

**PUBLIC WORKS COMMITTEE
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Public Works Committee conducted a regular meeting on Tuesday, February 21, 2012 at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Randy Backous
 Councilmember David Elvig
 Councilmember Colin McGlone

Also Present: City Administrator Kurtis G. Ulrich
 Deputy City Administrator Heidi Nelson
 Public Works Director Brian Olson
 City Engineer Tim Himmer
 Street Supervisor Grant Reimer
 Civil Engineer Leonard Linton
 Development Manager Darren Lazan

CALL TO ORDER

Chairperson Backous called the regular meeting of the Public Works Committee to order at 6:06 p.m.

CITIZEN INPUT

There was none.

APPROVE AGENDA

Motion by Councilmember Elvig, seconded by Councilmember McGlone, to approve the agenda, as presented.

Motion carried. Voting Yes: Chairperson Backous and Councilmembers Elvig and McGlone.
Voting No: None.

APPROVE MINUTES

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to approve the minutes from the January 17, 2012 Public Works Meeting.

Motion carried. Voting Yes: Chairperson Backous and Councilmembers McGlone and Elvig.
Voting No: None.

COMMITTEE BUSINESS

Case #1: Discuss Trail Easement at 15620 Krypton Street NW

City Engineer Himmer reviewed the staff report that an individual is considering purchasing the property at 15620 Krypton Street NW. The main topic of conversation is an existing bituminous trail that extends down the east property line and into the property's backyard. After reviewing property files, it was discovered the trail has an intended dual purpose of maintenance access to the City's sanitary sewer system and a pedestrian connection. The prospective buyer is asking the Public Works Committee for a trail easement to move the trail to the property line.

Josh Dvorak, prospective property buyer of 15620 Krypton Street NW, stated he and his wife are looking into purchasing the property at 15620 Krypton Street NW. He asked if the trail could be moved out of the center of the property's backyard. He stated if the trail could not be moved to the property line it could be a deal breaker. He stated they have kids and a dog and would like to put up a fence in the future.

Councilmember McGlone asked where the pipe ends.

City Engineer Himmer replied the sewer does run through the back yard.

Councilmember McGlone asked if the City is within the easement.

City Engineer Himmer replied the sewer line is within the easement and have the right to access the utility.

Public Works Director Olson replied a manhole could be put in to create an access at the property line. If the pipe is extended, a manhole could be put at the end. A manhole does not need to be placed in the middle of the yard. He stated Mr. Dvorak has a reasonable request. He stated staff recommends removing a portion of the trail in the middle of the back yard and relocating the trail to the property line.

Councilmember McGlone stated the current property owner has lived with this situation.

City Engineer Himmer replied the sewer was built before the house was built. He did not know if the current owner is the original property owner.

Councilmember McGlone stated he is inclined to not do anything because the request is not coming from the current home owner.

Chairperson Backous stated he agreed with Councilmember McGlone and commented what happens when Mr. Dvorak sells the property.

Public Works Director Olson asked would the Public Works Committee allow the property owner at his own expense to remove the trail in the backyard except the portion that is on the property line. He stated there would be no cost to the City. He stated if the trail is built in the future it would alleviate some concern of going back to the property owner to obtain the rights.

Councilmember McGlone asked where is the current property owner.

City Engineer Himmer replied the current property owner is absent. He is in the military and located in Hawaii. Mr. Dvorak stated the home is in short sale and vacant.

City Engineer Himmer stated the City could continue to use the easement and place a manhole on the property line. He stated it will be a long time before all of the land behind the property is developed. He stated what is important is preserve the trail for pedestrian.

Councilmember Elvig confirmed that the sewer is on a utility easement.

Public Works Director Olson replied the City has the right to be there for utility purposes that is why the trail was built.

Councilmember Elvig stated the trail is an asphalt surface over the utilities.

Public Works Director Olson replied the City does pave over utilities. He stated this trail was not intended for pedestrian use.

Councilmember Elvig stated this will be a recreational trail, but the City cannot build a recreation trail over utilities.

