

M I N U T E S
COMMITTEE-OF-THE-WHOLE WORK SESSION
October 2, 2006
City Hall Conference Room
6:45 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: Jon Erichson, David Hoversten, Paul Philipp, Jim Hurm, and Tom Dankert

ALSO PRESENT: Tom Stiehm, Austin Post Bulletin and Austin Daily Herald

Item #1 – Amendments to Liquor Code – City Attorney David Hoversten noted that Council Member Dick Pacholl had requested some review of our ordinances as they relate to alcohol, and the recent ordinance that was passed allowing for outside eating establishments to serve alcohol on public property. Mr. Hoversten stated we have an ordinance that prohibits the sale of alcohol on public property. Mr. Hoversten stated we will need to amend the liquor ordinance to allow for eating establishments to serve alcohol on public property. These entities must have a sidewalk café and liquor license in order to do this also.

Mr. Hurm noted the outside eating establishments would like this ordinance to serve, for example, margaritas. Mr. Hoversten stated this is a policy decision that Council needs to make.

Council Member-at-Large Christopherson questioned what licenses are required here. Mr. Hoversten stated an entity would need a liquor license, a license to allow for outdoor sale, and a sidewalk café license. Council Member McAlister stated a food license would also be needed.

Council Member Dick Pacholl stated he has nothing against sidewalk cafes, but the only interest he has heard from is the Mi Tierra restaurant. Council Member Dick Pacholl stated he has a problem with alcohol outside, as bars cannot do this. There is too much temptation for the public to walk away with the alcohol in their hands.

Mr. Hoversten stated that the liquor license cost is proposed to be the same, whether you serve alcohol inside, or inside and outside. Mr. Hurm clarified that there would be no extra fee if outside liquor sales were involved.

Council Member Baker questioned if the purpose was to make dining downtown more attractive, and asked if this would generate more business. Mr. Hurm stated Austin Main Street, Inc. recommends this change. Police Chief Paul Philipp stated he would like another restriction placed on this ordinance, and that would be a certain volume of food sales are necessary to be able to sell alcohol on public property. Council Member Scott Pacholl stated that he believes they are required to have 70% of their sales from food sales. Council Member Scott Pacholl

stated we might want to mandate that beverages be served in plastic or paper to avoid the glass that could end up on the public right-of-way.

After further discussion, motion by Council Member Baker, seconded by Council Member Hecimovich, to recommend to Council an ordinance amendment that allows for the outside sale of alcohol on public property. Carried 5-2 (Council Members Nordin and Dick Pacholl – Nay).

Item #2 – MVST – Transportation Amendment – City Engineer Jon Erichson discussed the proposed constitutional amendment that is on the ballot this year. If approved by the voters, the amendment would restore funding to transportation needs, with 40% going towards mass transit, and up to 60% going to transportation funding (roads). Mr. Erichson stated our state revenue from this gas tax amounts to approximately \$1 million per year, but this has not changed much over the last several years. Mr. Erichson stated this amendment is being supported by the League of Minnesota Cities and the Minnesota Chamber of Commerce, but not by the Coalition of Greater Minnesota Cities. Mr. Erichson stated we actually need more funding, and he encouraged the council to pass a resolution in support of this amendment. Mr. Erichson discussed the State Aid Street system and how aid is allocated to different communities.

Council Member Baker stated this is not a perfect solution, but it may be as good as it gets. If this is not approved, we may be looking at a fuel tax increase to fund transportation projects. Further discussion ensued, and it was noted that if you do not vote ‘yes’ or ‘no’ for the amendment (skip the question), then that vote is counted as a ‘no’ vote.

Motion by Council Member Nordin, seconded by Council Member Dick Pacholl, to recommend to Council the approval of a resolution in support of the constitutional amendment for MVST. Carried 7-0. Item will be added to the next council agenda.

Item #3 – Property Transfer – Goldman – Mr. Erichson stated we acquired a flood home on the corner of 4th Avenue and 4th Street SE this last summer. We do not need the parcel and an adjacent property owner would take the property off of our hands relieving the City of maintainance, but he will not give us any cash for it. Mr. Erichson stated this proposed transaction has been cleared with DEED, and the only requirement would be some deed restrictions as to what can be placed on this property.

Motion by Council Member Baker, seconded by Council Member-at-Large Christopherson, to recommend to Council approval of the land transfer. Carried 7-0. Item will be added to the next council agenda.

