

September 17, 2018

The regular meeting of the Decorah City Council was called to order by Mayor Borowski at 5:45 p.m.

The meeting was opened with the Pledge of Allegiance.

Members present: Randy Schissel, Andy Carlson, Steve Luse, Kirk Johnson, Johanna Bergan, Dan Bellrichard, Ross Hadley

Motion by Bellrichard, second by Bergan, to approve the agenda as presented. Roll call vote. All voting aye. Motion carried.

David Boss, Deputy Director of Community Outreach and Trisha Wilkins, Executive Director of NEICAC spoke about the programs and services offered by NEICAC and thanked the council for their past support.

Motion by Bergan, second by Hadley, to approve the consent agenda items as presented.

- a. Minutes of the September 4, 2018 meeting
- b. Claims
- c. Consider C-3 Commercial Design Review re: 215 West Water Street, *Modish, LLC – sign and window changes*
- d. Resolution 2924 setting a date for a public hearing on conveyance of a portion of Kerr Drive, *October 1, 2018 at 5:45pm*
- e. Change Order #4 for Trout Run Trail Restoration – Dug Road totaling \$77,334.11
- f. PPE #4 – Trout Run Trail Restoration – Dug Road in the amount of \$16,939.66
- g. PPE #5 – Trout Run Trail Restoration – Dug Road in the amount of \$16,112.55 – FINAL release of retainage
- h. Resolution 2919, accepting the Trout Run Trail Restoration – Dug Road Project as complete
- i. Resolution 2923 approving the 2018 Urban Renewal Report

Roll call vote. All Voting aye. Motion carried.

Motion by Johnson, second by Carlson, to approve Resolution 2920, setting Oct 1, 2018, 5:45 p.m. as the date and time for a public hearing on request to rezone property – Randy Olson, ECHO Development, Decorah Business Park, Sweet Parkway property – a parcel from annexation to R-3 Multiple-Family Residential District and a parcel from C-5 Office Park Commercial to R-3 Multiple-Family Residential. Roll call vote. All voting aye. Motion carried.

Motion by Bergan, second by Carlson, to approve Resolution 2921, setting Oct. 1, 2018, 5:45 p.m., as the date and time for a public hearing on a proposed amendment to the Revitalization Plan for 2014 Decorah Housing Urban Revitalization Area. Roll call vote. All voting aye. Motion carried.

Mayor Borowski announced a public comment time regarding rezoning of property: Menards, 1780 Old Stage Road, to C-4 Shopping Center Commercial District. She noted the same conditions on speaking apply as at the last meeting with the additional criteria that anyone who spoke at the last meeting, not speak again.

Stephanie Fromm, Decorah Jobs and Winneshiek Co. Development, gave information on the alternate site in the business park that has been discussed. She explained the 27.5 acres is not shovel ready with an additional 2 DOT acres needing to be acquired. This has been pursued for the past year but is a 2 to 3-year process.

The area is hilly with a deep ravine in back which creates tricky drainage issues. Power lines would need to be buried, site grading, annexation and other steps need to be completed. Further, with the Toppling Goliath development, a controlled intersection at the Ossian Blacktop and Hwy 9 needs to be pursued.

Any development would need to develop a water mitigation plan.

Keith Bruening, Decorah Jobs, stated the boards' unanimous support of Menards at the Old Stage Road site. The increase in jobs and economic vitality for Decorah would be tremendous.

Formal letter from Decorah Jobs encouraging support is on file in the City Clerk's Office.

Ron Onsager, 702 Hillside Court, stated the need to think long and hard about the economic impact. Empathizes with those affected by flooding, but the DNR has approved the permit and the Iowa Flood Center has said there will be minimal impact on flooding. Doesn't believe we should just turn down the opportunity of an additional \$600,000 in additional tax income to the community and good paying jobs with good benefits.

Encouraged the council to look at compromises and negotiation. Perhaps set up a Flood Mitigation and Recovery Fund using some of the additional tax dollars to deal with potential flooding events.

The city and county each own land along the river that may not be in the flood plain but adjacent to it. If permitted by the DNR, fill could be taken from this land, which is adjacent to the flood plain, with perhaps no impact on flooding. Should explore every possibility.

Should not take the economic impact to Decorah and the County lightly.

Darrell Jensen, 803 Serenity Court, has nothing against Menards coming to Decorah, but hoped they would locate outside the floodplain. Doesn't agree that it needs to be next to Walmart for retail synergy. Cited other locations in LaCrosse and Rochester that are not near Walmart. Believes they should be concerned about their store being flooded.

