

EXECUTIVE SESSION
CITY COUNCIL
City Hall Conference Room
March 24, 2014

Council present: Aldermen David Sage, Mboka Mwilambwe, Judy Stearns, Rob Fazzini, Karen Schmidt, Jim Fruin, Scott Black, Kevin Lower, Joni Painter and Mayor Tari Renner.

Staff present: David Hales, City Manager, Jeff Jurgens, Interim Corporation Counsel, Emily Bell, Human Resources (HR) Director, and Tracey Covert, City Clerk.

Mayor Renner called the Special Session to order at 5:47 p.m. He noted the topics: Collective Bargaining, Section 2 (c) (2), Approval of Closed Session Minutes, Section 2(c)(21) and Biannual Review of Closed Session Minutes, Section 2 (c) (21).

Alderman Stearns arrived at 5:50 p.m.

Motion by Alderman Schmidt, seconded by Alderman Lower to recess to closed session regarding Collective Bargaining, Section 2 (c) (2), Approval of Closed Session Meeting Minutes, Section 2 (c) (21), and Biannual Review of Closed Session Meeting Minutes, Section 2 (c) (21). Time: 5:51 p.m.

Ayes: Aldermen Black, Fazzini, Fruin, Lower, Sage, Mwilambwe, Stearns, Painter and Schmidt.

Nays: None.

Motion carried.

APPROVAL OF CLOSED SESSION MINUTES

Mayor Renner introduced approval of Closed Session Minutes.

Jeff Jurgens, Interim Corporation Counsel, addressed the content of the November 15, 2013 Executive Session Minutes. After approval, the Council would be asked to approve the release of same.

David Hales, City Manager, directed the Council to a memorandum drafted by Mr. Jurgens regarding Disclosure of Performance Evaluations.

Motion by Alderman Black, seconded by Alderman Stearns to accept Alderman Stearns amendments as accurate.

Ayes: Aldermen Fruin, Lower, Mwilambwe, Stearns, Black and Fazzini.

Nays: Aldermen Sage and Schmidt.

Abstains: Alderman Painter.

Motion carried.

Mr. Jurgens questioned if this document would be added to the minutes.

Mr. Hales encouraged the Council to keep minutes general in nature. He recommended that the Council avoid the use of quotations and noted that verbatim minutes were not required. Minutes should be a summary of the discussion and not too specific. He added that in some cities, minutes were very brief.

Mayor Renner recommended that Alderman Stearns written feedback regarding the November 15, 2013 Executive Session be added as an addendum to the minutes.

Mr. Hales noted that the City had an audio recording of this meeting.

Mr. Jurgens informed the Council that the verbatim recording could be destroyed eighteen (18) months after the written minutes were approved.

Alderman Schmidt expressed her confusion. She noted that generally the minutes were not as detailed as Alderman Stearns' document.

Mr. Jurgens informed the Council that the portions of the November 15, 2013 Executive Session Minutes that were highlighted in yellow would be redacted prior to release. The public would only have access to the nonhighlighted areas.

Alderman Black noted that the intention of his motion was to accept the document and attach same to the November 15, 2013 Executive Session Minutes.

Mayor Renner stated that the Council had been requested to take two (2) separate actions: 1.) approve the contents of the November 15, 2013 Executive Session Minutes and 2.) approve the redacted release of same.

Alderman Stearns expressed her opinion that some of her recommended additions could be redacted. She addressed content and meaning, her attachment substantiated what had been said. She specifically cited . These Minutes could be changed to include a statement that this was discussed.

Mayor Renner agreed that Mr. Hales had made a good point. He added his hope that this item could be put behind the Council.

Alderman Fazzini expressed his confusion. He questioned making future changes to minutes.

Alderman Stearns informed the Council that if her attachment was not approved than she believed she had the right to release the document. These issues would be addressed with the news media.

Mr. Jurgens recommended against such action. This information was part of an Executive Session. He cited confidentiality.

Alderman Stearns restated that if the document was not included then she planned to release same.

BIANNUAL REVIEW OF CLOSED MEETING MINUTES

Jeff Jurgens, Interim Corporation Counsel, introduced this topic.

Tracey Covert, City Clerk, explained what had been presented to the Council. The Council had requested to view the recommended redactions.

Mr. Jurgens described the redactions as standard. Items highlighted in yellow would be redacted prior to release. Common items were employee names, positions, personal information, etc. He added that there was the possibility that the addendum would need to be redacted. He offered to use his legal discretion to determine same and report back to the Council at their next Executive Session.

He hoped to clarify any confusion. Once the biannual review was completed, the proposed redactions to the addendum needed to be presented to the Council, then the Council would take final action on the November 15, 2013 Executive Session Minutes.

Mr. Hales recommended that the addendum not be released as it addressed collective bargaining. He supported Mr. Jurgens' recommendation that the proposed redactions be reviewed by the Council.

Alderman Sage noted that the addendum would be subject to redaction.

Mayor Renner affirmed that Mr. Jurgens would review the addendum for same.

Motion by Alderman Stearns, seconded by Alderman Black that November 15, 2013 Executive Session Minutes be released as presented and that a legal review of the addendum be completed and presented to the Council at their next Executive Session.

Ayes: Aldermen Lower, Sage, Mwilambwe, Stearns, Schmidt, Black, Fazzini and Fruin.

Abstains: Alderman Painter.

Motion carried.

Alderman Fruin noted that the Council had Mr. Hales and Mr. Jurgens' support.

Mr. Jurgens restated that the Council would discuss the addendum at a future meeting.

Mr. Hales added that a Resolution regarding the review and release of Executive Session would be placed on a future Regular Meeting agenda.

Mr. Jurgens affirmed that a recommendation would be presented to the Council at their next Executive Session. A final decision regarding the review and release of Executive Session Minutes would be taken in open session. This action would demonstrate that action had been taken in closed session.

Alderman Fazzini affirmed that there would be another Executive Session before final action.

Motion by Alderman Schmidt, seconded by Alderman Lower to adjourn the Executive Session.

Motion carried, (viva voce). Time: 6:19 p.m.

Motion to Alderman Schmidt, seconded by Alderman Lower to return to Special Session and adjourn. Time: 6:20 p.m.

Ayes: Aldermen Black, Fazzini, Fruin, Lower, Sage, Mwilambwe, Stearns, Painter and Schmidt.

Nays: None.

Motion carried.

Respectfully submitted,

Tracey Covert
City Clerk