Public Works Director Olson replied the City can build the trail but not list it as a recreational trail because there is not a trail easement. His concern is that the trail has to go somewhere and if the home owner puts in a fence. He recommended the trail be straightened out and put on the lot lines.

City Engineer Himmer stated Mr. Dvorak is looking for an agreement tonight and he believes Mr. Dvorak has made a reasonable request.

Councilmember McGlone stated the corner of the lot is wetland. He asked if the City would have to replace the wetland at a rate of two to one.

City Engineer Himmer stated the City can pave a trail into a wetland for maintenance access to a utility.

Public Works Director Olson stated the trail easement is to the corner of the property, not constructing the trail to the corner of the property. He stated the proposal is contingent upon the easement. The City would help Mr. Dvorak with the easement documents and the City would retain the rights for drainage and utilities.

Councilmember Elvig proposed the following contingencies:

1. The City has trail easements for both properties.
2. The City retains and reemphasizes the utility across the properties in the deed.
3. The City has access granted at any time for any reason to the trail and utility.

Councilmember McGlone asked if the neighboring property is willing to have the trail on the property line.

Chairperson Backous replied the City needs to have a contingency.

Public Works Director Olson stated if the contingency is not obtained the trail will remain where it is.

Councilmember Elvig stated the trail should be listed as a recreation trail.

City Engineer Himmer replied once the recreation trail is recorded the City has the right to be there.

Mr. Dvorak stated he has not talked to the neighboring property owner about an easement. He stated he could not guarantee the owner would sign the easement.

Councilmember McGlone commented that Mr. Dvorak is getting a deal on the house because of the situation.

Public Works Director Olson stated he believed the neighboring property owner was in favor of the trail.

Mr. Dvorak stated the neighbor uses the trail to back his trailer into the backyard.

Chairperson Backus stated he agreed with Councilmember Elvig's contingencies.

Councilmember Elvig recommended that Mr. Dvorak talk to the neighbor.

Shawna Dvorak, prospective property buyer of 15620 Krypton Street NW, asked why they would have to get permission from the neighboring property owner if the trail is put in.

Councilmember Elvig replied the City would have to purchase the rights to put in a recreational trail from both property owners.

Public Works Director Olson stated the City would benefit by not having to purchase easements for a recreational trail.

City Administrator Ulrich stated the property is private property and the owners can post a sign as such. He stated there is no guarantee the City would purchase trail easements.

Councilmember Elvig asked if the landowner could take out the trail themselves.

Public Works Director Olson stated the property owner could take it out, but the City could put it back in and charge the property owner.

Councilmember McGlone stated the City could put up a gate to block off the trail.

Ms. Dvorak stated she is okay with residents walking back to the wetlands.

Councilmember McGlone stated the City cannot make a deal with the prospective property owner. He stated if Mr. Dvorak obtains the property, he could come back to the City and make his request. He stated he is inclined to table the matter.

Mr. Dvorak stated he is looking for a solution tonight.

Ms. Dvorak asked why they should buy the property with something that is not wanted in the yard.

Chairperson Backous stated if the Dvoraks were the property owners, the City could give them an easement for the back of the property.

Councilmember Elvig stated the Dvoraks could come back when they have purchased the property.

Chairperson Backous asked if the neighbor's consent is needed if the trail is kept on the proposed property.

Public Works Director Olson replied no if a trail easement is over the existing section and take out the section of trail that curves into the property. He stated it would be okay as long as there is no cost to the City.

City Engineer Himmer stated currently there are a 15 foot drainage utility easement and an 8-10 foot trail easement over the utilities.

Councilmember McGlone stated the City has the same issue with the current owner and the potential owner.

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to table the issue until a formal request is made.

Public Works Director Olson pointed out that tabling the issue will not help the Dvoraks and the Dvoraks will withdraw their purchase agreement if a decision is not made tonight.

Councilmembers McGlone and Elvig withdrew their motion and second to table the issue.

