

MINUTES
COUNCIL WORK SESSION
May 20, 2003
5:00 PM

PRESENT: Mayor Rietz, Council Members Nordin, Jorgenson, Pacholl, Christopherson, Koch, and Chamberlain

ABSENT: Council Member-at-Large Goodnature

STAFF PRESENT: Jim Hurm, Jeanne Howatt, Lucy Johnson, Craig Byram, Jon Erichson, Paul Philipp (5:54 p.m.), and Tom Dankert

ALSO PRESENT: Austin Daily Herald and Austin Post Bulletin

Mayor Rietz opened the meeting at 5:00 p.m.

City Administrator Hurm noted he would like to change the proposed schedule for the governance process timeline that had been mailed out in the council packets. Specifically, the brainstorming session that was to be held on June 10 would be moved to June 3, and the June 3 agenda items would all be moved to the June 10 agenda.

City Administrator Hurm discussed the Values and Guiding Principles that the council needs to work towards. Council was asked, what is important to you when you make decisions? Council Members offered many suggestions, including, but not limited to, trust, respect, fairness, honesty and integrity, responsiveness, pride and professionalism amongst other things. Additionally, City Administrator Hurm questioned what the Shared Vision of the council was, i.e. what would we wish to see in fifteen years and into the future? Council members offered suggestions such as a safe community, economic competitiveness, a vibrant and attractive central business district, and user friendly city government, amongst other things.

City Administrator Hurm noted he would like a few volunteers from the council to help him “wordsmith” on the above two topics. After some discussion it was suggested that Council Members Chamberlain and Nordin help out with the Shared Visions topic and Council Members Jorgenson and Pacholl work on the Values and Guiding Principles topic. These topics will be discussed several times over the next few months with the ultimate goal being action by the council and department heads to prepare an action plan for each priority goal.

Item #3 - City Engineer Jon Erichson noted that he and City Administrator Hurm attended the County Commissioners meeting earlier in the day. City Engineer Erichson noted the discussion on the proposed landfill expansion by VEIT just north of the city limits. The future growth of Austin could eventually reach the site at which this expansion is being proposed. The County Comprehensive Plan does not allow for this sort of use, but it appears the expansion will more than likely be approved within the next thirty days. City Engineer Erichson questioned if the council would like to desire any

conditions on the approval of the conditional use permit to VEIT. Council Member Koch questioned if some landscaping would be planted near 218 City Engineer Erichson noted .he had seen nothing on the proposed expansion. Mayor Rietz questioned if the County would listen to our concerns and add them as conditions. City Engineer Erichson noted it could be a topic for the joint city/county meeting scheduled for tomorrow (5/21). City Engineer Erichson recommended some environmental studies and a look at the future land use once the landfill is closed (full).

Item #1 and #2 – Police Chief Paul Philipp discussed some of the history of the liquor and tobacco compliance checks that occurred last year. We have had violations, but we have not handed out any real penalties as we have been looking at amending the applicable ordinances. Chief Philipp noted the matrix that had been included in the packet would outline a proposed penalty system for violations to the existing liquor ordinance. The penalties are proposed as follows:

<u>Type of license</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd Violation</u>	<u>4th Violation</u>
On-sale or Off-sale intoxicating liquor	\$500 and 3 days suspension	\$1,000 and 7 days suspension	\$2,000 and 12 days suspension	Revocation
On-sale beer and wine or Off-sale 3.2 malt	\$500 and 5 days suspension	\$1,000 and 10 days suspension	\$2,000 and 15 days suspension	Revocation

City Clerk Johnson noted these would put Austin more in line with state law. Assistant City Attorney Craig Byram noted the tobacco ordinance was an adoption of state law and the liquor ordinance and penalties are outlined in state law. Chief Philipp stated the council plays a role in determining penalties, and challenges to the penalties would be heard by council. Assistant City Attorney Byram noted it would still be a criminal violation if somebody sells to a minor, and Chief Philipp added that the license holders are ultimately responsible for actions on their premises.

Council Member Koch questioned how these ordinances compared to other cities. Chief Philipp noted the liquor ordinance came from the League of Minnesota Cities, while the tobacco ordinance is a model to the state. Assistant City Attorney Byram noted he did not know how the alcohol ordinance compared to other cities either.

Council Member Koch requested both the liquor and tobacco license holders be informed of the changes in writing. City Clerk Johnson noted she would do this.

Council Member Christopherson requested that after a violation, if there are no further violations within a certain amount of time, the record would be “wiped clean”, like the proposed tobacco ordinance. Assistant City Attorney Byram noted the process is outlined in the ordinance whereby the council could take the prior history into account when granting the licenses and penalties. Council Member Chamberlain recommended a five-year period should be added to “wipe-the-slate-clean”. Council Member Christopherson agreed. Additionally, Council Members Koch and Pacholl requested the

liquor ordinance penalty grid be changed so that no matter what the offense was, the penalty would be the 3–7–12 day suspension versus the 5-10-15 day suspension.

Both the liquor and tobacco ordinances will be on the council agenda for June 16.

Item #4 – Crime free multi-housing ordinance was discussed by Chief Paul Philipp. Chief Philipp gave some history noting the city embarked on this journey for the first time four to five years ago. Rochester first did this and it affected Austin in that we inherited some of the Rochester problems as people moved here. The Police Department proposed some licensing a few years ago for apartment complexes, but the landlords made it clear to the council that they did not want this ordinance, so it ended right there. Chief Philipp noted if the city goes through with any ordinance, it will be a very unpopular decision.

Mayor Rietz questioned if a licensing fee would be set, and what amount that would be. Chief Philipp noted he did not know the answer, but you would want the fee to cover all of your costs.

Mayor Rietz noted the next step is to keep moving this issue along. Assistant City Attorney Byram suggested all staff think about the issues involved.

Motion by Council Member Christopherson, seconded by Council Member Koch to adjourn the meeting at 7:30 p.m. Carried.

Respectfully submitted,

Director of Administrative Services