

**MINUTES OF THE SPECIAL MEETING
CITY COUNCIL
LITTLE CANADA, MINNESOTA**

JANUARY 24, 2019

Pursuant to due call and notice thereof a special meeting of the City Council of Little Canada, Minnesota was convened on the 24th day of January, 2019 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Mayor John Keis called the meeting to order at 6:00 p.m. and the following members of the City Council were present at roll call:

CITY COUNCIL:	Mayor	Mr. John Keis
	Council Member	Mr. Tom Fischer
	Council Member	Mr. Rick Montour
	Council Member	Mr. Mike McGraw
	Council Member	Mr. Christian Torkelson

ALSO PRESENT:	City Administrator	Mr. Chris Heineman
	City Engineer	Mr. Lee Elfering
	Public Works Dir.	Mr. Bill Dircks
	City Clerk	Ms. Heidi Heller

**IMPROVEMENT
NO. 2019-01
COUNTY ROAD D**

Mayor Keis opened the Public Hearing to consider the improvement of County Road D (from Payne Avenue to just east of Greenbrier Street) by full reconstruction including concrete curb and gutter, a storm sewer system, and sidewalk, along with sidewalk installation from Payne Avenue to Edgerton Street with repairs as needed. There were seven residents in the audience.

The City Engineer reported that the purpose of tonight's hearing is to present the proposed improvement of County Road D to the City Council and impacted property owners. This meeting gives property owners the opportunity to provide input and voice concerns about the project. The City Council will then determine whether or not the project moves forward.

The City Engineer provided information and showed photos of the condition of County Road D that resulted in the proposed improvement. He stated that the street has deteriorated to a condition that now requires a full reconstruction. He explained that this is a county-owned road, along with being the border between Little Canada and Vadnais Heights, so there are three entities involved with this project. He stated that drainage

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is a problem in this area since it is so flat, and there is also a sidewalk proposed for one side.

The City Engineer explained the City's street improvement planning process. He explained that after the streets that need work are determined, the process begins with neighborhood informational meetings and progresses on to the public hearing to consider ordering of the improvement, which is this evening's hearing. Once bids are received and awarded, construction starts, and typically after substantial completion of the project, an assessment hearing is held.

A resident stated that she is on the corner of County Road D and Greenbrier and water runs from the backyards of Greenbrier residents into her yard and into the ditch along County Road D. She is concerned that if the ditches are filled in, her yard will flood. The City Engineer explained a lot of that water will run all the way to County Road D and get directed into the storm drain, but an inlet will be installed where the road cannot be lowered enough to capture water from the backyard swales.

The Engineer then explained the assessment hearing process. At that hearing, which is typically in October, property owners have the opportunity to voice opinions on the proposed assessments. The Council would act on any objections received and then approve the assessments. The assessment amounts can be paid within 30 days with no interest charged; otherwise they will be assessed to property taxes for a period of 10 years with an interest rate that depends on the bond rates. Interest would then accrue from the date the assessment was approved. The assessments can be paid off at any time.

The County Road D street project is proposed to consist of a full reconstruction to an urban design. The City Engineer explained that they will also inspect water main valves. He then reviewed the construction process in detail. The Engineer then reported that there will be times that driveway access is restricted due to construction activities. However, emergency vehicle access will be maintained at all times. Mail and garbage service will be maintained. Mail service is typically moved to a temporary box outside the project area if the Post Master requests. The Engineer reported that property owners will be kept informed of timing of construction activities that will restrict access. He also noted that there will be an on-site inspector available to address property owner concerns. He noted that the City Code allows construction work hours from 7 a.m. to 10 p.m. on weekdays and 9 a.m. to 9 p.m. on Saturdays.