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to recommend the City Council leave the trail as it is until a trail easement is signed along the lot line to create a recreational trail which is either shared with the neighboring property or singular on the property.

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to amend the motion to include that the trail easement would be dedicated and acceptable to the City Engineer for recreational trail purposes.

Motion to amend carried. Voting Yes: Chairperson Backous and Councilmembers McGlone and Elvig. Voting No: None.

Motion as amended carried. Voting Yes: Chairperson Backous and Councilmembers McGlone and Elvig. Voting No: None.

Chairperson Backous indicated the action still has to be approved by the City Council.

City Administrator Ulrich stated staff would write a letter of intent for the Dvoraks to take to closing.

Councilmember Elvig requested the Public Works Committee receive a copy of the letter of intent.

Case #2: Discuss Investigations Related to 2011 Flooding Concerns

City Engineer Himmer reviewed the staff report that significant rainfall in 2011 lead to elevated groundwater levels which caused localized flooding and resident complaints. He stated some of the issues have been resolved, but there are some issues that still need resolution. He stated a claim was filed by the Rum River Golf Course with the League of Minnesota Cities and a petition from the residents in the neighborhood near 149th Lane NW was received and accepted by the City. He stated that during the planning of the CIP, flooding corrections were anticipated and additional funding was added to the Storm Water Utility Fund. Staff is looking for feedback from the Public Works Committee and the City Council comments to develop a program for 2012-2013.

Mathew Maul, 5590 148th Lane NW, stated his concern is with the standing water, the smell and the bugs in his backyard. He stated he was unable to use his backyard because of the flooding and asked if there is a way for the water to be drained.

City Engineer Himmer replied there is an outlet on the west property line and by lowering the outlet and installing larger piping, the water would drop in inches. He stated the water outlet could be placed to the southeast corner or the east corner, although easements would need to be secured.

Councilmember Elvig asked about the water line and the outlet's easement.

City Engineer Himmer replied the water line is contained within the easement. He stated the water sits and then infiltrates into the outlet and the pipe that goes down the lot line to take the water out.

Mr. Maul stated when he digs in his yard it fills up with water.

City Engineer Himmer replied that is ground water. He stated the area was a wetland mitigation area that was filled.

Councilmember Elvig commented as each property is worked on, the next property may have a new flooding issue.

Mr. Maul stated his neighbor has filled in their backyard with compost and debris. He stated the neighbors should be required to clean up their yards.

Councilmember Elvig clarified the neighbors have back filled their own properties.

City Engineer Himmer stated if the neighbors have back filled their yards, this may be causing Mr. Maul's yard to flood.

Mr. Maul confirmed his neighbors are filling their yards with grass clippings, etc.

Councilmember Elvig replied the City needs to follow up with the neighboring properties.

Chairperson Backous asked Mr. Maul how long he has lived on the property.

Mr. Maul replied six years and the standing water has gotten very high.

Chairperson Backous stated he would prefer to discuss only the cases that relate to the residents that are present tonight and not go through all of the flooding cases at this time.

Public Works Director Olson replied the cases that are the highest priority will be brought to the Public Works Committee, two at a time, and staff will follow-up with the abatement coordinator about debris and brush in backyards.

City Engineer Himmer stated there is a City ordinance on the building of retaining walls in wetlands which creates a dam.

Public Works Director Olson stated there are funds in the Storm Water Utility Fund to be used to correct the high priority flooding issues. He gave an example of 163rd Lane and the drainage pond that is not contained within the drainage and utilities easements. He stated now that the drain is clean; the City could put a pipe in the ground to correct the situation. He commented there is not good drainage on the north or south side of the road.

City Engineer Himmer stated the Rum River Golf Course's claim has amounted to \$60,000. The League of Minnesota Cities responded to the claim with an offer of \$8,500. He stated there are several areas within the golf course that need fixing.

Public Works Director Olson stated this is a legal matter so he cautioned the Public Works Committee against addressing this issue in the absence of the City's attorneys.

