

**MINUTES**  
**COMMITTEE-OF-THE-WHOLE WORK SESSION**  
**July 21, 2014**  
**City Hall Conference Room**

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

**ABSENT:** Council Member Jeremy Carolan

**STAFF PRESENT:** Director of Administrative Services Tom Dankert, Public Works Director Steven Lang, Police Chief Brian Krueger, Fire Chief Jim McCoy and City Clerk Ann Kasel

**ALSO PRESENT:** Austin Daily Herald, Post Bulletin, Michael Weinmann, Shelly Weinmann, Margie Nelson, Wildwood Park Residents, Jennie Knoebel, Laura Helle, Marian Clennon, Public

Mayor Stiehm opened the meeting at 6:27 p.m.

**Item No. 1 – Wildwood Park Area Residents**

Mayor Stiehm invited the Wildwood Park Area residents to the work session to hear their concerns about flooding in their neighborhood. Director of Public Works Steven Lang presented a review of the area by providing maps showing the impact of flooding the area from 2004. (see backup materials) The light green homes received surface water and the dark green homes received sewer backups. After the 2004 flood the City received a FEMA grant for the 17 homes and 16 of those homes were acquired. The City took measures to seal off the sanitary sewer pipes from the acquired homes and in subsequent floods in 2008 and 2010 sewer backups were not reported.

After the 2009 floods in Southeastern Minnesota, new technology was used to remap the land for increased accuracy in the topography of the land. Based on this new information FEMA updated the maps to show the potential flooding impact and a new flood map was created.

In addition, the City has completed multiple studies to make sure that it isn't creating problems in other areas with the current flooding projects. SEH, an engineering firm, did a study on the matter and determined the impacts of the flood control project. In addition, the study was reviewed by another engineering firm which concluded the water would rise approximately 1.5 inches in the Wildwood Park area.

Mr. Lang continued to state the I-90 bridge is the controlling factor for the flow of water in this area. There is only a certain volume of water that can flow under the river at one time and that volume would not be impacted by activity downstream.

Michael Weinmann, 1819 4<sup>th</sup> Street NE, was concerned with the City's Main Street improvements, specifically that it will cause water to back up significantly in the Wildwood area. He disagreed with the 2004 impact map as most other people in the area had surface water and

sewer back up in basement from the flood. He would like the City to consider building a berm from the bridge to the corporate office parking lot.

Mayor Stiehm noted that the freeway is a choke point for the water and what the City does downstream does not have an impact on the area.

Council Member Austin stated he also struggled with the theory as to why it wouldn't back up. However, the City is building a channel so the water will flow through town quicker instead of spreading to many areas.

Laura Tjomslund, 1704 2<sup>nd</sup> Street NE, disagreed with that theory stating that it's common sense that the water would back up in the Wildwood area since it has less area to flow downstream.

Mr. Lang stated there are lots of areas in Austin that are close to the flood plain like the Wildwood Park area. If the City experienced a flood at or over the 2004 levels then many people would be affected. Each rain and flooding event is different and there is no way to predict the impact. The City's main focus now is to protect homes that receive surface water from flooding events.

Margie Nelson stated she has lived in her home for 30 years and received 5 feet of water during the 2004 flood. She would like the City to build a berm to protect the neighborhood because she enjoys living where she does and doesn't want to move.

Mayor Stiehm noted that it is generally cheaper to do buyouts on properties than to build berms.

Mr. Lang stated the FEMA 2.2 million dollar FEMA grant was designated for property acquisition on 1<sup>st</sup> Street, not for berm construction.

Mr. Weinmann suggested the City complete projects in all the different neighborhoods that flood on a per need basis.

Council Member Austin asked if the City were to buy out houses in area would it change flood insurance on other properties.

Mr. Lang stated it would not. If berms were constructed and the berms are FEMA certified then the houses in the flood plain could be removed from the area. He stated the City does not have any plans to complete acquisitions or flood protection measures that this time.

Charlie Crosby would like the City to use the walking trail use as a berm.

Council Member King stated the Council has taken note of the residents' concerns and hopefully the improvements since 2004 will help.

Mayor Stiehm stated City staff will complete additional research on the topic and will report back to the group in the near future.

No additional action needed at this time.

### **Item No. 2 – Vision 2020 / Austin Area Commission for the Arts Funding Request**

Director of Vision 2020 Laura Helle requested the Council fund the \$10,000 of the Community Arts 2014 budget to the Austin Area Commission for the Arts in support of the ArtWorks Center capital campaign.

Jennie Knoebel, the executive director of the Austin Area Arts Commission, reported the Austin Art Center is planning to open on August 21, 2014 in the “Bank Building.” The center will have classes, retail space, professional gallery space and lounge space. The entire project cost approximately \$600,000 and the committee has \$131,000 left to raise.

Moved by Council Member King, seconded by Council Member Boughton, for \$10,000 from the 2014 budget for community arts funding to be granted to the Austin Area Commission for the Arts. Carried.

The item will be placed on the August 4, 2014 Council meeting.

### **Item No. 3 – Fire Service Ordinance**

Fire Chief Jim McCoy requested the Council review a proposed ordinance for emergency protection fire service fees. This would allow the City to collect fees from any person or entity that receives services from the Austin Fire Department. The fees would be set on an annual basis by resolution.

Moved by Council Member King, seconded by Council Member Austin, for preparation and adoption of the fire service fee ordinance. Carried.

The item will be placed on the August 4, 2014 Council meeting.

