

MINUTES
COMMITTEE-OF-THE-WHOLE WORK SESSION
September 8, 2009
City Hall Conference Room
6:50 pm / Immediately following council meeting

PRESENT: Mayor Stiehm, Council Member-at-Large Anderson, Council Members Austin, McAlister, Martin, King, Clennon, and Pacholl.

ABSENT: None.

STAFF PRESENT: Public Works Director Jon Erichson, Police Chief Paul Philipp, Police Lieutenants Rene Phan, John Mueller, and Matt Holten, Human Resources Director Trish Wiechmann, City Attorney David Hoversten, Parks and Recreation Director Kim Underwood, Administrative Services Director Tom Dankert and City Administrator Jim Hurm.

ALSO PRESENT: Bill Nicol of Parks Family Truck Wash, Austin Post Bulletin, and Austin Daily Herald.

Mayor Stiehm opened the meeting at 6:50 pm.

Item #1. – Parks Family Truck Wash review: City Attorney David Hoversten stated he has been asked to give his legal opinion on whether the forgiveness of 120 days of strong waste charges for G & R Truck Wash so that they could install some new equipment to help reduce their strong waste charge violated any laws, or if this determines how we must treat other businesses. Mr. Hoversten stated the law provides for the treatment of two different entities that provide the same service as long as the treatment is not based on race, religion, or some arbitrary decision. Mr. Hoversten stated his opinion on the matter is that the forgiveness of some of the strong waste charges while G & R Truck Wash installed some new equipment had benefits for the City of Austin because it would result in fewer odors and would reduce the strength of waste being discharged into the wastewater treatment plant. These actions by the City Council do not violate any laws and there is no problem with the decision made by the City.

Mayor Stiehm questioned if this would require us or prohibit us from doing this for another company. Mr. Hoversten stated we would need to know what the rationale was behind the decision to give the same deal to some other entity. If this is an issue of fairness, this is up to the City Council to decide.

Bill Nicol of Parks Family Truck Wash noted competition is one thing. However, what happens if their strong waste discharge is not affected by this new system, then what happens? They would then get another four months to operate as my competition and not have to pay the same bills that I would have to pay. Is there going to be any ramifications against this entity if they do not succeed in lower their output strength?

Council Member McAlister said the City Attorney has stated that we have done nothing illegal. If Parks Family Truck Wash wants to make another request to the City Council, they need to bring it into us. Council Member McAlister said he would need some good rationale for why we

should also give Mr. Nicol some forgiveness, but having unfair competition would not be a good reason.

Council Member Pacholl stated we gave G & R Truck Wash 120 days back in May or so, and they are trying to come into compliance. Mr. Erichson stated G & R Truck Wash is putting in a new system that adds polymers to the waste, the waste is then bagged up to reduce the strong waste that runs to the wastewater treatment plant. This system should be up and running soon.

Council Member King stated the arrangement for G & R Truck Wash was good government policy, and it would be a bad policy to now give all others that have an ICM agreement the same deal. We cannot always be equal.

Mr. Nicol stated G & R Truck Wash has operated for eight months for free, and now they get another four months for free, yet we are billed every month and we make payment every month. This is not fair, stated Mr. Nicol. Mayor Stiehm asked if Parks Family Truck Wash is losing money, for which Mr. Nicol stated they were.

Council Member-at-Large Anderson questioned what amount Mr. Nicol is asking for. Mr. Nicol stated his average bill is \$2,000 per month, so four months would equate to a forgiveness of \$8,000. Mr. Hoversten clarified that Mr. Nicol wants \$8,000 of forgiveness on his strong waste bills. Council Member Austin added that he wants this forgiveness because G & R Truck Wash got the forgiveness.

Council Member Austin questioned if this would open it up for all businesses that have an ICM (Individual Control Mechanism) with the City of Austin. Council Member Austin indicated that Parks Family Truck Wash was helped by the City of Austin in a similar manner before Nichol took it over.

