

MINUTES
COMMITTEE-OF-THE-WHOLE WORK SESSION
May 5, 2014
City Hall Conference Room

PRESENT: Mayor Thomas Stiehm, Council Members Steve King, Jeremy Carolan, Michael Jordal, Jeff Austin, Judy Enright and Council Member-at-Large Janet Anderson

ABSENT: Council Member Roger Boughton

STAFF PRESENT: Director of Administrative Services Tom Dankert, Director of Public Works Steven Lang, Community Development Director Craig Hoiu, Fire Chief Jim McCoy, Police Chief Brian Krueger, Park and Recreation Director Kim Underwood, Human Resources Director Trish Wiechmann and City Clerk Ann Kasel

ALSO PRESENT: Pat McGarvey, Tom Sherman, Larry Eisenberg, Marian Clennon, Peter Grover, Post Bulletin, Austin Daily Herald, Public

Mayor Stiehm opened the meeting at 6:18 p.m.

Item No. 1 – Proposed Consulting Contract with Pat McGarvey – Trish Wiechmann

Trish Weichmann presented a proposal from Pat McGarvey. Mr. McGarvey worked for the City of Austin for over 11 years with his retirement in 2003. He has over 35 years of public administration service and has experience with hiring other city administrators. The proposed fee for his services would be \$5,000 plus mileage and out of pocket expenses. The cost for advertising would be billed directly to the City.

Mr. McGarvey stated he could add to Trish's position profile by teaming up with staff and the Council to find young superstars to come to Austin. He knows a lot of City Administrators both in Minnesota and Iowa.

Mayor Stiehm stated Mr. McGarvey has worked with both Tom and Trish and that he has a unique approach to the process at a bargain price.

Director of Administrative Services Tom Dankert stated this would be a wise move for the City because Mr. McGarvey knows the internal politics of Austin and cares about community.

Council Member King agreed with Mr. Dankert stating Mr. McGarvey knows Austin well and would be able to select a good candidate for Austin.

Council Member-at-Large Anderson asked if Mr. McGarvey would want to meet with Council.

Mr. McGarvey stated he will set up meetings with Council, Department Heads and the community.

After additional discussion, moved by Council Member King, seconded by Council Member Austin, to authorize the preparation of a contract with Pat McGarvey for consulting services to hire a City Administrator. Carried.

City Attorney David Hoversten will prepare the contract.

The item will be placed on the May 19, 2014 Council Meeting.

Item No. 2 – Proposed Charter Ordinances – David Hoversten

City Attorney David Hoversten presented several draft ordinances for issues that were removed from the City's charter when the charter was reviewed and modified. Mr. Hoversten stated some of the removed ordinances are already addressed in other areas of the City code and therefore no new ordinance would be required. The removed ordinances are:

1. Subdivision of Plats. No new ordinance is required as it is addressed in Austin City Code Section 13.10.
2. Austin Utilities Chapters 9, 10, 11 and 21 were removed and are partially covered by Austin City Code Sections 3.02 and 3.04. A new ordinance was drafted in regard to rights of way and easements.
3. Park and Recreation regulation of grass and weeds. This topic is addressed in Austin City Code Section 7.06 and therefore no new ordinance is necessary.
4. Library – Prohibited Acts. A new ordinance was drafted for this section.
5. Boundaries of the City – No new ordinance is required as the current Charter includes this topic.
6. Regular Council Meetings – A new ordinance was drafted for this topic.
7. Procedure for Vacation of Public Right of Way – A new ordinance was drafted for this topic.
8. Obstruction Streets by Railroads – A new ordinance was drafted.
9. Special Assessment Procedures – A new ordinance was drafted deferring the procedure to Minn. Stat. Section 429.

Council Member Enright questioned the utility ordinance as it stated no new ordinance was needed in one section but a new ordinance is being drafted.

Mr. Hoversten stated those are different sections and the provided ordinance is necessary.

Moved by Council Member Austin, seconded by Council Member Enright, for adoption of the proposed ordinances drafted by Mr. Hoversten.

The items will be placed on the May 19, 2014 Council Meeting.

Item No. 3 – Bike Rack Request from Rydjour Bike – Steven Lang and Kim Underwood

The City has received a request from the Austin Main Street Project and Rydjour Bike for the installation of a bike rack on Main Street paid for by the Main Street group and Rydjour Bike. The proposed design of the rack is in a bike shape and is designed for bikes to be placed parallel to the roadway, thereby minimizing the impact to the public sidewalk.

