

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

The Public Works Committee conducted a regular meeting on Tuesday, July 16, 2013 at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Randy Backous
 Councilmember Mark Kuzma
 Councilmember Chris Riley

Also Present: City Administrator Kurtis Ulrich
 Parks and Assistant Public Works Superintendent Mark Riverblood
 Public Works Superintendent Grant Riemer
 Development Services Manager Timothy Gladhill
 Councilmember John LeTourneau

1. CALL TO ORDER

Chairperson Backous called the regular meeting of the Public Works Committee to order at 6:36 p.m.

2. CITIZEN INPUT

There was none.

3. APPROVE AGENDA

Motion by Councilmember Riley, seconded by Councilmember Kuzma, to approve the agenda, as presented.

Motion carried. Voting Yes: Chairperson Backous, Councilmembers Riley and Kuzma. Voting No: None.

4. APPROVE MINUTES

4.01: Approve June 18, 2013, Meeting Minutes

Motion by Councilmember Kuzma, seconded by Councilmember Riley, to approve the following minutes:

Regular Meeting Minutes dated June 18, 2013

Motion carried. Voting Yes: Chairperson Backous, Councilmembers Kuzma and Riley. Voting No: None.

5. COMMITTEE BUSINESS

5.01: Consideration of Permitting Fence Encroachments across Private Property Lines

City Engineer Westby reviewed the staff report, noting the City's policy requires landowners to install fences a foot or more inside their property line in areas where a potential infrastructure conflict exists. He advised of the City's current policy and displayed pictures depicting this situation. As a result, within the Ramsey Town Center 10th Addition, fences are staggered along rear property lines to avoid damaging an existing underground storm sewer system, resulting in the unintended consequence of creating remnant strips of land two or more feet in width between rear fence lines in which property owners are not able to easily maintain their properties so there are blight and nuisance issues. It was noted the resident's request is to extend their side lot line fencing across their rear property line to connect to their neighbor's fence, thereby allowing a shared common rear fence line that would eliminate the remnant strips of property between fences. City Engineer Westby presented staff's recommendation to change the policy to allow neighbors to extend fences across private property lines to connect to neighbor's fences contingent on language being added to the building fence permit to ensure that: City infrastructure will be protected during fence construction activities; access to City infrastructure will be maintained on an on-going basis; property owners will not lose property rights as related to adverse possession laws; and, property owners are reminded to obtain permission from neighbors via a written agreement. He presented the draft language as detailed in the staff report and explained the statute relating to adverse possession. City Engineer Westby stated staff is able to revise the permit language, if so directed.

Chairperson Backous stated the Public Works Committee is familiar with this request, noting it had been misunderstood that the request was to construct fences on the property line. However, the request is to stretch a fence to the property line to connect with those posts. He noted the property owners will have to decide who will have the posts on their property and who will have to stretch their fence to attach to the posts.

City Engineer Westby stated that is a civil matter between two private property owners. Staff recommends having a written agreement and working with the City Attorney to prepare a draft template that property owners could expand upon.

Chairperson Backous stated this would provide more flexibility and not be a requirement, but an option, so he would not object.

Motion by Chairperson Backous, seconded by Councilmember Kuzma, to recommend that the City Council change the City policy allowing fences to be extended across property lines, contingent on the draft (building) fence permit language being reviewed and approved by the City Attorney and subsequently added to all (building) fence permits issued in the future.

Further discussion: Councilmember Riley asked if fences will be allowed side-to-side and also front-to-back and across the utility easements, limiting the City's ability for access of the easement. He felt some day in the future the City will need to remove someone's fence and

property owners will object or want the City to pay for it. Chairperson Backous asked if this agreement would be attached to the title so a new property owner would be aware in case the property is sold. Development Services Manager Gladhill stated that could be required, noting in this case it is magnified because it involves a pipe in the ground. He stated if that is the direction, then the cost for the document recording would be the requirement of the property owner, noting it can cost \$50 to \$100 to record such a document with the title. In addition, it would be necessary for the City to provide an agreement template. Councilmember Riley asked if there are other easements where fences are not allowed to be constructed. Development Services Manager Gladhill stated there would be some easements in which the City would not allow a fence encroachment so staff would have to determine what is in each easement and make a recommendation whether it should be considered for this option. That will be part of staff's standard review. City Engineer Westby stated the City currently allows property owners to construct fences in easements but it is not allowed on the line or on top of infrastructure so the pipe is not damaged. Development Services Manager Gladhill stated this is more about the large stormwater pipe at the rear of the property.