Bob Gorr, Rum River Golf Course Trustee, stated he is one of three trustees for the golf course. He stated the trustees feel they should receive more than \$8,500. He stated Tom Anderson is spear heading the claim for the corporation. He stated the project is big and there is a lot to talk about. He asked for a date when the issue could be resolved.

Councilmember Elvig asked if the City has any obligations on the infrastructure within the golf course to the river.

Public Works Director Olson replied there is water runoff from the public roads that runs through the golf course and a few years ago the City partnered with the golf course on drainage to the river. He stated a pipe was installed that was not cleaned quickly enough upon notice due to the water soaked land and the weight of the equipment used to clean the pipe would have caused turf damage. He stated the golf course hired a private contractor to clean the pipe which was blocked due to debris and dead animals. He stated the City does have rights to drain through the golf course and have some maintenance responsibility.

City Engineer Himmer stated the City has a 15-20 foot linear easement within the golf course. He stated the City has installed piping through the golf course and during the construction there were areas that experienced flooding so a larger pipe was installed by the City. The golf course wanted the drainage as an amenity.

Public Works Director Olson stated the League has responded to the claim on behalf of the City with a dollar amount. He stated the golf course needs to write a letter rebutting the Leagues response.

Councilmember Elvig questioned what the Public Works Committee is being asked to do tonight.

Chairperson Backous replied the Public Works Committee cannot do anything tonight because the League has responded on behalf of the City.

Councilmember Elvig asked if the City should meet about the issue. City Administrator Ulrich replied the issue is in the hands of the insurance adjuster.

City Administrator Ulrich asked about future engineering improvements for the golf course.

City Engineer Himmer replied there are six areas where improvements have been identified by the City for the golf course. He stated a meeting could be held to discuss these future improvements.

Mr. Gorr commented a neighbor has built a pond in their yard which may have altered the golf course's wetland.

Public Works Director Olson stated this issue should be resolved shortly. He stated the basis for the claim is the City has to be deficient. He stated staff will keep the Public Works Committee up to date on the claim.

Councilmember McGlone stated the Public Works Committee has to deal with each of the flooding cases.

Councilmember Elvig stated it will depend on who shows up at each meeting.

Jason Obermaier, 5220 156th Lane, stated he received an email from the City and wanted to hear what will happen in the future with the pond behind his house. He stated there are some trees down and there is debris in the pond's outlet. He stated the City resolved the flooding on his property last year.

City Engineer Himmer suggested Mr. Obermaier use the link in the email that was sent to him to review Section 5.

Case #3: Consider Entrance into a Statewide Mutual Aid Agreement - MnWARN

Public Works Director Olson reviewed the staff report on Minnesota Water/Wastewater Agency Response Network (MnWARN) a statewide mutual aid system comprised of cities and municipalities prepared to supply response to utility emergencies. He stated participation is voluntary and membership is free. MnWARN does not cost the City unless the City is called upon and then staff time and equipment would be paid at standard FEMA rates. He stated there is a clause that the City will not sue if there is damaged to equipment or staff gets hurt.

Councilmember McGlone asked if the City is at risk if an employee gets hurt.

Public Works Director Olson stated the staff would make a claim through their own City as normal.

Chairperson Backous stated he read through the material and did not have a problem with the MnWARN program.

Councilmember Elvig stated he did not see a down side to the program.

Chairperson Backous stated the City would receive extra help.

Motion by Councilmember Elvig, seconded by Chairperson Backous, to recommend that the City Council approve the Statewide Mutual Aid Agreement/MnWARN naming the City Administrator as the Authorizing Official.

Motion carried. Voting Yes: Chairperson Backous and Councilmembers Elvig and McGlone. Voting No: None.

Case #4: Review City of Ramsey Snowplowing Policy and Possible Cost Reductions

Street Supervisor Reimer reviewed the staff report stating the current policy is to plow when the snow is over two inches and makes a judgment call for snow falls under two inches. He stated a

full plowing operation requires 18 staff members. Mr. Reimer has developed three options for the Public Works Committee to review.