Director of Public Works Steven Lang recommended approval of the request subject to the following criteria:

- Bike rack design linear in nature with bike placement parallel to the roadway.
- Placement of a minimum of 3 feet from back of curb and minimum 7 feet from building face. Racks will not be allowed on sidewalks less than 10 feet in width.
- The bike rack placement shall be approved by the Engineer prior to placement.
- Bike rack design shall be approved by _____. (left open for Council to decide).
- The business owner shall be responsible for all maintenance, repair and replacement of the bike rack.

Council Member King questioned if any other businesses have requested bike racks.

Mr. Lang stated no other businesses had inquired.

Council Member Enright would like the design to be approved by Parks and Recreation and the City Engineering office.

Moved by Council Member Austin, seconded by Council Member King, for approval of the bike rack policy with the design being approved by Parks and Recreation and the City Engineer. Carried.

The item will be placed on the May 19, 2014 City Council meeting.

Added item- Sidewalk objection project 7-A-14

Tom Sherman, of Usems, addressed the Council to object to the proposed sidewalk on 17th Avenue NW. Mr. Sherman stated he never received notice of the proposed project, there is no pedestrian traffic on the road, the project is expensive, he was concerned about having to move snow from the sidewalk and that he uses some of that space as a retail display area. He suggested placing the sidewalk on the other side of the street or on a different street.

Larry Eisenberg, Manager of Perkins, felt that people don't use the street as a walking area and the sidewalk should be placed elsewhere.

Council Member Austin questioned if the placement of the sidewalk is connected with another project.

Director of Public Works Steven Lang stated the south side of 17th Avenue has been determined to be the best area for placement due to the grade of the area. The adjacent road is a State Aid road and State funds can be used to pay for the sidewalk. Notices were sent out to all the property owners for the project earlier this year.

Mr. Sherman stated the sidewalk could be placed on the back side of his property.

Mr. Lang replied if the sidewalk is placed on 16th Avenue then the construction costs wouldn't be covered because it is not a State Aid roadway.

Council Member King noted that the Council has not been supportive of sidewalks. He felt there is a need for sidewalk in the Casey's area and other areas of town.

Council Member Jordal felt there is a need for the sidewalk as he sees people with motorized scooters in the area frequently.

Council Member Enright would like to see a bike lane/pedestrian walk lane installed instead.

Council Member Austin stated he wouldn't walk on that roadway.

Mr. Lang stated with the proposed expansion of HyVee, HyVee would be installing a sidewalk along the east side of their property to connect the paths. In addition, signage is being proposed in the Wildwood Trail area to direct bikers to the commercial district.

Council Member-at-Large Anderson asked Mr. Lang about the snow removal concerns.

Mr. Lang stated there is a ten foot boulevard on the property. The City has requested easement to move the sidewalk further back from the road because there are parking lot lights in the right of way. The plows would remove the snow as they typically do.

After additional discussion, moved by Council Member King, seconded by Council Member Enright, to rebid the project and remove the sidewalk from the bid. Motion failed 3-4 with Council Members Austin, Carolan, Jordal and Mayor Stiehm voting nay.

Moved by Council Member Jordal, seconded by Council Member Austin to move forward with the project as bid, inclusive of the sidewalk. Carried 4-3 with Council Members King, Enright and Council Member-at-Large Anderson voting nay.

The item will be placed on the May 19, 2014 Council Meeting.

Item No. 4 – Budget Review – Chief Krueger and Chief McCoy

Chief Krueger and Chief McCoy continued the annual budget review process with Council to go through expenditure and revenue for each department for the 2015 budget. They reviewed various revenue and expenditure line item categories for their respective departments. Mr. Dankert discussed the color coding system whereby items that were colored had some limited

ability by Council to make changes due to contractual obligations, state/federal requirements, etc. In 2014, revenue for Public Safety is project to be \$757,411 and expenses are projected at \$5,495,694.

Different Council Members asked various questions regarding line items in each budget with staff answering them as they arose.

For informational purposes only, no Council action needed at this time.

Item No. 5 – Stallion Air Compressor – Chief McCoy

Chief McCoy presented on the Fire Department's request for a Stallion Air Compressor. In March of 2014 the 14 year old air compressor at the Fire Station was in need of repairs. The Eagle Air regional manager indicated that the repairs would be cost prohibitive and could not guarantee the repairs would fix the problem. It was determined that the company would not try to fix the outdated machine.

