

MINUTES
COUNCIL WORK SESSION
September 3, 2003
5:00 PM

PRESENT: Mayor Rietz, Council Member-at-Large Goodnature, Council Members Nordin, Jorgenson, Pacholl, Chamberlain, Christopherson, and Koch

ABSENT: None

STAFF PRESENT: Paul Philipp, David Hoversten (for Item #1), Jim Hurm, and Tom Dankert

ALSO PRESENT: Public, KAAL TV-6, Larry Maus (6:15 p.m.), Scott Adkisson (6:15 p.m.), Curt Rude (6:15 p.m.), Austin Daily Herald and Austin Post Bulletin

Mayor Rietz called the meeting to order at 5:00 p.m.

Item #1 – City Attorney David Hoversten stated there was a consensus at the work session of August 5, 2003 as to the penalty provisions and the two-year look-back period. However, before the council took action at a city council meeting, a question arose regarding the look-back period and having multiple violations. Potentially, if compliance checks were only done on an annual basis, a recurring problem would never have a third or fourth violation. Mayor Rietz noted the current proposed liquor ordinance has a two-year look-back period.

Council Member Chamberlain stated that the time frame for the look-back period seems too short. The annual compliance check would never have a third violation, unless compliance checks were done more frequently. Council Member Jorgenson agreed, stating that a three-year look-back period seemed to be better.

Council Member Koch stated his agreement with Council Members Chamberlain and Jorgenson; however, we have had the affected liquor establishment owners in for three meetings and had seemed to agree on the two-year look-back period at that time. Council Member Koch stated that we don't want to get into a habit of not doing what we agreed to do. If a pattern develops with an establishment, then we will need to do more compliance checks. Police Chief Paul Philipp noted they treat everybody the same. We could not single out one business for a check, we would have to do all of them again. We would not want the perception that we would be "picking on" a particular establishment.

Council Member Christopherson stated that every time the officers walk through a bar they are doing compliance checks as they are also checking id's at this point. Council Member Christopherson stated his agreement with the proposed two-year look-back period. Council Member Pacholl also noted his agreement with the two-year look-back period as we should not renege on a prior agreement.

Council Member Chamberlain questioned if the Chief Philipp came in and requested more overtime funding in order to do more compliance checks, would the council look favorably upon this? Council Member-at-Large Goodnature noted that the bars are not the problem here and that an annual check would be enough. Council Member Chamberlain stated that our integrity is very important here and that he was not at the August meeting when this was discussed, but the council needs to do what they said they would do. Council Member Chamberlain noted he would approve the ordinance as is with the two-year look-back period as long as council is willing to listen to concerns should a problem arise.

Members of the public questioned if citations could be given on the spot. Chief Philipp noted this could not be done as history has proven that the owners call other establishments to warn them the minor would be coming.

Motion by Council Member Koch, seconded by Council Member Christopherson to recommend to council the liquor ordinance as proposed on August 5, 2003 with the two-year look-back period. Carried 7-0. Item will be on a future council agenda.

Motion by Council Member Nordin, seconded by Council Member Koch to recess until 6:15 p.m.

At 6:15, the meeting was started again.

Item #2 - Scott Adkisson from Retailers Protection Association (RPA) gave some history on their organization and how check collections could be handled for NSF checks, account closed checks, and forgery checks. His organization has been around since 1997 and was established in the metro area to help retailers handle bad checks. Mr. Adkisson discussed their procedures and how it would affect Austin.

Several questions were asked from the public, our prosecuting attorney Larry Maus, and the Mayor and Council.

After considerable discussion, it was requested that Police Captain Rude and Prosecuting Attorney Maus meet and bring forth a recommendation to a future council work session. Sandy Forstner from the Austin Chamber of Commerce should also be involved since this affects the local merchants.

Item #3 - City Administrator Jim Hurm discussed the request by the Austin HRA to designate two spots in front of their offices as fifteen-minute parking for their tenants to make their monthly rent payments. Mr. Hurm noted both City Engineer Jon Erichson and Police Chief Paul Philipp stated they had no objections to this request.

Council Member-at-Large Goodnature noted this is the same issue that was requested for the Mower County Courthouse, yet the City Attorney said we could not restrict it for this. Council Member Jorgenson questioned if that was restricted parking for Robbins Furniture customers only that City Attorney Hoversten issued his opinion on. Mayor Rietz stated she would bring this issue up with Jon Erichson and David Hoversten at the next work session.

Item #5 – Council Member Chamberlain noted during the recess he was at the Park and Recreation Board meeting. One of the discussions was on the location of some additional basketball courts at either Marcusen Park or at the Lafayette Park. After some discussion at the Park and Recreation Board meeting, it was decided that the long-range plan for the park would indicate more courts should be built on the north side of 8th Avenue SE, corner of 2nd Street SE. The total cost of the facility would be \$37,642. The Park and Recreation Board would then try to solicit donations for the playground equipment that would be needed in the area.

Mayor Rietz questioned why the group could not continue to play basketball at South Grove Park. Council Member Chamberlain stated that the traffic problem would create a need for a parking lot. There is a strong sense that remaining at South Grove Park is not an option. Mayor Rietz noted there are bathroom facilities and playground equipment at Lafayette Park now. Council Member Chamberlain stated that safety issues with flying baseballs is one issue. Also a long-range plan for the park area would have the basketball courts as better long-term investments. The Park and Recreation Board does not want the basketball courts to be located where there will not be any playground equipment. Mayor Rietz stated the master plan for Bandshell Community Park included basketball courts.

After further discussion, Mayor Rietz requested the Park and Recreation subcommittee or even the Park and Recreation Board bring back the plans for the Bandshell Community Park at the October 7, 2003 work session. City Administrator Hurm will coordinate the meeting with Mr. Maschka.

Item #4 – Mr. Hurm noted this is important to discuss but do to time constraints shall be moved to a later work session.

Item #6 – Mayor Rietz requested council review an ad in the Austin Daily Herald for Fire Prevention week. The add would cost up to \$275 depending on the size the city chose. After some discussion it was decided to not do the ad.

With no further items on the agenda, motion by Council Member Pacholl, seconded by Council Member Jorgenson to adjourn the meeting at 7:45 p.m. Carried 7-0.

Respectfully submitted,

Director of Administrative Services