENT COMMITTEE**

*Two times per year -daytime*

1. \_\_\_\_\_

**COMMUNITY EDUCATION ADVISORY COUNCIL**

*Meets every other month at 3:00 pm*

1. Brian McAlister

**LEAGUE OF MOWER COUNTY CITIES**

*Meets quarterly – 6:30 pm, various cities throughout Mower County*

1. Everyone

**SENIOR CENTER BOARD OF DIRECTORS**

*Meets 2<sup>ND</sup> Thursday of the month – 9:00 am, Mower County Senior Center*

1. Steve King

**BLAZING STAR JOINT POWERS TRAIL**

*No set meeting times*

1. Jeff Austin
2. Janet Anderson
3. Steve King

**CITY-COUNTY COMMITTEE**

*Meets quarterly – 3:15 pm, HRA*

1. Everyone

**LEC COMMITTEE**

*No set meeting times*

1. Tom Stiehm

2. Brian McAlister
3. Steve King
4. Jim Hurm
5. ~~Paul Philipp~~
6. Temporary chief

## **MAIN STREET PROJECT BOARD OF DIRECTORS**

*Meets quarterly. No set meeting times.*

1. Brian McAlister

## **FIRE COMMITTEE**

*No set meeting times.*

1. Dick Pacholl
2. Jeff Austin
3. Steve King

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### **Code of Conduct**

A code of conduct board for our city was discussed. Council Member-at-Large Anderson noted that the code of conduct is legal ethics. We need more common sense regulating. Employees have standards; we need to be held to the same standard.

Council Member Martin said that basically, it's a slap on the wrist. There is no teeth. All reprimand, which hurts your pride.

Mayor Stiehm said the code of conduct tells the public we're not condoning certain practices. He asked Council what they would like to do.

Council Member-at-Large Anderson said we need to make a model statement of values. And it needs to be kept in an easily accessible place. It may be a slap on the wrist, but if it is in writing it may prevent some behavior.

Council Member-at-Large Anderson made a motion to explore a code of conduct.

Council Member Austin said we need something more for behavior, not a code of conduct which is law. A code of conduct takes care of itself.

Mayor Stiehm asked if Council wants a board. We're going to need some type of governing. Council Member Martin asked how many times the Fire Committee met. They have met three times. Mayor Stiehm said they meet according to need, just like this board would. Council Member Austin added that they were working through a contract so it took a while.

Council Member Martin referred to an issue he had brought up with the city council 12 years ago. He had asked the council, as the authorizing authority, to tell Charter Communications how they should operate or not operate. But the council didn't do anything because the City received the three percent fee. He brought the issue up because the Fire Committee is worthless.

Discussion followed on the purposes of the Fire Committee, and the procedures for hiring a fire chief.

Council Member Martin said he would like this discussed at the committee-of-the-whole.

Council Member Pacholl reminded him that the Fire Committee is set up only to make a recommendation to council.

Mayor Stiehm asked everyone to get back to the topic at hand.

Council Member Pacholl seconded the motion to pursue a code of conduct. 6-1. Council Member Martin voted nay.

Council Member Martin remarked that he did not agree with "shoving stuff under the rug." The Council had set a time and a place for the retreat, and it was changed.

Mayor Stiehm said that it was his understanding that council members wanted the retreat at City Hall because it was cheaper, but there is no cost here (at Ruby Rupner). And people preferred this location.

Council Member-at-Large Anderson questioned how important the meeting place was, knowing that it was not a cost issue. Council Member Martin contended that it was the principle of the matter. We wanted to just brainstorm, but someone else comes up with a schedule. He referred to the work sessions and that everyone is sick of dealing with rubberstamping. That is what citizens don't want.

Council Member King noted that citizens want important issues discussed, not where we are meeting.

Council Member Martin reiterated his dislike of rubberstamping. This is pure politics so they can look good.

Council Member-at-Large Anderson said she views the goal-setting session as brainstorming.

Mayor Stiehm closed the discussion saying this is what Council decided to do.

