

M I N U T E S
CITY COUNCIL MEETING
July 1, 2024
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor Steve King. Council Members Paul Fischer, Laura Helle, Michael Postma, Geoff Baker, and Council Member-at-Large Jeff Austin

MEMBERS ABSENT: Council Member Joyce Poshusta and Jason Baskin

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Fire Chief Jim McCoy, Public Works Director Steven Lang, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Jason Sehon, City Attorney Craig Byram, Human Resources Director Tricia Wiechmann, and City Clerk Brianne Wolf

APPEARING IN PERSON:

Mayor Steve King called the meeting to order at 5:30 p.m.

Moved by Council Member Baker, seconded by Council Member Fischer, approving the agenda with the removal of item number seven. Carried.

Moved by Council Member Baker, seconded by Council Member Postma, approving Council minutes from June 17, 2024. Carried.

CONSENT AGENDA

Moved by Council Member Baker, seconded by Council Member Fischer, approving the consent agenda as follows:

Licenses:

Sign Installer: Fairway Outdoor Funding, LLC, La Crosse, WI
Right of Way: South East Septic LLC, Dexter, MN

Claims:

a. Pre-list of Bills

Event Applications:

Spam Tiny House (SPAMples) – Various Dates Between June 21, 2024 to September 15, 2024
PayItForward Car Show – August 31, 2024

Carried.

PETITIONS AND REQUESTS

Park and Rec Director Jason Sehon stated the Park and Rec department is looking to create a comprehensive plan for the pool for future repairs. Park and Rec staff are recommending the contracting services with Waters Edge Aquatics for an assessment of the pool conditions.

Mr. Sehon stated the assessment would provide a better understanding of the condition of the facility, review overall operational performance, offer recommendations on options for improvement and overall operations expectations. The quote for these services is \$17,500. Funding for this would come from Contingency funds.

Moved by Council Member Baker, seconded by Council Member Postma, approving a contract with Waters Edge Aquatics for an assessment for the pool conditions. Carried. 5-0.

Police Chief McKichan stated this agreement is for a renewal for the upcoming school year for the school resource officer. The police department recommends extending this for the 2024-2025 school year.

Moved by Council Member Baker, seconded by Council Member Fischer, approving an agreement for the school resource officer. Carried. 5-0.

Director of Public Works Steven Lang stated this ICM agreement is with Nu-Tek Biosciences to regulate the flow of water discharge to the wastewater treatment plant. This agreement would expire December 31, 2027.

Moved by Council Member Fischer, seconded by Council Member Postma, approving an ICM agreement with Nu-Tek Biosciences. Carried. 5-0.

City Clerk Brianne Wolf reviewed the massage therapist/establishment ordinance. Ms. Wolf requested Council approval for the changes to this ordinance.

Mayor Steve King requested a motion for preparation of the ordinance.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, for preparation of the ordinance. Carried.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, for adoption of the ordinance. Carried 5-0.

Moved by Council Member Fischer, seconded by Council Member-at-Large Austin, for summary publication of the ordinance. Carried 5-0.

Moved by Council Member Postma, seconded by Council Member Helle, accepting donations to the City of Austin. Carried 5-0.

Moved by Council Member Fischer, seconded by Council Member Baker, approving a resolution declaring 1906 3rd Avenue NE as a hazardous property. Carried 5-0.

CITIZENS ADDRESSING THE COUNCIL

Becky Rector 1707 3rd Ave NE – stated a week ago on Saturday, June 22nd, she and her neighbors woke up with rain water and sewage in their basements. She has never had backup before and she would like to know why, and what caused this problem.

Steve James 1902 5th Ave SE – stated the sewer has backup five times into his home. The problem started in the 1970's and 1980's. He stated on Saturday, June 22nd, the sewer backup into his basement.