The City Engineer reported on project funding, noting that sanitary sewer, water main and storm sewer repair costs would not be assessed. He

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explained that since this is a county project, so they will pay for a lot of the cost, but Little Canada and Vadnais Heights will have some responsibility also. Fifty percent (50%) of the street costs will be funded through special assessments to benefitting property owners. The Engineer then explained the special assessment process in detail which is based on the City's Assessment Policy that has been in place since 1995. He noted that the properties will be assessed for their frontage footage up to a maximum of 125 feet, except for some that have additional development potential or are a corner lot.

A resident asked how far in the driveways will be cut out. The City Engineer stated that is hard to say right now, but the street will be lowered quite a bit and the amount of driveway cut out will depend on how to best drain water. He noted that any driveway removed, will be replaced.

The City Engineer explained that due to the number of entities involved in the County Road D project, he does not anticipate that this street could be reconstructed until 2020. He noted that due to the amount of issues and things that need to be done before it can go out for bids, it will miss the best timing for receiving best pricing.

At this point the public hearing was opened for comments from the general public.

A resident stated that there seems to be a lot of negatives to the project. The City Engineer stated that since this is a county road, Ramsey County will have the most say in whether this moves forward or not. He noted that rain gardens will only be installed where someone is willing to have one located.

A resident asked if the assessment amount given tonight is the final amount, or could it increase. The City Engineer explained that the amount shown is based on a capped rate, and may likely be the amount you will pay unless the determined amount of property frontage is off.

Montour clarified that the county does not have this project in their capital improvement plan budget. The City Engineer stated that he was told that was the case. Montour asked what happens if the project does not move forward for five years, because the assessment amounts would then not be the same. The City Engineer reported that he would recommend that the Council state that this project be done within two years. Montour asked if this could be done like Centerville Road where the City fronts the money and be reimbursed by Ramsey County. The City Engineer stated that is a possibility, but the Council may not want to move forward until the joint powers agreement between the three entities is in place.

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Keis asked if everyone in attendance was in support of proceeding with the improvement. No one in attendance stated they were not in support for the project.

Upon motion by Keis, seconded by Montour, the public hearing was closed.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2019-1-13 – ORDERING IMPROVEMENT NO. 2019-01, COUNTY ROAD D, WITH THE UNDERSTANDING THAT IT MAY NOT BE CONSTRUCTED UNTIL 2020, AND AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS FOR THIS IMPROVEMENT; AND AGREEING TO HOLD THE ASSESSMENT AMOUNTS THROUGH 2020 AT THE 2019 RATE

The foregoing resolution was duly seconded by McGraw.

Ayes (5).

Nays (0). Resolution declared adopted.

**IMPROVEMENT
NO. 2019-02
GREENBRIER
STREET**

Mayor Keis opened the Public Hearing at 6:58 pm to consider the improvements of Greenbrier Street (from Labore Road to County Road D) by full reconstruction including concrete curb and gutter and a storm sewer system. There were 22 residents in attendance.

The City Engineer reported that the purpose of tonight's hearing is to present the proposed improvement of Greenbrier Street to the City Council and impacted property owners. This meeting gives property owners the opportunity to provide input and/or voice concerns about the project. The City Council will then determine whether or not the project moves forward.

The Engineer provided information about the condition of Greenbrier Street that resulted in the proposed improvement. He stated he is proposing that it be a full reconstruction to an urban standard with concrete curb and gutter installed, and connect to a newly extended storm sewer that is planned for County Road D. The project is proposed to also consist of inspections and any needed repairs to the water main repairs, but these costs are paid by the City's capital improvement funds. He explained that there are stormwater infiltration requirements that must be met, and the most common and least expensive way to do this is through

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rain gardens. He explained that these are slight depressions near the street that capture stormwater runoff and must drain within 48 hours.

The Engineer explained the City's street improvement planning process. He explained that after the streets that need work are determined, the process begins with neighborhood informational meetings and progresses on to the public hearing to consider ordering of the improvement, which is this evening's hearing. Once bids are received and awarded, construction commences and typically after substantial completion of the project, an assessment hearing is held.