After further discussion, Mayor Stiehm asked for a motion on the floor for the forgiveness of \$8,000 of strong waste charges for Mr. Nicol. None came. Issue is considered closed.

Item #2. – Review of filling budgeted, open positions: police officer and police department secretary: Police Chief Paul Philipp gave a PowerPoint presentation outlining the schedule, staffing, mission statement, and current statistics of the City of Austin and some of its neighbors. Chief Philipp noted the statistics show that by far, the Austin's police officers are busier than all of our neighbors, and that not replacing the currently vacant officer position would have some serious ramifications on the current schedule and the safety of both the officers and the citizens of Austin.

Lieutenants Phan, Holten, and Mueller discussed some of the statistics and additionally noted the overlap hours of 7:00 to 8:00 am, 4:00 to 5:00 pm, and 10:00 pm to 2:00 am with the current schedule allows for multiple officers to be available during the busiest times of the day. Without these overlapping schedules and the current staff numbers that we have, there would be less overlap and more dangerous situations that fewer officers could respond to. Reduction in overtime costs was also noted to be a benefit of the current staffing situation.

Council Member-at-Large Anderson questioned how the annexation of the Lansing Township area would affect the Police Department. Lieutenant Mueller stated there will be added response time as the city limits are now geographically larger.

Council Member Clennon stated she has been on two ride a long's and our officers are very dedicated and are working beyond their shifts to help the other officers out.

Council Member Pacholl stated public safety is the number one priority for him, and this position is budgeted for and should be replaced.

After further discussion, motion by Council Member-at-Large Anderson, seconded by Council Member King to authorize the replacement of the vacant officer position. Carried 7-0. Item will be added to a future council meeting once the name of the selected officer is given to the Mayor for his recommendation.

Chief Philipp also noted his Administrative Assistant position will be vacant soon. Chief Philipp stated he has been working with Human Resources to redraft a job description such that this position can be available for all of the officers, not just the Police Chief. Chief Philipp noted that when he is gone (and considering the Police Captain vacancy), the Administrative Assistant routes all calls to determine who should be handling them. Additionally this position does payroll, accounts payable, sex offender reporting, parking tickets, and administering the training records.

After further discussion, motion by Council Member King, seconded by Council Member Clennon to recommend to council the replacement of the Police Administrative Assistant position. Carried 7-0. Item will be added to the next council agenda.

Item #3. – Sewer user fees: Public Works Director Jon Erichson gave some background on the Sewer User Fund, noting citizens and businesses pay this fee each month, plus the Sewer Fund gets revenue through strong waste charges, interest earnings, and separate billings to Maplevue and Belmont's Addition. Mr. Erichson stated the newly proposed rates are still low in comparison to other surrounding communities.

Mr. Erichson stated the sewer rates are set through both a fixed rate that everybody pays, plus a variable portion called the flow charge that is based on how much water you use. Therefore, the more water you use (that would consequently then go to through the sewer system) the more of a charge you would get. Additionally, Mr. Erichson stated he would like council to explore a Sewer Availability Charge (SAC) for new businesses and homes to provide some additional funds for expansion of the system. This SAC charge would be collected at the time a new building permit would be acquired by the contractor. The new rate is going to change the fixed cost from \$61.0 per month to \$7.25 per month. The flow charge will change from \$1.66 per unit of water to \$1.85 per unit of water. Mr. Erichson noted the new rates should generate approximately \$306,000 of new revenue per year.

Council Member King questioned the summer averaging. Mr. Erichson stated Austin does have a summer averaging program for residential areas whereby the water usage for January through April is used to come up with an average monthly usage. This unit usage average is then billed out for the next four months for the sewer rate, as many people are washing their cars or

watering their lawns and this water usage does create additional flow through the wastewater treatment plant, therefore not creating a sewer fee.

Council Member Pacholl stated he has always believed the sewer fee to be the fairest fee. The more you use, the more you get billed.