Barb James 1902 5th Ave SE – stated they did not see anyone from the City until 1:00 a.m. on Sunday, June 23rd. She stated something needs to be done to reroute the ditch to assist the people in the neighborhood.

Ted Schlichter 1902 4th Ave SE – stated he had the same problem and he would like to know if the City has insurance and is going to cover all the costs that are associated with the damages.

Ken Gorman 1803 1st Ave NE – stated he is looking for more information. This is the first time this has ever happened to him. He stated at about 1:40 am Sunday morning he noticed water in his basement. He stated the neighbor also had water in her basement. This is the first time in 39 years he has had this issue. He is here to see what other homeowners and the engineers have to say.

Courtney Hnatyszyn – 1909 5th Ave SE – stated she would like for Council to view the neighborhood; there are dumpsters all over and they have never had these issues before.

Public Works Director Steven Lang stated there are no good answers. The first thing the Public Works Department is going to do is gather information so they can map the area that was impacted. They are doing an online survey; it is three questions on how citizens were impacted during this event. They are also working with Austin Utilities on the calls they received about sanitary sewer. He stated they are gathering information from the Law Enforcement Center on all of the calls they received as well. They are driving around the area to document the extent of the impact.

He stated in 2018, the City implemented the sump pump inspection program to see if any pumps were placing water into the sewer system. He stated the southeast quadrant had 1,500 inspections and 10%, or about 160 homes, had direct connections to the sanitary sewers. The sump pumps were an easy thing for home owners to correct. He stated the next thing they could look at would be the footings that are in the sewer systems; they are a harder fix and they are harder to find.

He stated they have inspected the City mains and manholes and have looked for direct connections. They are correcting the City owned infrastructure. This is a slow process but they do plan to come back and identify areas that can be addressed for future repair. He stated the nature of this storm caused higher water than we normally see. The Cedar River Watershed District is looking for impoundments upstream to try and hold some of the water back.

Beth Hughson 600 18th St SE – stated in 2001 she worked with someone about this and they told her there was tiling around her home. She doesn't believe she should have to be the one to fix this or cover the costs.

Council Member Helle wanted clarification and stated these issues have happened before with the water backing up with heavy rain events. The City thought the likely culprit was sump pumps and beaver systems draining into the sanitary sewer. The City spent money and time researching and inspecting these issues and are fairly confident this is not the case; these systems are not causing the issues. Now we suspect that it could possibly be tile systems draining into the sanitary sewer, is this correct?

Mr. Lang stated yes, this is a very likely culprit.

Council Member Helle stated people are asking what is the City's liability for damages in this situation. What is our procedure for these types of events?

Mr. Lang stated it depends on the situation. In a situation like this, where it was Mother Nature or an act of God, he does not believe the City would be responsible.

Mr. Dankert stated the League of Minnesota Cities (LMC) did confirm this was an act of nature, and would not be covered by our insurance.

Council Member Helle asked if a lift station could be added to this neighborhood.

Mr. Lang stated if we added a pump station, we would just be pushing it to the next station. We need to fix what is going wrong in that area.

Gerald Wacholz 1705 3rd Ave NE – stated he believes the new street that was put in a year and a half ago is the problem for the sewer back up. He stated prior to this, he never had water in his basement and over the June 22nd weekend water came up multiple times.

The Mayor stated that with checking with the LMC, the liability would not be on the City's part.

Council Member Fischer asked how is this hitting some of the houses and not others.

Mr. Lang stated every basement has a different elevation; the lowest elevations get impacted first.

Council Member Baker stated we have some work to do. He stated we need to address our sewers.

REPORTS AND RECOMMENDATIONS

Craig Clark stated he, Chief McKichan and Randy Hofner from the Park and Rec department participated in a University of Minnesota Ripple Effect Extension program for the Oaxacan Basketball Tournament that is held in Austin. It was a great exercise to partake in. This is a great program to reach out to the City's ethnically diverse population. He stated he will get the report to Council when it becomes available.

