

MINUTES
COMMON COUNCIL ADJOURNED MEETING
MONDAY, JULY 17, 2000
5:30 P.M.
COUNCIL CHAMBERS

MEMBERS PRESENT: Mayor Rietz, Council Member-at-Large Chaffee, Council Members Fedson, Boughton, Poppe, Nordin and Lang.

MEMBERS ABSENT: Council Member Jorgenson.

OTHERS PRESENT: News Media. Public. Bob Nelson. Kermit Mahan. Elaine Hansen. County Commissioner Dave Hillier. County Engineer Mike Hanson. County Planner Daryl Franklin. Representatives from FEMA Sam Ventura and Bob Claes.

Two items were added to the agenda: a resolution allowing the City to apply for FEMA grants; and an addition to the consent agenda for temporary gambling by the Austin Jaycees during the County Fair.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Boughton, approving the agenda.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the minutes of July 5, 2000.

Mayor Rietz opened up discussion on flood concerns expressing the City's concern. Meetings with Representative Gil Gutnecht and the Army Corps of Engineers will look into the situation. Mayor Rietz has received a call from Senator Rod Grams who said he would help with anything at his level. Mayor Rietz also received a call from Bev Norby of the Watershed District. Mayor Rietz expressed thanks to City department heads, staff, the Austin Utilities, the Red Cross, Salvation Army (whose own building was flooded) and the Chamber of Commerce whose members helped other businesses.

City Engineer Jon Erichson gave a history of flood events in Austin. After the flood of 1978, the Army Corps of Engineers did a study of the Turtle Creek, Cedar River and Dobbins Creek watersheds. Structural and non-structural solutions were studied.

Nonstructural solutions included:

- a. Flood plain regulation
- b. Flood proofing
- c. Acquisition

Structural solutions included:

- a. Levees

- b. Ring walls/flood walls
- c. Channel improvements

Two reservoir sites on the Cedar River above Austin were investigated as possible solutions to reduce flood flows through Austin. One would be upstream from Ramsey and the other would be upstream from Lansing. The dam would be approximately 3½ and 4 miles long but would only be effective in moderate flooding. Because of the flat terrain, the dams would not be effective in major flooding.

Channel modifications were found to be not cost effective. One recommendation given to the City of Austin was accomplished – the 4th Avenue NE bridge modification.

In looking at levees and floodwalls, costs again exceeded benefit.

In conclusion, the report found that none of the structural solutions were economically justified and therefore, could not involve Federal participation. A public hearing was held at the conclusion of this study, and the City of Austin adopted nonstructural solutions for its flood plain management. Since this action, 159 homes have been acquired at the cost of approximately \$5M.

Proposed steps since this most recent flood are:

1. Schedule information meeting to review past flooding concerns. Invite the U.S. Army Corps of Engineers and the DNR.
2. Develop a request for proposal for engineering service to address inflow and infiltration issues.

Kermit Mahan of the HRA reported on the flood from the HRA standpoint. The City of Austin first adopted a flood plain ordinance in 1968. Minnesota enabled all cities to participate in a flood insurance program in which the federal government subsidizes half of the premium. In 1993, the flood situation was unique because many areas were flooded and national attention was received. Congress allotted additional monies in that year. This flood was the worst for Austin but has not received national attention; therefore the City is relying on the State's annual allocation. Several grants are available currently from the Department of Emergency Management, Department of Natural Resources and Flood Reducing Grant. With buyouts, agencies will look at the frequency of damage, the degree of damage, and the value of the property. The Federal government is now focusing on funding for entire neighborhoods, whereas, in the past, this was not the case. Mr. Mahan advised flood victims to first contact their insurance agents, and then to contact FEMA which will have available low interest loans and grants. The next step in a buyout is to qualify homes for acquisition. The City of Austin does not have reserves in its budget for buyouts at this time. It is expected that FEMA will not have data ready for 5-6 months, after which time it will be determined how many dollars Austin will receive.

Peter Jacobsen, 602 18th Street SE, stated that he has had sewage backup with each of the last four floods, and he has received notification of cancellation by his insurance company. Mr. Jacobsen said the sewage system is not capable of current loads. Extension of the airport runway increased water flow. The airport runway will be lengthened increasing the already heavy water flow. City Engineer Jon Erichson stated that the Ellis ditch and 4th Avenue SE experiences high water under these conditions: high ground water, runoff from sump pumps and tiling and the Ellis ditch at high flow conditions. Mr. Erichson said home inspections may need to be performed in every household to check for illegal connections to the sanitary sewer system. During the flood more than 20 million gallons per day flowed into the system, currently the flow is at 7 million gallons per day. The City may need to start replacing trunk lines.