### **Finance Department**

Finance Director Tom Dankert gave a report of 2009-2010 activities. The Finance Department began the new financial software starting January 2010, and they are currently fine-tuning the system. The 2009 audit was completed on time; there were no issues or complaints. The 2010

budget and 5-year CIP were approved. He noted there is never approval from everyone, but the majority support the plan. As for contract negotiations, one group still does not have a contract. The transit system dollars were down 11.28% this year. The system was the recipient of two federal stimulus grants. Three new busses will be purchased and the facility will be remodeled. The Austin/Mower County Homeownership Fund dealt with 35 loans totaling \$128,000 in 2009, which is the highest since 2003 and probably due to the current financial crisis. There were very few delinquencies, and very few charge offs. For 2010, we will watch the investment rate of return and talk to brokers who are anticipating a rate increase in the next few months.

### **Library**

Library Director Ann Hokanson said 2009 was a successful year in terms of circulation, attendance, programming, and budget. There have been staffing changes which they are still working through. A goal of the library is to have the children's librarian replaced in 2011. Reports from an outside federal organization show that numbers (customers) are rising faster than circulation. This is primarily due to internet usage. The library currently limits internet use to one hour per day. There aren't enough computers. Ms. Hokanson noted that on one typical day at 3:00 pm, 14 of the 15 computers and 7 laptops were in use. A Hormel Foundation grant has supplied funding for a 2010 summer reading program. She talked about the balance of circulation and funding for internet and computer usage. For some, the library is the only internet access. She would like to increase the internet time length to 90 minutes or more. Mayor Stiehm asked about e-books. Ms. Hokanson said the library has some. This is great cutting edge material; however, the digital rights cost a lot of money.

### **Police Department**

The 911 calls were down slightly for 2009, but the total calls were up. Police Chief Paul Philipp said they are still very busy at the department and were challenged by much in 2009. One of the goals for 2010 is to establish or review crime-free multiple housing ordinances. The department has sent some officers for training in that area and are working towards that. They will look towards bringing an ordinance to Council to consider. This was considered six years ago. There needs to be some justice to renters, their landlords and people next to these properties. The training was for officers and landlords on how to write leases, how to perform backgrounds, etc. Another idea is to consider creating an ordinance requiring rentals to be licensed. Albert Lea, Rochester and Mankato have passed such ordinances and have seen significant success in meeting the codes. He said some ordinances require management to be local, noting that people who don't live here have less vested interest. Council Member Martin asked about housing for felons because they can't get released until they acquire a permanent resident. Council Member King noted that that is always an issue. The community can be part of the plan; otherwise they are part of the problem. Chief Philipp noted that the drug task force looked hard for a halfway house but the money just wasn't there. We think there's a need for it. Also, the Police Department will hopefully be coming to Council to request permission to replace the captain's position.

### **Park & Rec Department**

Park & Rec Director Kim Underwood thanked everyone for support during her first year. She noted that the community really pulled together after the 2009 tornado. The Hormel Foundation continues to support the soccer fields and the splash pool park. The department would like to complete the splash pool park this year and the Foundation may agree to give payment early to possibly have that work done in 2010. Fourteen acres of prairie grass have been planted at Wildwood and Todd Parks which cuts mowing time. She noted that the boiler needs to be replaced at Riverside Arena. Ms. Underwood received a call from someone who is interested in financing a junior hockey league here at Riverside Arena and would need to rent the ice. She and others have met with him and some others including the owner of the Bismarck Bobcats. The anonymous person has been approved for \$200,000 to buy a franchise. Park & Rec has researched the Albert Lea junior hockey league contract; they have signed for five years, and they pay \$30,000 to rent their ice. Ms. Underwood noted that the times needed at Riverside would not take away from any current use, plus it would generate revenue and bring new people into town. Normally teams play Friday and Saturday nights. The anonymous person would like to remain anonymous until a contract is signed. This will be discussed at the work session on January 19.

Moved by Council Member McAlister, seconded by Council Member King, adjourning the council retreat, first session. Carried.

Meeting adjourned at 8:25 pm.

Respectfully submitted,

Jeanne Howatt