Would rather shop at Home Depot and Lowes for various reasons. Doesn't agree Menards will benefit Decorah at all. Initially, some thought Walmart would be the saving of Decorah's economy – he doesn't

believe that has happened. Taxes continue to increase even faster than before, there is more crime, utility rates continue to be out of control and air quality, at times, is worse than Des Moines.

It will bring a need for expensive public transportation and city utilities. Are we ready for that?

Mike Klimesh, Spillville Mayor, speaking on behalf of the Winneshiek County Coalition of Mayors, stated they unanimously voted to encourage the Decorah City Council to support Menard's rezoning petition.

They encouraged the city to remember all cities in the county are intrinsically linked together and must consider that link, to a degree, when we make decisions that potentially have an impact beyond our individual corporate boundaries. Those decisions and their impact will shape each of our cities, as well the county, for years and generations to come. While they understand its important to consider those factors that affect things closest to home, we must never forget to keep an open eye to the horizon and what the potential larger picture may hold for each of us.

Formal letter from the Winneshiek County Coalition of Mayors is on file in the City Clerk's Office.

Willard Hanson, 1006 College Dr., stated he has lived here 61 years. He has never seen water on this property in all those years. He questioned why there was no comment when Gundersen built. Believes Menards would be a good addition to Decorah.

City Manager Bird advised Pam Hoffman and Jamie Hoffman, 704 Rural Ave., had called voicing support for Menards.

Steve Downing, 2404 Tamarack Dr., spoke in favor of rezoning saying the big picture here is rezoning. We can't tell people where to build – they get to decide that themselves. Planning and Zoning is an appointed board, council is an elected board. You need to talk to constituents, in your ward, to find out what is really going on. Stated he has spoken with a lot of people and they believe Decorah needs the revenue. Believes putting the development at the top of the hill will result in the run-off going right down the airport hill through Gundersen, Walmart and Menards property, ending up in the river anyway.

Menards has done their due diligence. You really need to address the economic impact of this decision.

Mayor Borowski read a letter of support from Dolly Panos, Freeport Resident, supporting rezoning. Has lived in Freeport many years and only once has flooding been caused by the river. The flooding they are experiencing is from small creeks and runoff. Believes there are more positives than negative. A lot of money is going out of town that could be spent here.

Kristine Radford, 2512 River Rd., stated there's been a lot of talk about all the money that would come in and how great it would be. She spoke of how much money they spent from the flooding and a lot of them didn't get any help. She still has damage to her floors from water. This is in a spot that had never flooded. She lives next door to her parents whose home is over 100 years old and has never flooded.

Heard the information presented about the way Menards treats their employees and all their environmental wrong-doings. Need to consider climate change. Building in the flood plain and other places we shouldn't be building is making flooding events worse. Would like to build a new home but if this development happens they can't. She can't afford to replace things over and over again and neither can others. Their lives are more important than money.

Mayor Borowski made a point of clarification regarding what Freeport has done to avert water for their constituents. The infrastructure is rather old, there is no curb and gutter to direct water in a rain event.

Ardith Stockman Ramsey, 2538 173rd Ave., stated FEMA helped the newest houses but no one else. In 1993 there was a significant amount of rain and flooding but all the development on the hillside wasn't there. There were trees – not roads and curbs. She agrees they do not have curbs and gutters to remove the water. They consider Decorah their home and council decisions affect them. Traffic is ridiculous and she believes that field has had water on it several times.

Ted Shocker, 1787 Old Stage Road, spoke regarding the traffic for residents along the road. It is very difficult to get out of drive-ways as some do not have a turn-around on their property. It is especially difficult during shift changes throughout the day. Many young, inexperienced drivers have to navigate the additional traffic. They also have concerns regarding the flooding issues. The cumulative affect of all this should be considered. He encouraged the Council to deny the rezoning.

Jim Fritz, 315 Riverview Dr. believes the argument of retail synergy is tenuous at best. Cited numerous locations where Menards is not close to other retail development. He does not want any more commercial development in our floodplain.

James McIntosh, 607 S. Mill St., stated making this decision in a vacuum can be dangerous. Other factors such as housing should be considered.

Jodi Enos-Berlage, 2326 265th Ave, Ridgeway, stated her interest in this is tied to the success of where she works, plays, where her children go to school and to her background in education and research of water quality at the local and state level.

She has issues with Menards conclusion that it has been proven without a doubt that this would have no negative impact on upstream or downstream properties and that the Iowa Flood Center has given their blessing. Believes this to be inaccurate and disingenuous. As a scientist she has tremendous respect for Larry Webber and knows him personally and trusts that their conclusions with a 2-inch rain is accurate with the data they have available. She does not believe it is a conclusion that proves it without a doubt.