John Martin, 500 18th Street SE, stated he has been flooded three times since '93. Mr. Martin said he is about to be cancelled by his insurance also.

Brian Mittag, 304 8th Avenue, asked if the County had begun a buyout program. Emergency Management Director Bob Nelson said he was sure they had. Mr. Mittag then asked if houses were supposed to be fixed up before they could be sold. Mr. Mahan clarified that people should make their homes habitable. If homes can be bought out, they will be done on a volunteer basis but not immediately. Jon Erichson advised anyone who needed a house inspection to call the Engineering Office. Mr. Mittag said he was disappointed at the lack of information as the flood was rising. During the 1978 flood, he was notified of how fast the water was rising at different levels. Mr. Mittag said he had to get his information this time from LaCrosse (weather station). Chief Paul Philipp said the officers do follow a certain policy for emergency notification and neighborhoods were notified as well as the media. Chief Philipp did note that one problem was that he was to be informed when the river crested at 20 feet, but when he called at 2:00 p.m., it was already at 22 feet. Mr. Mittag went on to say that the city has had four floods since 1965; something is not right. The city did not receive that much rain.

Arnold Lang, 711 8th Street NW, though not personally affected by the flood, stated that when any unfortunate incident happens to some of the citizens, all are affected in some way. Mr. Lang asked if we can afford *not* to do something for these people. Mr. Lang said the City has been involved in many capital projects and listed several. It's time to be proactive and take flood preventative measures .

Ethel Becker, 306 8th Avenue SE, said her house has been condemned because the walls had caved in. This is the fourth time the Beckers have been flooded and this time she lost everything that was in the basement. Ms. Becker questioned why she should go ahead and fix up her home to be habitable if it should be bought out. Mayor Rietz asked if she has contacted FEMA and Ms. Becker confirmed she had. Mr. Erichson said that city crews would continue to clean up debris from the flood.

Robert Helgeson, 404 8th Avenue SE, stated he is a veteran of the Army Corps of Engineers. Mr. Helgeson believes that the in-town flooding is due to the surge of farmers tiling their fields.

Faron Neville, 415 7th Place NE, stated his disappointment with the Mayor and Council. Mr. Neville stated his house is sinking. When talking to the Mayor on Saturday, he was told that building inspectors do not work on the weekends. Mr. Neville stated that he believed they should have been working. A building inspector did inspect his house on Monday and told him to get out of the house immediately. Mr. Neville said the city should build a retaining wall, a flood plain or something to fix the problem.

Council Member Fedson asked City Engineer Jon Erichson if dredging is a possibility. Mr. Erichson said that ten years ago, the City was considering a grant for dredging. In further consideration, it was found that there was so much erosion from upstream that in a short time, the lake would be back at the same level. Preventative measures upstream would be the only answer.

Richard King, Rose Creek, stated that flow rates are substantially higher than they were in 1978. Mr. King found 13 inches in his rain gauge, not 5 inches as reported from an Austin radio station. Mr. King said that years ago water never ran over his road. Today there are four low points in which water flows over. Mr. King is in agreement with a previous speaker (Mr. Helgeson) saying the increase flow rates are due to the large numbers of farmers tiling their fields.

Doyle Lindahl, 307 7th Place SE, stated that the city cannot help the water from coming into town. According to Lindahl, our job is to help the water get out of town. Mr. Lindahl suggested dredging the Cedar River.

John Miller stated that Austin should build retention walls like Rochester and Mankato have. Neither city has flooded. Mr. Miller also suggested opening up the floodgate on the 4th Avenue NE dam during a flood.

Sue Elker, Rochester, suggested the city start a 1-cent tax, as did Rochester to build its watershed.

Emergency Management Director Bob Nelson has reserved the National Guard Armory for July 27 and 28. Representatives will be available to process claims and to sign up for a number of grant programs.

Faron Neville spoke again warning people of contractors taking advantage of people. Mayor Rietz suggested that people could check with the Engineer's Office for licensure.

Moved by Council Member Fedson, seconded by Council Member-at-Large Chaffee, approving the consent agenda:

Licenses:

Food: Jalisco Market, 213 N. Main St.