Motion by Chairperson Backous, seconded by Councilmember Kuzma, to recommend that the City Council change the City policy allowing fences to be extended across property lines, contingent on the draft (building) fence permit language being reviewed and approved by the City Attorney and subsequently added to all (building) fence permits issued in the future, and to add a requirement for a written agreement between the property owners that is recorded, at the property owner's expense, for easements that include infrastructure.

Further discussion: Public Works Superintendent Riemer stated he does not object to allowing this option.

Motion carried. Voting Yes: Chairperson Backous, Councilmembers Kuzma and Riley. Voting No: None.

5.02: Consider Partial Vacation of Drainage and Utility Easement at 15069 Helium Street NW

City Engineer Westby reviewed the staff report and stated staff, as directed by the Public Works Committee, again contacted the property owner to discuss options. Because the property owners were not responsive, staff visited the site and found the property owner had constructed a retaining wall roughly five feet off the property line; however, the property owners never received formal approval from the City to construct the retaining wall within the existing easement. City Engineer Westby presented four options for the Public Works Committee's consideration as detailed in the staff report. Staff recommends Option 1, direct staff to meet with the property owners on site to review the wall as constructed to confirm that it was constructed adequately and is located at least five feet off the property line. If staff finds that the wall was constructed adequately and is located at least five feet off the property line, direct staff to take no further action, in which event the City will retain a ten-foot drainage and utility easement along the south property line.

Chairperson Backous asked if a permit is required to construct a retaining wall.

City Engineer Westby answered in the affirmative if the wall is four feet in height.

Chairperson Backous asked about the monetary value of the five foot easement.

City Engineer Westby stated he did not determine a value.

Councilmember Riley asked if the property owner constructed a four-foot wall.

City Engineer Westby stated it may be in the three-foot range.

Development Services Manager Gladhill stated it is still in an easement so a permit would be required regardless of height.

Councilmember Kuzma stated if the property owner did not follow the rules, they should be required to remove the retaining wall and be given an opportunity to purchase five feet of easement.

Chairperson Backous agreed that the City cannot allow construction of retaining walls on public property and he would support Option 2, reviewing how the wall was constructed, and if it is to Code, discuss the cost to pay to leave the wall where it is at, and the cost of the permit.

Councilmember Riley stated the retaining wall also has to be constructed to meet Code requirements.

Development Services Manager Gladhill stated if directed, staff can use the Great River Energy transaction as a starting point to determine the price per square foot.

Councilmember Kuzma stated if the property owner does not agree to purchase the easement and construct the retaining wall to Code requirements, then the City should have a Plan B to require removal of the retaining wall.

Chairperson Backous agreed and noted the building permit will require construction to Code standards.

City Engineer Westby stated Option 1 assures the wall is correctly constructed and leaves five feet of easement in case the other property ever develops.

Chairperson Backous stated his understanding that the neighboring property will never be developed.

Development Services Manager Gladhill explained how this property had been subdivided and restrictions on buildable area until/unless public utilities are installed. He stated he will work with City Engineer Westby on this matter.

City Engineer Westby stated Option 1 is more lenient on the property owner but did not include payment for an easement or filing for a building permit.

Chairperson Backous stated there is a concern for setting precedence so the property owner should be required to pull a building permit.

Motion by Councilmember Riley, seconded by Councilmember Kuzma, to recommend that the City Council approve Option 1, direct staff to meet with the property owners on site to review the wall as constructed to confirm that it was constructed adequately and is located at least five feet off the property line. If staff finds that the wall was constructed adequately and is located at least five feet off the property line, direct staff to take no further action, in which event the City will retain a ten-foot drainage and utility easement along the south property line. In addition, the property owner will be required to pay for a building permit and construct the retaining wall to Code standards.