For instance, in 2008 with an additional 2 inches there could have been concerns with breaching the levee. 2" in the 2016 flood may have mattered in terms of something that couldn't be compensated – it may have resulted in loss of life. Need to consider these things. Believes Menards need to work with this community on a site that won't potentially cause more flooding. This community has assets and shouldn't feel desperate and need anything that comes our way in any form. Other businesses may be willing to work with us in a more positive way.

Linda Peterson, 1732 252nd St., agrees it would be an economic boost but at whose expense. Certainly not Mr. Tyler or Menards. She wondered if he had seen the damage to homeowners and had to deal with paying for that damage out of his own pocket. FEMA only helped city and county for infrastructure damage. Doesn't agree with what the Iowa Flood Center Study says.

She doesn't see the advantage of building next to Walmart and has concerns about their environmental infractions. The flood plain shouldn't be jeopardized any further. Encouraged the council to deny the rezoning request.

Mayor Borowski ceased public comment.

Tyler Edwards, Menards, began by responding to the comment about legal action against the city. He stressed that would not happen. Menards is not the enemy and not against us. They are trying to be on the same team with a project they think will benefit both the City and Menards.

He spoke of the 7-county trade area. Conservatively, just under 100,000 people would potentially shop here. Upon request of Mayor Borowski, they did re-evaluate the entire community for potential locations. The hills and river really limit the sites available.

The site in the business park contains power lines, a county ditch that sees a lot of water and in back a stream tributary to the Upper Iowa River (on property not yet owned by Winneshiek Co. Development). This is a protected water way at a State and Federal level. It would be extremely difficult to fill, relocate or remove. In order to be considered you have to prove there is not a viable alternative. As the DNR has signed off on the current site they would not be open to this one. Given that, there is not enough room at this site.

He clarified they are only requesting 17 acres be rezoned. There will be more Flood Plain storage than currently exists. Further, the 2012 comprehensive plan shows the frontage along the Old Stage Road as commercial development.

Menards had the DNR recently establish the flood plain and floodway lines. These lines were established in 2017 after the last two big floods. All the data the Flood Center and DNR used is new. The Flood Center did a really good job bringing the study to the next level by adding 25% to the 2008 flood level. It reflected the river level rising only 1.8" with the 25% increase vs 1.3" at the 2008 level.

He conveyed his sympathy to all affected by past flood events but believes it has been proven that it wasn't because of Walmart and wouldn't be because of Menards. There are other issues at play that Menards is not a factor in.

Believes they have laid out the economic benefits, the site selection reasons and provided information from the DNR and the Flood Center. The DNR issues approximately 45 floodplain permits each year – it's not uncommon. In fact, the first set of plans was rejected by the DNR. Numerous required changes were made before the permit was issued proving the DNR does not just rubberstamp requests.

Councilperson Bellrichard inquired about a former comment by Mr. Tyler regarding a "cookie cutter" site plan.

Mr. Edwards explained all Menards stores are basically 200,000 sq ft and all are laid out the same.

Bellrichard inquired about re-designing the site plan to use adjacent property and keeping any development out of the floodplain.

Mr. Edwards explained they had looked at buying that parcel before approaching the city. Each store has a specific width and depth – it's basically a square. Changing the layout may limit impact to the floodplain marginally but would also funnel all traffic to one entrance with the side of the building facing the road.

Councilperson Hadley asked if the Ames site, which is in the floodplain, is using any permeable pavers? Edwards responded they are not. They property is being raised out of the floodplain with the floodway being next to the Skunk River.

Discussion was held on a Resolution 2925 setting a public hearing on rezoning. Council discussed a development agreement addressing procedural issues being agreed to prior to setting this public hearing.

Motion by Bellrichard, second by Johnson, to set October 1, 5:45 p.m., as the date and time for a public hearing to rezone property; Menards Inc., 1780 Old State Road/Co Rd A52 parcel(s) to C-4 Shopping Center Commercial District. Roll call vote. All voting aye. Motion carried.

Ordinance 1224 rezoning 1006 Woodside Court property to R-2 Single to Four-Family residential district was introduced and read for the second time. Motion by Carlson, second by Hadley to approve the second reading. Roll call vote. All voting aye. Motion carried.

Ordinance 1225 rezoning property at West Highland Drive, a parcel from H-M Hospital-Medical District to R-3 Multiple-Family Resident District was introduced and read for the second time. Motion by Johnson, second by Carlson, to approve the second reading. Roll call vote. All voting aye. Motion carried.

Motion by Johnson, second by Hadley, to waive the 3rd reading and place the ordinance on its' final adoption. Roll call vote. All voting aye. Motion carried.

Meeting adjourned on motion.



Wanda Hemesath, MMC
City Clerk, Tr.