

MINUTES
COMMITTEE-OF-THE-WHOLE WORK SESSION
September 5, 2006
City Hall Conference Room
6:35 p.m.

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

ABSENT: None

STAFF PRESENT: Curt Rude, Jim Hurm, and Tom Dankert

ALSO PRESENT: Public, KAAL TV-6, Austin Post Bulletin and Austin Daily Herald

Item #1 – Smoking ban – Council Member Hecimovich stated that if he had to approve one of the two versions of the ordinance drafted by David Hoversten, he would chose option B, but input from the clubs would be needed first. Council Member Nordin stated she liked option A, and if we were to go with option B then we might as well not have an ordinance on this issue. This is a matter of choice stated Council Member Nordin. Council Member Dick Pacholl stated he has heard a lot about this and that we don't need such an ordinance. Each business should decide for itself. Mayor Rietz stated that we are dealing with people's health, and there are mandates for food and water that businesses have to follow.

Motion by Council Member Scott Pacholl, seconded by Council Member Dick Pacholl to discontinue further discussion on the smoking ban. Carried 6-1 (Council Member Nordin – Nay).

Item #2 – Police Civil Service Commission – Mr. Hurm noted it takes a 7-0 vote to amend the city charter, and with one council member recently voting against the proposed charter change, it makes little sense to go forward with the Charter Commission reviewing proposed changes if Council will not unanimously support the change. Mayor Rietz respectfully asked Council that if there are questions, then they should be asked before much staff time is put in reviewing the issue.

Motion by Council Member Hecimovich, seconded by Council Member McAlister to not refer the issue to the Charter Commission for a recommendation to terminate the Police Civil Service Commission.

Council Member Dick Pacholl offered a friendly amendment to keep the issue in Matters In Hand.

Council Member Baker questioned what happened with the change in the vote. Council Member Nordin stated she has had many calls on the issue and she explained herself in a recent editorial in the Austin Daily Herald. These are high-ranking jobs, and we need more citizen input in the

process. Council Member Nordin stated things need to be left as is with the Police Civil Service Commission. Mayor Rietz questioned why this wasn't brought up earlier. Council Member Nordin stated it took some time to review the issue. Council Member McAlister stated he brought this forward because the reason we have the Police Civil Service Commission is no longer needed. Council Member Hecimovich stated that the League of Minnesota Cities stated at their new council member orientation that the Police Civil Service Commissions are going by the wayside in many cities.

Mr. Hurm stated the staff recommendation includes a citizen committee to participate in the interview process. Mr. Hurm noted we felt that the Police Department did need some sort of public input.

Council Member Dick Pacholl stated that without the Police Civil Service Commission, we would have a better chance to hire the most qualified candidates. For example, we could go further down on the list and hire a bilingual candidate if this is what we need. Council Member Dick Pacholl stated we should be up-to-date and abolish the Police Civil Service Commission.

Council Member Nordin questioned if the Fire Civil Service Commission was next then. Mr. Hurm stated this was protected by the State, not local charters. Council Member Nordin questioned why we would protect the fire and not the police then. The big-picture governance model we adopted, she contended, mandates us from staying out of the day-to-day operations. The Police Civil Service Commission would then be in charge of this. Council Member Nordin also noted her objection to not having anyone over the police chief.

Council Member Dick Pacholl stated that Council still has the final option on hiring. Council Member Hecimovich stated that Council Member McAlister has plenty of experience here, and he agrees with him.

Police Captain Curt Rude said the police chief wants to move away from the Police Civil Service Commission, as it is politically no longer needed. We can then become more professional and responsible to the public. Mayor Rietz also noted more candidates would become eligible on the hiring list if the commission is abolished.

Council Member Baker asked Council Member Nordin if she would again vote against this today. Council Member Nordin stated she would.

Council Member Hecimovich stated that our department heads recommended this, and if they feel this system is obsolete, we should too. Council Member Scott Pacholl stated staff did much hard work on this, and it is a disappointment to get this far and then end it.

A vote was taken on the friendly amendment by Council Member Dick Pacholl to leave the issue of abolishment of the Police Civil Service Commission in Matters In Hand (seconded by Council Member McAlister). Motion carried 6-1 (Council Member Nordin – Nay).

A voice vote on the original motion to not refer the issue to the Charter Commission passed 7-0.

Item #3 – Proposal to drop fees for sidewalk cafes – Mr. Hurm stated that our original ordinance regulating sidewalk cafes was modeled after the City of Rochester, which did include the fee. However, Mr. Hurm noted our intent is to encourage outdoor eating, and he proposes to drop the fees associated with the sidewalk cafes.

Council Member Hecimovich stated we need to encourage the sidewalk café concept. Council Member Dick Pacholl stated he has nothing against this ordinance, except it includes liquor being served on public property. Council Member-at-Large Christopherson stated he would like the City Attorney to clear up the discrepancies with this ordinance and other city ordinances.

Council Member Hecimovich asked where the public right-of-way generally is. Mr. Hurm noted generally it is right up to the front of the building (from the street).

Council Member Baker stated this misses the point. Fifty dollars is not the issue; why are people not doing this? Council Member Scott Pacholl stated the point may be the public thinks we are gouging them. He believes it is the principle of the thing.

Motion by Council Member-at-Large Christopherson, seconded by Council Member Hecimovich to recommend to council the elimination of the fee associated with the sidewalk cafes. Carried 7-0. Item will be added to a future council agenda.

Item #4 – Administrator’s Item – Tax Abatement – Mr. Hurm noted there may be some requests coming forward for tax abatement in the near future from some downtown businesses that are part of the downtown revitalization process. Mr. Hurm noted Granle’s improvements may not add much to the valuation, and therefore may not have added taxes. If there is any abatement, it may amount to a few hundred dollars. Mr. Hurm noted this would be brought to a future meeting. Mr. Hurm noted a seven-year abatement would be proposed.

Mayor Rietz questioned if Council would support such a request. Results are as follows:

Council Member McAlister	Yes
Council Member Dick Pacholl	Yes
Council Member-at-Large Christopherson	Can look at, if no other grants given
Council Member Hecimovich	Yes
Council Member Scott Pacholl	Yes
Council Member Nordin	Yes
Council Member Baker	Yes, however I want to review the sources and uses of the Downtown Revitalization project to date before we discuss this.

Council Member Baker asked what other alternatives there are for the Silver Bullet. Mr. Hurm conceded that we are putting more money into the building to clean up the asbestos and mold; however, we would have to spend \$80,000 or so to tear down the building and replace it with a parking lot. We are planning on cleaning up the building if we have a signed purchase agreement.

Council Member Hecimovich stated the owners need to take occupancy to heat and cool the building in order to prevent the mold from coming back.

Council Member Nordin stated we should tear the building down.

With no other items, motion by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, to adjourn the meeting at 7:30 p.m. Carried 7-0.

Respectfully submitted,

Tom Dankert
Director of Administrative Services