Item #4 – Property Trade With Roger Bastyr – Mr. Erichson stated there is a 100-foot wide corridor we would like to purchase as part of the flood buyouts and park expansion. The property is owned by Roger Bastyr, and he is willing to trade this 1.44-acre site for a strip of land at the Cook Farm site that borders his property.

Motion by Council Member Baker, seconded by Council Member-at-Large Christopherson, to recommend to Council approval of the land trade. Carried 7-0. Item will be added to the next council agenda.

Item #5 – Wildwood Trail Link – Mr. Erichson stated we received a federal grant to extend the trail from Todd Park to Wildwood Park. The proposed trail would run behind the Hormel Institute and Hormel Foods, and Hormel Foods has agreed to an easement across their property for this. In correlation with the project, however, we need to have a wetland delineation study (estimated cost of \$2,500) and an archeological survey (estimated cost of \$5,000). These two costs are anticipated to be paid for via the Capital Improvement Revolving Fund (Fund 49). This project is scheduled for 2007.

Motion by Council Member Nordin, seconded by Council Member Hecimovich to recommend to council the approval of the costs associated with the Wildwood Park grant. Carried 7-0. Item will be added to the October 16 council meeting agenda.

Item #6 – Storm Water Permit – Mr. Erichson noted we are now required, as an operator of a Municipal Separate Storm Sewer System, to develop a Storm Water Pollution Prevention Program. Mr. Erichson stated in order to comply with these requirements, we will need to contract with a consultant to help develop the program, and the Engineering Department has requested an additional staff engineer as part of the budget process.

Mr. Erichson noted this was for informational purposes only.

Item #8 – CIP Consideration – Mr. Dankert discussed with council the status of the 5-Year Capital Improvement Plan. Mr. Dankert noted that in this plan and in the operating budget council reviewed in August is the request to purchase three new lawn mowers – two for Parks and Recreation and one for the airport. Mr. Dankert noted the vendor, MTI, has offered us a package deal if we take delivery by mid October.

After further discussion, motion was made by Council Member Hecimovich, seconded by Council Member Dick Pacholl, to recommend to Council approval of the purchase of the three lawn mowers out of 2006 funds. Carried 7-0. Item will be added to the October 16, 2006 council agenda.

Item #7 – Jail/Judicial Center – Mr. Hurm noted there will be a meeting at 6:30 on October 2 at Riverland Community College to discuss the proposed judicial center with the Mower County Commissioners. Mr. Hurm noted this will be a discussion amongst elected officials only. Mr. Hurm did state that the County agrees that a comprehensive study of downtown is needed.

Council Member Baker stated we did not see a lot of compromise from the County on this deal. Council Member Hecimovich agreed.

Council Member Nordin questioned if we would include the County in some proposed government center. Chief Philipp and Mr. Hurm stated that could be the intent. Mayor Rietz stated that the Police Department needs to be centrally located.

Council Member Hecimovich asked Chief Philipp what his recommendation is if Mower County says the airport is the site. Chief Philipp stated the best thing would be to stay with Mower County, but not at that site. I would vote to separate then, stated Chief Philipp.

Council Member Baker stated he does not believe that would be cost neutral. We would spend more separating then staying together, stated Council Member Baker. Chief Philipp stated he does not have the experience that Mower County has here. The proposed agreement that Mower County would slowly eliminate the charge to us for 911 services could free up \$200,000. Potential utilization of staff through economies of scale if we combine into a facility with other city departments may also help.

Mr. Hurm clarified that if we do go on our own, the County may not be so generous on the 911 costs.

Council Member-at-Large Christopherson stated that three weeks ago Chief Philipp stated that the number one goal should be to keep the Police Department and the Sheriff together. What has now changed? Chief Philipp stated nothing has changed, except that it cannot be at the airport location. Council Member-at-Large Christopherson stated the City's only decision here is to stay or go.

Council Member Hecimovich stated that if we split, we will need to come up with our own plans.

Council Member Scott Pacholl stated that if we get a city office downtown that includes Park and Recreation and City Hall, then we could have some efficiencies. This could create some nice redevelopment downtown.

With no other items, motion by Council Member Nordin, seconded by Council Member Hecimovich, to adjourn the meeting at 8:06 p.m. Carried 7-0.

Respectfully submitted,

Tom Dankert
Director of Administrative Services