Mr. Erichson noted that additional cost cutting measures have been implemented at the wastewater treatment plant as we have reduced staff, plus the ICM's noted above bring in additional revenue for the City as those businesses that are causing higher costs through strong waste are being billed extra for this. Mr. Erichson reiterated that these rates will still be some of the lowest in the area.

After further discussion, motion by Council Member Austin, seconded by Council Member Pacholl to recommend to council the increase of the sewer rates effective in January 2010. Carried 7-0. Item will be added to a future council agenda.

Motion by Council Member Austin, seconded by Council Member-at-Large Anderson to recommend to council the further reviewing of Sewer Availability Charges (SAC). Carried 7-0. Item will be added to a future council work session for further discussion.

Mr. Dankert noted in Mr. Erichson's memo that a further rate increase may have to be reviewed in 2011 or future years, not in nine year increments.

Item #4. – Budget – schedule topics for future work sessions: Mr. Hurm discussed the status of the 2010 budget noting the budget is balanced with the approved tax levy motion at tonight's city council meeting. Mr. Hurm noted his concern for future years and the potential of additional LGA loss for the City of Austin. Mr. Hurm stated there are still five items council noted they would like to discuss in the future, as follows:

- Item #2 Compensatory time in the Fire Department
- Item #3 Fire Department energy audit instead of concrete replacement (budget has been adjusted for this)
- Item #6 Fair Labor Standards Act pay
- Item #16 Consider closing an arena
- Item #21 Fire Department paging system

Mr. Hurm noted Gold Cross has already stated they own their own building and have no need to move back into the fire station. Mr. Hurm questioned council if there were other items such as turning over the Nature Center to private entities or hiring a public safety director warranted further review.

Council Member-at-Large Anderson questioned some of the backup regarding redesign of service delivery. Mr. Hurm stated we do this all of the time, but was intended to see if there were ways to streamline and reduce costs of services to the citizens.

Council Member King stated there is a perception out there that we are scrambling all of the time to balance the budget. Council Member King stated we are on the right track as is in his opinion.

Council Member McAlister stated we have two retirements coming in the next few years with the Fire Chief and the Police Chief, so he would be willing to listen to the concept of a public safety director.

Mr. Dankert clarified for the 2010 budget as we have approved it, is there questions regarding outside agencies, capital outlay, or other budgeted items that council wants to have further discussion on in the next few months for the 2010 budget? If so, we need to know these so we can get them scheduled for discussion, otherwise we will continue to fine tune the budget internally to get ready for the Truth In Taxation hearing on December 1. No objections noted with leaving the budget as is for 2010. The budget will remain as is for now.

Item #5. – Administrative Matters – Matters In Hand: Mr. Hurm noted the status of the listed Matters In hand as follows:

- Employee evaluations – these are in process
- Increase sewer user fees – this has been approved tonight and will be brought to a future council meeting
- Service dog ordinance AND dangerous and potentially dangerous dog's ordinance – Council Member-at-Large Anderson noted City Attorney Hoversten has requested that we as council bring forward a specific request on the topic. Mr. Hurm stated a future work session with further discussion on the topics is in order.
- Establish a Complete Count Committee – Mayor Stiehm stated this has been done. Mr. Hurm noted he would send a list out to the council of the participants. Motion by Council Member Austin, seconded by Council Member King to recommend to council the removal of this item from the Matters In Hand. Carried 7-0.

Other Item: Council Member Pacholl noted he has been contacted about a complaint on paint ball guns in neighborhoods. Although these are not illegal, we should look at them. Council Member McAlister suggested contacting the League to see what they had on this issue.

Additionally, Council Member-at-Large Anderson stated there is an immigration forum on Saturday September 12 from 1:00 to 5:00.

Adjournment: Motion by Council Member Austin, seconded by Council Member King, to adjourn the meeting. Motion passed unanimously. Meeting was adjourned at 8:35 pm.

Respectfully submitted,

Tom Dankert