

M I N U T E S
COMMITTEE-OF-THE-WHOLE WORK SESSION
May 2, 2006
City Hall Conference Room
5:30 p.m.

PRESENT: Mayor Rietz, Council Member-at-Large Christopherson, Council Members Hecimovich, Nordin, Dick Pacholl, Scott Pacholl, Baker and McAlister

ABSENT: None

STAFF PRESENT: Jim Hurm, Craig Hoium, Jon Erichson, Paul Philipp, Police Detective Dave Schafer, and Tom Dankert

ALSO PRESENT: Public, Steve King, Sheriff Terese Amazi, Prosecuting Attorney Lee Bjorndal, School Superintendent Candice Raskin, Public, KAAL TV-6, KAUS Radio, Austin Post Bulletin, and Austin Daily Herald

The Mayor called the work session to order at 5:30 pm.

Item #1 – Proposed Pawnshop Ordinance – Mayor Rietz noted some of the history on the proposed pawnshop ordinance. Council went through a discussion on this back in 2005, and in June of 2005 the council decided against the proposed ordinance. Mayor Rietz noted meth users steal and then pawn things in order to help finance their addiction. Most other cities around Austin have adopted a similar ordinance for pawnshops, and that leaves Austin as an island or a dumping ground for stolen goods.

Steve King, Mower County Correctional Services Supervisor, noted it is not uncommon for meth users to steal and then sell the goods to finance their habits. Council took the first step a year or so ago by passing the ordinance restricting the sale of certain cold remedies. Now we need Council to take the next step and eliminate one of their financing options.

Mower County Sheriff Terese Amazi noted that five items that were stolen have been recovered through the Autopawn System by just using the query authorization that Mower County has now. Sheriff Amazi noted this is a good system to find stolen goods.

Mayor Rietz noted both Representative Jeanne Poppe and Senator Dan Sparks have sent letters of support for passing this ordinance.

Council Member Baker noted we have an issue of property crimes to our citizens and a tool to track those items. But, he asked, is this putting an undue burden on small businesses to require compliance? Chief Philipp noted this proposed ordinance would reduce dumped property, and reduce funds that are available to finance the drug habits. It would also help get stolen items back to the rightful property owners. The common response is that this will put pawn shops out of business, but that has not happened in any community yet. This ordinance would necessitate pawn shops to charge more to their customers to help recover their costs.

Council Member Hecimovich stated that the goal of the Meth Task Force is to cut down on meth use. However, is this really an enforcement tool to help the Police Department, or is this an attempt to stop meth use? Chief Philipp stated the proposed ordinance and Autopawn System has a proven track record in making a difference and reducing staff hours.

Council Member Dick Pacholl stated that in order to get your stolen goods back, you would need to have good records of the serial numbers of the property that you own. If the goods are stolen from Austin homes/businesses, more than likely they will not be pawned here. Council Member Dick Pacholl noted his support for a program like Operation ID that used to be around that would provide citizens tools to mark and identify their goods. Chief Philipp stated under any system, it is still up to the property owner to identify their goods.

Council Member McAlister noted his support for moving this proposed ordinance forward. However, Council Member McAlister stated he believed this has nothing to do with meth use. We currently have terrible reporting from our local pawnshops, but we may also need a second hand store ordinance to cover any potential changes.

Motion by Council Member McAlister, seconded by Council Member Nordin to recommend to Council a proposed pawnshop ordinance.

Before the vote was taken, Council Member-at-Large Christopherson stated that if Ron's Pawn Shop turns into a second hand store, then this ordinance does us no good.

Council Member Hecimovich noted he would like a quarterly update as to how the system is working. Council Member McAlister noted we may see less pawning, so it could then be perceived as a failure.

Council Member Scott Pacholl stated that he was all for this ordinance the first time; he is still for it. The information on the pawn slips now is very limited. He is complying is a cost of doing business.

Chief Philipp noted council will need to decide if they desire wording to cover a second hand store also. If a second hand store ordinance is included, we may then want to notify all of those stores about the proposed ordinance.

Council Member McAlister stated he would like to see the City Attorney include language regarding second hand stores in the proposed ordinance, unless it becomes too cumbersome. Council Member McAlister stated he did not want to allow somebody to get around the pawnshop ordinance by becoming a second hand store either.

Mayor Rietz suggested that Council meet again before the next council meeting to review a proposed pawnshop ordinance. Also a recommendation should be given by staff (Chief Philipp and City Attorney David Hoversten).

Further discussion ensued. Voice vote taken on original motion. Carried 7-0.

Item 2 – Airport Update – City Engineer Jon Erichson discussed a memo he handed out regarding the airport. Mr. Erichson noted that in the past we would trade the crop for mowing of the land around the airport. With the expansion of the airport we can no longer make this trade with the private mower. In 2005 we paid \$6,500 for mowing of this land. For 2006, the private

contractor wants \$20,000. Park and Recreation Maintenance Supervisor Tom Graff noted we have a spare 60" mower that could be used, so we are proposing to hire our own college kid to mow, and pay for it out of the airport budget. We would then turn around and lease the farming operation (that area of the airport that can be crop farmed) to cover the cost of the mowing. Mr. Erichson estimated that if we had 200 acres of land that could be farmed, and we charged \$50 per acre, we could cover the cost of this endeavor. Mr. Erichson noted this could be a 20 to 40 hour per week mowing schedule.

Motion by Council Member Nordin, seconded by Council Member Dick Pacholl to recommend to Council approval of both recommendations as proposed. Carried 7-0. Items will be added to the next council agenda.

