

MINUTES
COMMITTEE-OF-THE-WHOLE WORK SESSION
November 19, 2012
City Hall Conference Room

PRESENT: Mayor Stiehm, Council Member-at-Large Janet Anderson, Council Members Jeff Austin, Roger Boughton, Judy Enright, Steve King, Marian Clennon (6:30 p.m.), and Brian McAlister.

ABSENT: None.

STAFF PRESENT: Assistant City Attorney Marty Helle (6:30 p.m.), Fire Chief Mickey Healey (6:30 p.m.), Parks and Rec Director Kim Underwood (6:30 p.m.), Assistant City Engineer Steven Lang (6:30 p.m.), Community Development Director Craig Hoium (6:30 p.m.), Human Resources Director Trish Wiechmann, Director of Administrative Services Tom Dankert, and City Administrator Jim Hurm.

ALSO PRESENT: Mower County Coordinator Craig Oscarson (6:30 p.m.), Public (6:30 p.m.), Austin Post Bulletin (6:30 p.m.), and Austin Daily Herald (6:30 p.m.).

Mayor Stiehm opened the meeting at 5:30 p.m.

Motion by Council Member Austin, seconded by Council Member-at-Large Anderson to close the meeting pursuant to M.S. § 13D.03 for a discussion on labor negotiations. Carried 6-0.

See DVD of closed meeting.

Motion by Council Member Austin, seconded by Council Member King to open the closed meeting at 5:20 p.m. Carried 6-0.

Council went into the regular City Council meeting at 5:30 p.m.

Mayor Stiehm re-opened the work session meeting at 6:30 p.m.

Item No. 1. Powerpoint presentation on Vision 2020 – Craig Hoium – Mr. Hoium went through a presentation of the different committees of the Vision 2020 program including an update as to what current news each committee has to offer and what they have been working on in recent times. Council members asked different questions of the different committees.

Council Member-at-Large Anderson noted it was nice to get an update and requested Council is kept apprised of the activities on a regular basis.

Other Item – Grandstand Burn – Chief Healey and Mr. Oscarson discussed the possibility of burning the grandstand at the Mower County fairgrounds. Mr. Oscarson stated the County's Building Committee is expected to make an official request to the Fire Department to oversee the

burning of the facility as a training exercise. There is some lead paint that needs to be abated first, but Mr. Oscarson stated he believes this is a win/win for both entities as Mower County could save \$22,500 by having the Fire Department oversee the burn and the Austin Fire Department and all other rural departments could train in burning of this structure.

Chief Healey stated there are multiple parties involved with the burn, but Mower County is asking Austin to take the lead on this. This will also involve some training from staff at Riverland Community College. Chief Healey stated we will need some indemnification from Mower County since the City is overseeing this (in the event something else burns down), but Chief Healey noted the training experience would be very beneficial.

Mr. Helle stated the City would want a hold harmless indemnification as we are all hoping the burn goes well, but unforeseen things do happen and we would like to insure ourselves in the event something happens. Mr. Oscarson stated that Mower County would agree to indemnify the City if something happens to the other structures. Chief Healey stated workers compensation coverage is provided through each entity's own insurance carrier.

Council Member Boughton asked what if some resident brought suit. Mr. Helle stated we cannot prevent anybody from suing us, but the hold harmless provision would require Mower County to defend any and all suits.

Council Member Boughton questioned why the MPCA would only allow this if it was for a practice burn. Chief Healey stated the MPCA gives Fire Department exemptions under the law as they know the training on these structures is very beneficial to the entire state. Chief Healey also stated there is plenty of water supply at the fairgrounds to handle this burn.

No objections by council. At a future meeting a hold harmless agreement will be presented to the City Council for their approval.

Item No. 2. Minnesota Solar Challenge – Mr. Hoium stated the state is paying a firm to look at zoning issues and how to write ordinances that would then allow solar structures to be located within communities. Mr. Hoium stated the state is requiring these standards be done by February of 2013 and asked Council if they would like to have this company help us review and re-write our ordinances to allow for solar and other green energy structures. This firm has already completed Minneapolis and St. Paul, but they are only allowing the first 20 municipalities to sign up for this.

Motion by Council Member-at-Large Anderson, seconded by Council Member Enright, to recommend approval of joining the solar energy challenge.