It is recommended to upgrade the current 5.0 hp system to a 10.0 hp system at an estimated cost of \$33,275.00, which includes a \$2,500 discount for the trade in of the old fill station. The funds are being proposed to come from PERA funds.

Mayor Stiehm asked Tom Dankert what the Fire PERA balance is.

Mr. Dankert replied it is about \$900,000.

Moved by Council Member King, seconded by Council Member-at-Large Anderson to trade in the old air compressor and purchase a new compressor for the Fire Station at \$33,275 coming from PERA Fire funds. Carried.

The item will be placed on the May 19, 2014 Council Meeting.

Item No. 6 – Rental Housing Registration Ordinance

Community Development Director Craig Hoium reviewed the proposed rental housing registration ordinance with the Planning Commission on April 15, 2014. The Planning Commission unanimously recommended adoption of the ordinance. Mr. Hoium noted a mandatory education requirement with the HRA, Police and Fire Departments needs to be added to the ordinance. Also in the ordinance is the requirement for the rental property owner or rental manager to reside within a 1 hour drive from the property. He requested that the Council wait to formally adopt the ordinance until the department is fully staffed.

Council Member Enright inquired how soon the vacant building/zoning inspector position will be filled.

Mr. Hoium stated there are two interviews left and in about a week an offer for employment will be extended.

Council Member Enright questioned how the ordinance would be enforced.

Mr. Hoium stated any zoning violations are subject to misdemeanor charges. Notice of the violations will be given to the renters also to make them aware of the situation.

A letter of support from Austin Landlord Association was also provided.

Peter Grover, spoke on behalf of the Association stating they appreciated involvement in the preparation of the ordinance. The Association is concerned about the community and strives for the betterment of the community.

Council Member-at-Large questioned how the changes in ownership and management will be tracked.

Mr. Hoium stated the City may be able to monitor those changes at the County level. The goal would be to continually educate new owners and managers. A DVD of the program may be an option.

After additional discussion, moved by Council Member Enright, seconded by Council Member Austin, to adopt the rental housing ordinance once the Building and Zoning Department is staffed. Carried 5-1 with Council Member Carolan voting nay.

Item No. 8- Administrative Report

Director of Administrative Services Tom Dankert provided an update on the progress of the 2014 Council goals. The bullets listed in red are measures taken to complete the goal. Mr. Dankert reviewed each goal and reported the progress. He also answered various questions from the Council.

In regard to Council goal number 10, to Review buildings, equipment, and staffing levels for further efficiencies, Council Member-at-Large Anderson noted that the Sustainability Task Force is supportive of this goal.

Council Member Enright stated that someone needs to look out for the best interest of the City's buildings and the position could possibly be a facility management position combined with energy management.

Mr. Dankert stated the Department Heads are in charge of their individual department buildings and it may be beneficial to have a dedicated person to ensure the needs of the buildings are put first. He is researching a company that specializes in this area with a focus on changing employee behavior for energy conservation. However, if certain energy saving benchmarks are not achieved then the program would not continue.

Council Member Enright stated there is a program through the State called "B-3" where building and energy usage is entered and compared to similar buildings for an energy rating.

For informational purposes only, no Council action needed that this time.

Item No. 9 – Open Discussion

Council Member Enright would like more information on raising chickens in the City. City Clerk Ann Kasel stated she would provide information on the topic.

Council Member-at-Large Anderson would like a tour of the Public Works projects.

Council Member Austin added to the earlier conversation on the sidewalk on 17th Avenue NW. He stated that the reason there aren't a lot of citizens walking in that area because there is not a sidewalk for them to use. The main issue is if the City noticed the property owners of the improvement. If so, then their time to object to the improvement has expired. He also added that this objection would be treated differently if the objector was a citizen and not a business.

City Clerk Ann Kasel noted that the notice of improvement was sent to each property owner on the project just like all of the other improvement projects in town. That address is determined by the County's records as to where the tax statement is sent. In addition, a project informational meeting notice was also sent.

Council Member Jordal stated it would have been nice if the individuals from Usems and Perkins would have come to the public hearings.

Moved by Council Member King, seconded by Council Member Austin to adjourn the meeting at 7:43 p.m.

Respectfully Submitted:

A handwritten signature in cursive script, reading "Ann M. Kasel". The signature is written in dark ink and is positioned above the printed name.

Ann M. Kasel