Motion carried. Voting Yes: Chairperson Backous, Councilmembers Riley and Kuzma. Voting No: None.

5.03: Approve Plans and Specifications, and Joint Powers Agreement for the Mississippi River Trail

Parks and Assistant Public Works Superintendent Riverblood reviewed the staff report and work with other units of government to promote and secure funding for regional trails including the Mississippi River Trail (MRT). He explained the purpose of tonight's case is to approve both the Joint Powers Agreement (JPA) and the plans and specifications for the construction of the MRT between Mississippi West Regional Park in Ramsey and Mississippi Community Park in Anoka. Parks and Assistant Public Works Superintendent Riverblood presented the terms and anticipated timeline. He stated the funding for this trail will be apportioned as indicated in the Financial Summary and JPA with Ramsey's share being funded by the Park Trust Fund that has a present balance in excess of \$4 million. Ramsey's total costs are anticipated to be about \$620,000 and this total will be reduced following reimbursement by Anoka County of \$153,000, bringing an amended total project cost to an estimated \$467,000. It was noted staff recommends approval of the plans and specifications and the JPA.

Chairperson Backous asked about parking restrictions.

Parks and Assistant Public Works Superintendent Riverblood explained there had been a miscommunication relating to parking restrictions being on both sides. However, it was ultimately clarified that parking would only be restricted to one side. In addition, he had also met with a business owner to address concerns relating to impacts.

Councilmember Kuzma asked about the need for a LRRWMO permit.

Parks and Assistant Public Works Superintendent Riverblood stated there will be a shallow ditch section for drainage and the LRRWMO's Engineer indicated he did not understand the island

was sand so he had no concern. Parks and Assistant Public Works Superintendent Riverblood stated he does not think any LRRWMO action will be required.

Chairperson Backous congratulated Parks and Assistant Public Works Superintendent Riverblood on his success with this project.

Parks and Assistant Public Works Superintendent Riverblood described the popular aspects of this trail, noting it will also help the City's retailers.

Motion by Chairperson Backous, seconded by Councilmember Kuzma, to recommend that the City Council approve the plans and specifications and the JPA for the Mississippi River Trail.

Motion carried. Voting Yes: Chairperson Backous, Councilmembers Kuzma and Riley. Voting No: None.

5.04: Cost Estimate for Pedestrian Crosswalk at Alpine Drive and Zirconium Street

Public Works Superintendent Riemer noted the Committee had directed staff to look at the option of constructing the trail to the west instead of toward the main entrance to the east. Staff staked a trail on the south side of Alpine leading into the park and terminating near the picnic pavilion and dog park. A crosswalk would still be installed at the point 200 feet west of Zirconium Street and connected by a ten-foot crushed aggregate trail (limited use trail and to reduce cost). The cost for the basic crosswalk and trail with standard crosswalk signage with striping, four ADA approved pedestrian ramps/curb cuts; 50 tons of recycled material; and, labor/equipment to install trail is \$9,300. If approved, funding would be from the Public Works Operating Budget.

Chairperson Backous stated he looked at the staking, thinks it looks awesome, and is a fairly cheap solution as a result of everyone putting their heads together. In addition, he thinks residents in that area will be happy with it. Chairperson Backous thanked staff for finding a solution, noting it included recycled materials, and comes out in a perfect place by the pavilion and dog park.

Motion by Councilmember Kuzma, seconded by Councilmember Riley, to recommend that the City Council accept staff recommendation to install standard crosswalk signage 200 feet west of Zirconium Street to include 200 feet of aggregate trail on the north side of Alpine Drive and 225 feet of aggregate trail on the south side of Alpine Drive at a cost of \$9,300.

Further discussion: Councilmember Riley asked if there is value in sending the 22 residents a note explaining this project and rationale for its placement, noting it will also create good will. Public Works Superintendent Riemer stated residents attended a past Public Works Committee meeting to revitalize the request and staff will send letters to those residents.

Motion carried. Voting Yes: Chairperson Backous, Councilmembers Kuzma and Riley. Voting No: None.