### **Item No. 4 – Website Request for Proposals**

Director of Administrative Services Tom Dankert presented on the website request for proposals stating the City received 32 proposals with three of them from local businesses, ViDeyo Arts, Theresa Tucker and Tecstra Systems.

ViDeyo Arts came in with a fee of \$3,400 for design, training at \$150 per hour and a monthly maintenance fee of \$250. The website would be hosted by their server, not the City's. The City would like to maintain updating control of the website and this may not be a good option for the City's needs.

Theresa Tucker provided an estimate of \$8,500 for design, training at \$25 per hour with no maintenance fee. The website would remain on the City server.

Tecstra provided an estimate of \$18,320 (less \$7,440 if City employees upload the content), training at \$80 per hour and a monthly maintenance fee of \$40.

Staff recommended using Theresa Tucker for the services with funding coming from contingency funds. Once the website is up, the staff will be able to modify and update it as needed without any outside assistance required.

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, awarding the website upgrade contract to Theresa Tucker with funding coming from contingency funds. Carried.

The item will be placed on the August 4, 2014 Council Meeting.

#### **Item No. 5 – Sidewalk Café**

Council Member Jordal would like to modify the sidewalk café ordinance so more establishments can serve food and alcohol in the public right of way. Currently the ordinance requires that the business have 70% of its sales from food to serve outside. Council Member Jordal believes that there should not be a food percentage requirement for outside liquor sales and that the modification of the ordinance would lead to a more vibrant downtown.

Police Chief Krueger expressed his concerns about noise issues, littering, walking between businesses, smoking and drinking in public right-of-way. He believed that modifying the ordinance would make it difficult to enforce and create an increased load on the police department.

Council Member Enright suggested any establishment with a commercial kitchen which is inspected by the Department of Health could be able to serve outside. That way the business would have to serve more substantial food than just snack items.

Chief Krueger noted that the sidewalk café ordinance is very specific as to where the tables can be placed so a 4 foot wide unobstructed pedestrian walkway is maintained. The area in front of any entrances must also be unobstructed.

Moved by Council Member Boughton, seconded by Council Member King, to make no modifications to the ordinance. Motion failed 2-4 with Council Members Austin, Enright, Jordal and Council Member-at-Large Anderson voting nay.

Moved by Council Member Enright, seconded by Council Member Austin, to research the topic of sidewalk cafes and revisit the issue at a later work session. Carried 4-2 with Council Members King and Boughton voting nay.

Staff will complete additional research on the issue and report back at a work session. The item will also be placed in the matters at hand.

#### **Item No. 6 – Turtle Creek 2 Update**

Public Works Director Steven Lang provided an update of the progress of the Turtle Creek 2 annexation. A survey was sent to all of the residents and 32 of the 40 were in favor of annexation, 5 were against, 2 would go with the majority and one did not vote. This project would not be scheduled until 2016. Mr. Lang requested Council direction based on these results.

Council Member-at-Large Anderson asked what the status of Turtle Creek 1 was.

Mr. Lang replied that since there were no bids on the project the work will be rebid in the winter and completed next year. The grant will be reapplied for.

Council Member Boughton asked if the residents of Turtle Creek 2 are aware of the new policies.

Mr. Lang replied he met with the residents in April and did not give them any pricing or details for payment.

Council Member King asked of the 40 parcels in the area how many are non-compliant.

Mr. Lang stated approximately six are in compliance and the remainder are a varying levels of non-compliance.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, to move forward with the annexation of Turtle Creek 2. Carried.

No additional Council action needed at this time.

#### **Item No. 7 – Stop Sign Request**

Director of Public Works Steven Lang reported that the City has received requests for stop signs are the following locations:

- 18<sup>th</sup> Street & 2<sup>nd</sup> Avenue SE with a 2<sup>nd</sup> Avenue stop
- 18<sup>th</sup> Street & 3<sup>rd</sup> Avenue SE with a 3<sup>rd</sup> Avenue stop
- 8<sup>th</sup> Avenue & 10<sup>th</sup> Street SW with a 8<sup>th</sup> Avenue stop

Mr. Lang felt the 18<sup>th</sup> Street SE stops are justified due to the increased traffic from IJ Holton and the 8<sup>th</sup> Avenue SW stop due to the high volume of traffic off 12<sup>th</sup> Street SW.

Moved by Council Member Enright, seconded by Council Member-at-Large Anderson for placement of stop signs at 18<sup>th</sup> Street & 2<sup>nd</sup> Avenue SE with a 2<sup>nd</sup> Avenue stop, 18<sup>th</sup> Street & 3<sup>rd</sup> Avenue SE with a 3<sup>rd</sup> Avenue stop and 8<sup>th</sup> Avenue & 10<sup>th</sup> Street SW with a 8<sup>th</sup> Avenue stop. Carried.

The item will be placed on the August 4, 2014 Council Meeting.

#### **Item No. 8- Administrative Report**

Director of Administrative Services Tom Dankert noted that the City received over 30 applications for the city administrator position and staff are in the process of reviewing the applications.

**Item No. 9 – Open Discussion – Fence Permit**

Council Member-at-Large Anderson questioned if someone wants to put up a fence do the neighbors need to approve.

Director of Public Works Steven Lang stated that they do not need to consent.

Moved by Council Member King, seconded by Council Member Austin, adjourning the meeting at 8:02 p.m. Carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ann M. Kasel". The signature is fluid and cursive, with a large initial "A" and "K".

Ann M. Kasel  
City Clerk