Cigarette: Jalisco Market, 213 N. Main St.

Temporary 3.2 beer: Austin Jaycees @ the fairgrounds, Aug. 8-13.

Temporary gambling: Austin Jaycees @ the fairgrounds, Aug. 8-13.

Claims:

- a. Pre-list of bills.
- b. Finance Report and Investments

Carried.

A public hearing was held on one disputed property adjourned to a later hearing for street improvement assessment – 4th Avenue SE from Ellis Middle School to TH 218, Project 1-A-99. No comments received.

Moved by Council Member Fedson, seconded by Council Member Lang, adopting the final resolution. 6-0. Carried.

Moved by Council Member Boughton, seconded by Council Member Poppe, adjourning the City Council into a Board of Adjustment and Appeals. Carried.

A public hearing was held on a variance request from City Code limiting accessory structures to no more than 1000 square feet in an "R-1" Single Family Residence District requested by Peter L. Jacobsen, 500 6th Street SW. The petitioners are proposing to build a 25' x 40' detached garage on the southeast corner of 4th Avenue and 6th Street.

Community Development Director Craig Hoium stated that the reason for the code is to maintain the residential atmosphere. Maximum lot coverage is 40%. With the garage, the lot coverage would be 15%. Mr. Hoium reported no objections from neighbors. The Planning Commission at its July 11 meeting voted 7-1 in favor. Council Member-at-Large Chaffee asked the reasoning behind the one nay vote. Mr. Hoium replied that the Commissioner said the petitioner already had a 600-foot detached garage. Another reason was to maintain the residential atmosphere. The proposed garage is for storage of vehicles and recreational vehicles. Mr. Chaffee asked if it was possible that the petitioner add on to the current garage. Mr. Jacobsen replied that structurally, it would be a lot easier for him to build a new garage. Council Member Boughton stated he had viewed the location and thought the structure would be on what appears to be an extra lot. He thought it would not detract from the neighborhood.

Moved by Council Member Boughton, seconded by Council Member Poppe, approving the variance. Carried.

A public hearing was held on a variance request from City Code governing the minimum corner sideyard setback of 12 feet, 6 inches in an "R-1" Single Family Residence District requested by Theoni Lecakis, 1209 9th Street NW. The property is surrounded by a single family residence district. Petitioner is proposing to build a 12' x 21' attached garage onto the existing garage. Mr. Hoium said the intent of the ordinance is to maintain traffic vision. The proposed garage would be nine feet from the boulevard. The Planning Commission has recommended approval 8-0.

Ken Russell, 906 12th Avenue NW, objected to the variance saying that all the buildings on that road currently followed a straight line. Mr. Russell also said that the petitioner would have a double garage with a driveway which would cause snow to build up on his property after plows go through. Mr. Erichson replied that snow plowing would not affect anything. Mr. Erichson also stated that the garage would encroach upon the property, not the street. Council Member Lang stated he would like to table the hearing due to the objection. Council Member Fedson stated he also would like to table the matter in order to take a look at the property. The petitioner filed June 9 and requires an answer within 60 days.

Moved by Council Member Lang, seconded by Council Member Nordin, to continue the hearing to August 7, 2000. Carried.

A continued public hearing on the Business Subsidy Agreement with the C.R.C. was held. City Administrator said the C.R.C. has had initial soil borings taken with poor results. Additional soil borings were taken last week. The C.R.C. hopes to have results by the August 7 Council meeting.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Fedson, to continue the hearing to August 7, 2000. 5-1. Carried. Council Member Lang voting nay.

A continued public hearing relating to the vacation of street right-of-way, 3rd Street NE, Original Plat of Austin was held. City Engineer Jon Erichson said that with the vacation of 3rd Street from Oakland Avenue to 1st Avenue NE, 3rd Street south of Oakland Avenue would become a deadend street, which a business owner has objected to. Options to eliminate this would be:

1. Extension of the service road to 3rd Street on the north side of Oakland Avenue.
2. Extension of a service road to 3rd Street on the south side of Oakland Avenue.
3. Eliminate the underpass at Oakland Avenue.

The third solution is currently too costly until Oakland Avenue is replaced.