5.05: Recommend Shelter and Restroom for Riverdale Park – 2013 Capital Improvement

Parks and Assistant Public Works Superintendent Riverblood reviewed the staff report and past consideration relating to a shelter and restroom for Riverdale Park. In addition, this project had been included in a Federal trail grant application to gain a higher score. He described the appearance of the shelter and presented the recommendation of staff and the Park and Recreation Commission to approve the 2013 Capital Improvement as presented within the budget detail. The cost would be \$84,000 and be funded from the Park Trust Fund.

Chairperson Backous asked if the shelter will be the same as constructed in Emerald Pond.

Parks and Assistant Public Works Superintendent Riverblood stated it will appear the same, noting it will be of block construction. The door will be equipped with a panic button to exit the building once locked and staff does inspect regularly to assure it is adequately maintained.

Motion by Councilmember Riley, seconded by Councilmember Kuzma, to recommend that the City Council approve a not-to-exceed amount of \$84,000 from the Park Trust Fund for Riverdale Park's shelter, restroom, and drinking fountain as presented within the 2013 Capital Improvement Plan.

Motion carried. Voting Yes: Chairperson Backous, Councilmembers Riley and Kuzma. Voting No: None.

Parks and Assistant Public Works Superintendent Riverdale stated a "mister" will be purchased with the drinking fountain for installation at Central Park as part of Riverdale's project.

6. COMMITTEE / STAFF INPUT

6.01: Discuss Request to Mow Portions of an Undeveloped Park – Shawn Acres

Parks and Assistant Public Works Superintendent Riverblood reviewed the staff report and described the impact from budget cuts, including reduction of areas to be mowed. He stated Shawn Acres gets little use; however, residents have asked the City to occasionally mow the front portion (near the street) of Shawn Acres Park. If approved, the funding source would be the Park Operating Budget. Staff recommends mowing on an as-needed basis.

Chairperson Backous stated he has no objection to staff's recommendation.

Councilmember Riley asked about the condition of the play slide.

Parks and Assistant Public Works Superintendent Riverblood stated a resident is currently mowing around the swing. He stated he feels compelled to remove the slide, which may be a hazard, but if that is done it will appear the City is taking away a service. It would cost \$25,000 to \$30,000 to replace this play apparatus but it cannot be justified at this park. He stated he will be addressing this situation with the Park & Recreation Commission.

Chairperson Backous asked if there is a lower cost alternative that would still be safe.

Parks and Assistant Public Works Superintendent Riverdale stated such a play structure may not be constructed to withstand years of use. In addition, it would trigger the need for a resilient surface underneath, meeting ADA, and a path with connection to the street.

Councilmember Riley asked if the City is exempt from mowing requirements placed on residents.

Parks and Assistant Public Works Superintendent Riverblood stated staff discussed how to apply long grass code requirements to the City and it was found to be easier to mow occasionally than to continually get calls of complaint.

Chairperson Backous stated there had been significant pressure and direction to staff to stop mowing this type of low use park, which he had not supported.

Councilmember Kuzma stated he would also like the grass within roundabouts to be kept at a reasonable height. Riverblood responded that it had been mowed today, and will continue to be mowed.

The consensus of the Public Works Committee was to recommend that the City Council direct staff to mow the front portions of Shawn Acres Park on as as-needed basis.

The Public Works Committee discussed the turf along Dysprosium Street. Public Works Superintendent Riemer stated the area will be sodded late summer/early fall and watered until winter freeze.

Public Works Superintendent Riemer stated staff talked with Anoka County about the 161st and Armstrong crosswalk and asked Anoka County to cover the cost of the crosswalk lights.

Parks and Assistant Public Works Superintendent Riverblood described the community garden at Tower 1 and encouraged Members to visit that site.

7. ADJOURNMENT

Motion by Councilmember Kuzma, seconded by Councilmember Riley, to adjourn the Public Works Committee meeting.

Motion carried.

The regular meeting of the Public Works Committee adjourned at 7:34 p.m.

Respectfully submitted,

Grant Riemer
Public Works Superintendent

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.