Item #2a – Other Airport Item – Mr. Erichson noted he has heard back from the grantor agencies regarding the Gary Anderson property. As many council members recall, former Council Member-at-Large Goodnature put this in matters in hand as the property owner wanted the city to buy all of his land, not just part of the field. Mr. Anderson's home is just on the outside edge of the airport property and is technically not needed. However, some of his yard is needed. Mr. Erichson noted that the grantor agencies have agreed that the home could be bought, but it needs to fit within the existing grant. The City would be required to cover 10% of the cost, which is now estimated at \$20,000 to \$25,000 local cost. If the city subsequently sells the house, the proceeds need to go back against the grant in proportion to the purchase price split.

Council Member Hecimovich noted that airplanes will be flying right over Anderson's house. Council Member-at-Large Christopherson stated that if we do buy the house, we should make sure nobody else ever moves back in.

Council Member Baker questioned if we are treating this property uniquely. Mr. Erichson noted we have drawn a line right through his property and we want to buy only part of it. Mr. Anderson wants the City to buy all of it or nothing. Mr. Erichson noted he recommended that we buy the property if we can get everything to work within the grant. If we do not buy his home, we will be in court fighting over his land that we need.

Motion by Council Member Hecimovich, seconded by Council Member Nordin to move forward with the process. Carried 7-0. No further action is required by council.

Item #3 – Northwest Austin Transportation Plan – Mr. Erichson handed out a proposed transportation plan for the northwest part of Austin. This plan is useful in dealing with developers, such as what happened before Wal-Mart purchased their property. By establishing traffic corridors in these areas, our negotiations with developers becomes more productive. Mr. Erichson discussed the proposed 16th Avenue NW and the attached 24th Street NW roads.

Discussion ensued regarding a small area that Mower County will be buying with some flood funds. Mr. Erichson noted we could probably get that parcel for \$1.

Council Member Baker questioned if this would impact future development plans in the area. Mr. Hoium noted this should not have any impact on the future plans. Mr. Erichson noted this should be adopted by the council at a future council meeting.

Motion by Council Member Nordin, seconded by Council Member Scott Pacholl to recommend to council the approval of the proposed Northwest Transportation Plan. Carried 7-0. Item will be added to the next council agenda.

Item #4 – Ordinance Changes to Allow for Outdoor Eating and Drinking – Community
Development Director Craig Hoium discussed a proposed ordinance change that would allow the public to use public sidewalks for outside dining. Mr. Hoium noted he strongly recommended this be limited to the central business district only. Council Member-at-Large Christopherson noted he did not want to exclude places like the Sterling Café or Tolly's from being able to serve food outside. Council Member Dick Pacholl questioned if the east-side businesses would be able to serve food and drink outside. Mr. Hoium noted the proposed ordinance would need to be strongly enforced.

Council Member Hecimovich stated that he agrees that we need to include all areas, but we should not tolerate violations. Mr. Hoium stated he would like to require those businesses that have green space or side areas to utilize those first for outdoor dining.

Mr. Hoium reviewed two draft ordinances, one from Red Wing and one from Rochester. Mr. Hoium noted Rochester's seems to fit Austin better, and the goal is we do not want to obstruct pedestrian traffic. In the draft ordinance, 70% of the revenue from the business would need to come from food/non alcoholic sales in order to be allowed to serve outside.

Council Member Scott Pacholl questioned if we should allow people to drink outside until 1:00 a.m. Council Member Nordin noted we could set some limits.

Council Member Dick Pacholl stated he could live with the food outside, but not the liquor. Mr. Hoium stated that currently Torge's is allowed to serve alcohol outside in their fenced in area. Council Member-at-Large Christopherson clarified that they apply for this annually with their license.

Mayor Rietz questioned if the Main Street Project, Inc. has discussed this. Mr. Hoium stated that Sarah Douty at Main Street Project, Inc. does have the information, but has not reported back yet. Mayor Rietz requested an opinion from Main Street Project, Inc. on the proposed ordinance change.

Council Member Scott Pacholl noted he is fine with liquor being served also, but with a zero tolerance policy.

Council Member-at-Large Christopherson stated that maybe we could “piggyback” onto the existing license to save some fees. Council Member Scott Pacholl noted we might want a separate ordinance so that a violation would not shut the entire business down.

After further discussion, Mayor Rietz noted the general consensus was to continue moving this forward. Mayor Rietz noted it would go to the Planning Commission before council would see it again.

Motion by Council Member McAlister, seconded by Council Member Nordin, to recommend continuing the process for the ordinance change. Carried 7-0. No further action needed as it will go to the Planning Commission next.

Item #5 – Approval to Write-off NSF Checks – Mr. Dankert discussed the many outstanding NSF (insufficient funds) checks that have been written to the city over the last eight years or so. Mr. Dankert also discussed two delinquent accounts receivable that have not been paid.

Motion by Council Member Baker, seconded by Council Member Dick Pacholl to recommend to council the write-off of the requested NSF checks and delinquent accounts receivable and send them to the collection agency. Carried 7-0. Item will be added to the next council agenda.

Other Item – Council Member Dick Pacholl questioned when the funding for the Spamtown Belle would be back on the council agenda for a vote. Mayor Rietz noted the Park and Recreation Board is reviewing the issue and then it will come back to us.

Item #7 – Closed Session under M.S. 13D.05, Subdivision 3 – Motion by Council Member Hecimovich, seconded by Council Member Nordin, to close the meeting for evaluation of administrative personnel, pursuant to M.S. 13D.05, subdivision 3. carried 7-0. Meeting closed at 7:20 p.m.

See closed meeting notes.

Motion by Council Member Nordin, seconded by Council Member Dick Pacholl to re-open the closed meeting at 8:07 p.m.

There being no further business, Council Member Hecimovich moved to adjourn the work session, seconded by Council Member-at-Large Christopherson. Motion passed and the meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Tom Dankert
Director of Administrative Services