Councilmember McGlone stated he received a complaint from a resident that does snow plowing for a living. He stated there needs to be a judgment call when it snows under two inches and the temperature is above freezing.

Chairperson Backous stated he agreed with Councilmember McGlone with judgment calls and favored Option 3. He stated he receives about one complaint per year. He noted there is a plowing hotline listed on the City's website and staff has done a great job.

Councilmember Elvig agreed with Chairperson Backous and Councilmember McGlone. He stated the hotline needs more publicity and Mr. Reimer looks at the road conditions before sending the plows out.

Chairperson Backous asked how many miles are plowed.

Street Supervisor Reimer replied 180 center line miles that need 4 to 6 passes.

Chairperson Backous stated with that many miles there is bound to be complaints.

Councilmember Elvig played a voicemail for the Public Works Committee.

Chairperson Backous and Councilmember McGlone replied they received the same voicemail message.

Public Works Director Olson stated last year was the third snowiest winter in Minnesota. He stated he tries to keep complaints down to two per inch of snow. He stated it is a sensitive subject for the residents. He stated last year it snowed every holiday and weekend, which equaled a lot of overtime, but there is no overtime on the weekdays.

Councilmember Elvig commented cul-de-sacs are plowed in a certain way which leaves a lip that is frozen to the road and remains there until warmer temperatures melts it away.

Motion by Councilmember Elvig, seconded by Chairperson Backous, to recommend that the City Council approve Option 3, to continue to allow the Public Works Department to use its best judgment on deciding what course of action is best to improve safety and winter driving conditions for the traveling public based on snow type, amount, time of year, current temperature, and expected weather conditions after the snow ends, and past experience.

Motion carried. Voting Yes: Chairperson Backous and Councilmembers Elvig and McGlone.
Voting No: None.

Case #5: Consider 2012 Street Maintenance Program

City Engineer Himmer reviewed the staff report on the 2012 Street Maintenance Program. He stated the program has \$495,000, 74 miles of roadway need work and staff recommends seal coating 47 miles. He stated neighborhood meetings and a public hearing will be scheduled in March.

Chairperson Backous clarified the roads to be seal coated compared to the map's legend.

Public Works Director Olson stated the seal coats could be reduced by 15 percent.

Councilmember Elvig asked if street repairs will be done as needed. He questioned if seal coats should be considered as maintenance and asked City Administrator Ulrich about the 2012 budget.

City Administrator Ulrich replied the biggest impact to the 2012 budget is the refinancing of the municipal center.

Public Works Director Olson stated the program would be tailored to use the funds available.

Chairperson Backous asked how much is in the budget.

City Engineer Himmer stated \$495,000 is budgeted and seal coat assessments range from \$95-\$175 for a cost of \$30,000 per mile. He indicated an alternative would be the City respond to neighborhoods who petition.

Councilmember Elvig asked what precedence would be set if the 15% assessment is dropped.

Chairperson Backous stated he is not a fan of the assessment process due to cost and effort.

Motion by Councilmember Elvig, seconded by Councilmember McGlone, to only do seal coats this year and to reduce the budget so the cost would be contained within the budget without assessments.

Amendment motion by Councilmember Elvig, seconded by Councilmember McGlone, that the Public Works Committee recommends to the City Council to only do seal coats this year and to reduce the budget so the cost would be contained within the budget without assessments.

Motion to amend carried. Voting Yes: Chairperson Backous and Councilmembers Elvig and Backous. Voting No: None.

Motion as amended carried. Voting Yes: Chairperson Backous and Councilmembers Elvig and Backous. Voting No: None.

COMMITTEE INPUT

None.

ADJOURNMENT

Motion by Councilmember Elvig, seconded by Chairperson Backous, to adjourn the Public Works meeting.

Motion carried.

The regular meeting of the Public Works Committee adjourned at 8:03 p.m.

Respectfully submitted,

Brian Olson
Public Works Director

Drafted by Linda Dahlquist
TimeSaver Off Site Secretarial, Inc.