

MINUTES
COUNCIL WORK SESSION
DECEMBER 16, 2003
5:00 PM

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

ABSENT: Council Member Christopherson

STAFF PRESENT: Craig Hoium, Paul Philipp, Jon Erichson, Dan Wilson, Jim Hurm, and Tom Dankert

ALSO PRESENT: Bruce Henricks, Public, Austin Daily Herald and Austin Post Bulletin

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

Item #1 - Tom Eagan representing Habitat for Humanity discussed with council their needs for a storage facility to store the tools and donated materials in. Mr. Eagan noted they would fund raise for the cost of a building, but were requesting council to donate to them a piece of land for their new facility. Community Development Director noted a one-acre site would be adequate for a 10,000 square foot facility. Mr. Hoium noted Habitat for Humanity has looked at several sites within Austin, and have worked with local realtors to find a site, but to no avail. Mr. Hoium discussed three available sites in the North East Industrial Park that the city currently owns.

Council Member Pacholl noted this is good for the community and the new homes add to the tax base, therefore he has no objection. Council Member-at-Large Goodnature agreed, as did Council Members Koch, Nordin, and Jorgenson. Council Member Chamberlain also noted his agreement, but that it takes a 7-0 vote to transfer land, so Council Member Christopherson must also be in agreement of the proposal.

Other item – Bruce Henricks from Mower County Human Services noted bids were received for the operations of the Mower County Transit System, with two of the bids being very close. It appears that Star Limousine from Rochester will be the service provider for 2004. As far as the federal facility grant goes, Mr. Henricks noted the federal government is sending some more questions to get answered in regards to the \$500,000 grant.

Council Member Pacholl questioned if the body shop could be used for bus storage, therefore saving construction costs. Mr. Henricks noted that is being looked into at this time also.

Item #2 – Director of Public Works Jon Erichson discussed the proposed continuous snow ordinance policy that Council Member Christopherson wanted to have some discussion on. Council Member-at-Large Goodnature requested this item be addressed at a future council work session when Mr. Christopherson could be there. Mr. Erichson did discuss the snow removal on handicapped ramps by stating we look for the abutting property owners to help us with these. Mr. Erichson requested that the newspapers help us out with some articles on the subject. Mayor Rietz

requested the discussion on the proposed continuous snow ordinance policy be added to the first council work session in January.

Item #3 – Mr. Erichson discussed the trail grant process for 2004/2005 through the DNR. Annually the DNR has grants for trails throughout Minnesota, but we have no idea what the funding level will be for the 2004/2005 year. If council wishes to apply for a trail grant, we need to get a proposal together. The grant would require a 50/50 match from the city, but with all of the other financial issues we have, council may want to pass on this grant.

Council Member Koch noted we should maintain the trails we have and pass on this application process. Council Members Pacholl and Chamberlain agreed. Mr. Erichson noted that a trail is being proposed at the Central Park, but not until 2008, as that is when a pedestrian bridge is proposed to be installed. If we were to move the trail forward, the basketball courts may have to be moved back.

After further discussion, motion by Council Member Koch, seconded by Council Member Pacholl to pass on the grant for 2004/2005. Carried 4-2 (Council Members Jorgenson and Nordin Nay).

Item #4a - Community Development Director Craig Hoium discussed the tattoo ordinance that a member of the public discussed at a previous council meeting. Mr. Hoium noted Chapter 6 addresses licensing requirements, and the Adult Business Ordinance addresses tattooing only if specific parts are nude. Mr. Hoium noted our ordinance is relatively new and should be comparable to Rochester. Mr. Hoium noted Chapter 15, Section 15.02, subdivision 14 defines adult body tattooing/piercing, but it does not include earrings.

Mr. Hoium questioned if council wants to change the definition to allow for body piercing in specified anatomical areas. City Administrator Hurm noted the citizen felt we need to be more restrictive. Mr. Hoium noted the Adult Business Ordinance should stay as is.

Council Member-at-Large Goodnature noted we are not denying anybody the ability to pierce. Council Member Pacholl requested that Mr. Hoium look into the sprayed on tattoo's that are now being done at Sterling.

Item 4b – Mr. Hoium discussed the existing fence ordinance noting that the current ordinance does not limit height limit to 30" in side yards. Any changes in the ordinance would be for new fences, as old fences would be grandfathered in.

After hearing no objections, Mr. Hoium noted he would have a draft ordinance to council in January.

Mr. Hoium also noted the current ordinance requires a six foot fence to surround all swimming pools. This issue came up when a citizen installed a pool, but had a four-foot chain link fence around his property. The citizen would have to add a six-foot fence around the pool to be in compliance with the ordinance. Mr. Hoium questioned if council wanted to change the minimum height to four feet or leave it at six feet?

After further discussion it was decided to leave the current ordinance at six feet around swimming pools. Council Member-at-Large Goodnature also noted chain link fences around swimming pools should be at least six foot high also.

Item 4c – Mr. Hoium discussed the current sign ordinance, noting the number of sign permits and appeals is as follows:

<u>Year</u>	<u>No. of Sign Permits</u>	<u>No. of Sign Appeals</u>
2000	45	3
2001	47	7
2002	31	4
2003	51	12

Mr. Hoium noted a community entrance sign should not be covered by a sign ordinance, in his opinion.

Council Member Chamberlain noted the issue is we never turn anybody down. Sign makers know they can just put up the sign that is not in compliance, and then come to the council for a variance to the sign ordinance.