Before the vote could be taken, Council Member Clennon questioned if solar is allowed now under our ordinances. Mr. Hoium stated until we get a specific ordinance on this, he has been using the accessory structures ordinance for guidance. We will, however, want to consider a moratorium until an ordinance is crafted. Council Member Clennon asked if a permit was needed currently to install a solar panel. Mr. Hoium noted a permit is required.

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

Item No. 3. – City Engineer/Public Works Director position – Mr. Hurm noted that Public Works Director Jon Erichson will be retiring in early 2013 and asked if Council wanted to open the position up to the outside world for applicants or just promote the current Assistant City Engineer Steven Lang to this position.

Mayor Stiehm stated if we open it up, Steven Lang will still be a top candidate as he has been here for a long time and understands what is going on. It will also cost us money to go through an advertisement process and staff time could be wasted if we end up with Steven anyway.

Council Member King stated he would agree to hire Steven Lang right away. Steven has already proven himself and there is no need to spend money needlessly. This is an opportunity for us to operate like a business, would, much like Hormel. We have been grooming an internal candidate to promote and we should do such.

Council Member-at-Large Anderson and Council Member Boughton noted their agreement on hiring Steven Lang as well.

Council Member Enright agreed, noting if Jon would not have been able to do his job due to illness or something, then Steven would have stepped in anyway to do the job.

Council Member Clennon also noted her agreement with the promotion, noting we are wasting everybody's time by interviewing others, and we would also be wasting money.

Motion by Council Member Boughton, seconded by Council Member Enright to recommend to council the promotion of Steven Lang to Public Works Director and to start the process immediately to advertise to replace the Assistant City Engineer. Carried 7-0. Item will be added to the next council agenda.

Item No. 4. – Administrative Report – None.

Item No. 5. Open Discussion – City survey – Council Member Enright asked when a summary of the city services would be available. Mr. Hurm researched this and noted the last day to respond to the survey is November 23, so the results would come sometime after that when the League summarizes this for all cities.

Item No. 5. Open Discussion – Yellow Ribbon Committee – Council Member Clennon noted that a requirement of this is to give an annual update to the council, and this has not yet been done. Council Member Enright stated there is a small active committee that exists. There was a fundraiser tonight at the Pizza Ranch, and there will be a Holiday dinner/dance for the troops coming up. In January there will also be a fundraiser at Applebee's. The troops and family members still have needs, but as the troops return we may need to change our focus.

Item No. 5. Open Discussion – Vision 2020 – Council Member-at-Large Anderson stated the Vision 2020 Downtown Destination group would like to make better use of the downtown fire site, and this discussion will come up again in the future. Mr. Hurm stated the Leon property has been transferred into the Port Authority's name earlier in the year, but the former Top Ten Nails site that was donated to the City last year should also be transferred to the Port Authority so they can utilize all of the parcels for a future development. Motion by Council Member Boughton,

seconded by Council Member Austin to recommend to Council the transfer of the former Top Ten Nails site (410 North Main Street) to the Port Authority. Carried 6-1 (Council Member Clennon – Nay). Item will be added to the next council agenda.

Item No. 5. Open Discussion – Closed Meeting – Council Member Clennon noted there were differences in how the HRA handled closed meetings and how the City did. A staff member allowed an HRA Board Member to phone into a meeting, yet the City Attorney’s office says she cannot do that on the council. Marty Helle confirmed that Craig Byram in his office did some research on this and noted phone ins are not allowed (unless an emergency has been declared). Council Member Clennon further stated that she was told the meeting would be continued so she could give input, but it was not continued. Mr. Dankert stated that in the past we were given an opinion that closed meetings could not be viewed by somebody who was not in attendance. *(Upon further review of the files, the League of Minnesota Cities gave us the opinion in 1999 that closed meetings could not be viewed by those not in attendance for personnel matters. David Hoversten has now confirmed that if it is not personnel-related, then Council could replay the closed meeting).* Mr. Hurm stated they may have never asked the attorneys at the HRA about being able to call into meetings.

Item No. 6. Matters In Hand – No discussion.

Motion by Council Member King seconded by Council Member Boughton to adjourn the meeting at 7:30 pm. Motion passed unanimously.

Respectfully submitted,

Tom Dankert