Steve Arens, business owner of abutting property, stated he was not in favor of extending a service road on the south side of Oakland Avenue because it would mean forfeiting his property. Mr. Arens said he would consider the north side extension as a short-term

solution but sees these solutions as something like an alley. Mr. Arens would like to see the bridge removed and the underpass filled in. Mr. Erichson again stated that this option was very expensive and did not think that the project could be done based on the need. County Engineer Mike Hanson confirmed that the bridge is owned by the city, maintained by the county. Steve Arens then stated that previously he had told Mr. Mahan that he was unwilling to sell his property. Now he would reconsider that request. Mayor Rietz asked if the hearing could be continued. City Attorney David Hoversten said that the public hearing was for the street vacation. Mr. Mahan concurred saying that this was important for the bond sale. Mayor Rietz said that a work session would be held, also.

Moved by Council Member Nordin, seconded by Council Member Lang, to adopt a resolution appointing vacation commissioners. 6-0. Carried.

City Administrator Pat McGarvey presented a resolution to approve an 88-unit multi-family housing project in the Lone Oak Addition to be known as Murphy's Creek and to establish a tax increment financing district for up to 25 years in length.

Moved by Council Member Lang, seconded by Council Member Boughton, adopting the aforesaid resolution. 6-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, approving street closings for Crazy Days, Thursday, July 20. Carried.

County Commissioner Dave Hillier spoke on the Dinsmoor Acres public improvement project. Mr. Hillier said he understands the City views Dinsmoor Acres as a new subdivision; however, Dinsmoor Acres is an older subdivision and policies should be modified. Twenty to twenty-five years ago, needs for Dinsmoor Acres started. Bids are now 24% higher than projected one year ago and something needs to be done now. Assessments to residents would be extremely high. Mr. Hillier said the County's plan is for the County to pay for the project upfront and be paid back on a 15-year amortization. Mary Ann Lueders, 2309 4th Drive SW, stated that with the new planning and zoning comprehensive plan, the only solution is if the city and county work together. Council Member-at-Large Chaffee said the City wants to help. The City would like to annex the properties in a turnkey process. Mr. Chaffee stated that the City has discussed allowing deferment of those properties that do not have buildings on them. During a pre-set amount of time for deferment, those property owners could sell off their extra lots if they so chose. County Commissioner Dave Hillier said that would be a consideration that he would need to take back to the whole County Commission. Council Member Lang stated he would like to see the county pump in \$250,000 towards the project. County Commissioner Dave Hillier said that the county and city have the same financial stake in this – essentially zero. Mr. Hillier said it is the residents who pay. Mr. Hillier is requesting the road be as it remains, a rural street section, which would reduce costs by 25%. Council Member Poppe sees the situation as a "political ping-pong game" between the county and city. Ms. Poppe said there should be a solution, not all one government's way or the other's. She would like to counter propose the county's proposal and also

review the proposed deferment policy. City Administrator Pat McGarvey explained the City's deferment policy. The deferment policy could be deferred for, maybe, five years and those with double lots would have the option to sell off their extra lots.

Moved by Council Member Poppe, seconded by Council Member Nordin, to counter propose the County's offer and to review the deferment policy. Carried.

FEMA is requesting an official resolution be passed to receive funding from their agency for the recent flooding.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Boughton, adopting a resolution requesting funding from FEMA. 6-0. Carried.

REPORTS:

HRA – the new apartment complex has officially adopted its new name – Chauncey Apartments.

An ordinance meeting is set for Tuesday, August 8 at 5:30. An item to be discussed at this meeting is prostitution and nude dancing.

A Finance/Personnel Committee meeting is set for Tuesday, August 8 at 4:00.

The small boiler for the diving pool has been requested by the Park and Rec Board, and it has been approved by the Finance Committee.

Council Member Poppe thanked City staff for work done during the flood.

Council Member-at-Large Chaffee commended the Police Department for an excellent job during the flood.

Council Member Boughton stated he has received numerous comments on the excellent manner in which Chief Paul Philipp handled the recent double murder.

City Engineer Jon Erichson said anyone who still has flood debris should call the Engineering Office.

Director of Community Development Craig Hoium reported that a few issues need to be added to the new Comprehensive Plan and if the new, revised plan is approved by the Planning Commission, it will be recommended for approval at the August 21st City Council meeting.

Library Director Chris McArdle-Rojo said there has been a record number of participants in its summer reading program.

Moved by Council Member Fedson, seconded by Council Member Poppe to adjourn.
Carried.

Adjourned: 8:02 p.m.

Approved: August 7, 2000

Mayor: _____

City Recorder: _____