Mayor Rietz questioned if all of the sign appeals have been granted. Mr. Hoium noted he believed all had been approved, but the community entrance sign took a few attempts. Council Member Koch questioned if our sign ordinance was too strict.

Council Member Chamberlain noted his point is we either need to change the ordinance or live by it. Mr. Hoium noted the sign appeals are mostly for one contractor, with the reasoning that the finished product has already been sold to the customer. Council Member Chamberlain noted we should ask the question as to what hardship would be created by not approving the sign variance.

Council Member Koch noted signs are more important in today's world. If we have more requests for variances in the future, we may need to change the ordinance.

Mayor Rietz requested that we stay with the current ordinance. Council Member-at-Large Goodnature questioned if Jon Boyer from Precision Signs could come and talk to us for fifteen minutes or so as to why we should change our sign ordinance. Mr. Hoium noted he would do a summary for council, and then council could decide if Mr. Boyer should come in.

Item 4d – Mr. Hoium discussed the issue Council Member Christopherson had regarding accessory structures. If a homeowner has a one-acre lot, these accessory structures make sense as they would easily fit. Smaller lots obviously could not handle a large accessory structure placed on it. Mr. Hoium suggested adding a provision for sites greater than one acre or so, to allow for these accessory structures more easily. Mr. Hoium noted he would bring something back to council in the future on this issue.

Mr. Hoium did note the fee for a variance request is \$275.00. Mr. Hoium further noted the contractors are aware of the fees. Investigation fees are based on the value of the project.

Item #5 – Mr. Hurm noted staff has put this packet together regarding Crime-free rental housing ordinance. The question is when a rental-housing complex has more calls for police needs, etc. should these landlords have to start to pay for the service. One issue that was looked at was registration as this would allow us to have contact information for out-of-town landlords. The City Attorney, David Hoversten, is very uncomfortable with this. Mr. Hurm noted the Assessors office has information on property records that we believe would be sufficient.

Police Chief Paul Philipp noted council needs to give him direction as to what path they would like taken on this issue. Licensing would require more inspections and is more restrictive than disorderly housing ordinance. It will also require more staff time and cost. Chief Philipp noted a disorderly housing ordinance would apply to apartments, restaurants, and anywhere else police are called to. Under a proposed disorderly housing ordinance, if the police are called four or more times per month we would first send a letter to the landlord telling them things need to change. The second instance would trigger another letter that fees will be starting. Chief Philipp noted currently we do not have very many where we are called four times or more per month.

Ron and Lori Wieseler noted they own a complex with fifty apartments in it. Lori Wieseler noted she reads it in the newspaper that the police were called to her facility. Mrs. Wieseler requested the tenant be punished, not the landlord. Chief Philipp noted absentee landlords are the biggest problem. A landlord notification card has been created, along with classes and training for landlords is put on.

Council Member Chamberlain noted the problem with eviction notices and calls after the notices could be appealed to the city council.

Council Member-at-Large Goodnature questioned if City Attorney Hoversten was okay with registering? Chief Philipp noted he was not. Fire Chief Dan Wilson noted the issue with Mr. Hoversten he believed was what service do we give for the fee. Chief Philipp also noted Mr. Hoversten is uncomfortable with the registration period.

Mrs. Wieseler questioned if bigger facilities would allow for more service calls before the charge would occur. Chief Philipp noted size of the facility would not matter.

Council Member Koch noted we need to give the Police Department the ability to fix the problem. Chief Philipp noted both of the proposals would allow the Police Department to fix the problem, but he would prefer the licensing proposal.

Mr. Hurm noted the Austin Landlord Association are concerned with licensing. Council Member Pacholl stated that it appears, based on their letter, the Austin Landlord Association would be more comfortable with the St. Paul style ordinance. Chief Philipp noted if the council does not want to go through with licensing, the excessive use ordinance would be sufficient. Mayor Rietz questioned if the St. Paul model (Excessive Use Ordinance) would apply to single-family homes? Chief Philipp noted it would not. Mrs. Wieseler noted she agreed with the St. Paul model. Chief Wilson noted he could administer the Owatonna Model (Licensing) with no additional staff. Chief Wilson did note that Owatonna hired one additional staff person when they went to the licensing requirement.

Council Member Koch stated he prefers the Excessive Use Ordinance (St. Paul model) as long as bars will not be discouraged from calling the police.

After further discussion, it was decided to have staff bring forward a proposed Excessive Use Ordinance. This proposed ordinance should include meetings with the public and landlords.

Item #7 – Mr. Dankert discussed the audit proposal for 2003 year-end, noting fees are increasing due to GASB 34 and SAS 99. Council noted we really have no choice and to add it to the next council agenda.

Item #6 – Mr. Hurm went through the Annual Work Program he prepared for the council. Each month was detailed with the proposed item that council should plan on undertaking. Mr. Hurm noted this will allow council to be more of a policy board.

Mayor Rietz noted the goal setting would then be done in May. Celebrate Success (Mayor's State of the City) would be done in February in 2004 due to scheduling conflicts.

No council objected to the timeline.

Other Item - Council Member Chamberlain did question when the vacancy at the Wastewater Treatment Plant was going to be filled by a tax-supported position. Mr. Hurm noted he would be bringing a recommendation forward in the near future.

Moved by Council Member Pacholl, seconded by Council Member Nordin, adjourning the work session at 7:28 p.m.

Respectfully submitted,

Director of Administrative Services