The Engineer then explained the assessment hearing process. At that hearing, which is typically in October after the project is substantially complete, property owners have the opportunity to voice opinions on the proposed assessments. The Council would act on any objections received and then approve the assessments. The assessment amounts can be paid within 30 days with no interest charged; otherwise they will be assessed to property taxes for a period of 10 years with an interest rate based on the bond rates. Interest on certified assessments would accrue from the date they are approved. The assessments can be paid off at any time.

The Engineer then reviewed the construction process in detail. The Engineer then reported that there will be inconveniences and times that driveway access is restricted due to construction activities. However, emergency vehicle access will be maintained at all times. Mail and garbage service will be maintained. Since this is a full reconstruction, the contractor will likely install temporary boxes just outside of the project area for use by the Post Office. The Engineer reported that property owners will be kept informed of timing of construction activities that will restrict access. He also noted that there will be an on-site inspector available to address property owner concerns. He noted that the City Code allows construction work hours from 7 a.m. to 10 p.m. on weekdays and 9 a.m. to 9 p.m. on Saturdays.

The Engineer reported on project funding, noting that sanitary sewer, water main and storm sewer repair costs are not assessed. A portion of the street costs will be funded through special assessments to benefitting property owners. The Engineer then explained the special assessment process in detail, which is based on the City's Assessment Policy that has been in place since 1995. The Engineer noted that most residential properties will be assessed \$7,534.94 for one unit, except corner properties that do not access Greenbrier will be assessed at 20%, and the three commercial properties are assessed at twice the residential rate. He stated that the park property is considered commercial property. He reported that

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the assessment sheet currently shows a per unit assessment, but it could also be done by actual front footage with a cap at 125 feet.

The City Engineer explained that the storm sewer for this project is being installed as part of the County Road D improvement project, and which due to several issues, will not likely be done until 2020. He stated that Greenbrier cannot be done until County Road D is reconstructed. He stated that he still recommends that it move forward and be reconstructed as an urban section.

Steven Hiland, 2976 Greenbrier Street, stated that when the storm sewer was installed, the assessment was calculated by linear footage per lot, and it was the same type of assessment for the water service when that was installed. He does not feel it is fair to equally split the assessment amounts when some people have more land to use. The City Engineer stated that the assessments are originally figured by true frontage, but the assessment policy also allows for the assessments to be split evenly if the Council determines that is fairer.

Chris Volingy, 2919 Greenbrier Street, stated that he was attracted to the Greenbrier area because of the rural feel. He feels that this project was fast tracked and as an appraiser, he disagrees that it will increase the property values. He stated that he has seen that rain gardens only work for a couple of years and then stop draining. He stated that the surveys showed that most people don't want the project. He thinks curb and gutter attracts more people to parking on the street. He does not think this project should be moving this fast, and other options should be looked at. He is against the project right now and likes the rural feel.

Steven Hiland, 2976 Greenbrier Street, stated that the land in this area is a lake bottom and gets very wet, and did not become buildable until neighboring streets were put in. He suggested another option for holding water since the soils have sand and drain very quickly.

Dick Thomalla, 2982 Greenbrier Street, stated that he is generally in favor of an improvement to the street. He stated that he lives in a low area where water pools and does not drain quickly. He also feels that it is not fair to have a unit assessment since so many of the lots are over 100 feet wide.

Jon Hegner, 3085 Greenbrier Street, stated his main concern is the drainage from the park on the south side of his property, and he has been dealing with that for about 10 years. He showed a picture of his property when it was flooded, and other photos of the park and path being flooded. He explained that he never had a problem until the park path was installed.

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He noted if the project happens, he wants to have something done to divert the water since it will sit there for a few weeks.

The City Engineer explained that the plan would be to lower the street enough to get the water into the street and in to the storm sewer, except in extreme rain events. He noted in a few areas it won't be possible to do that, so an inlet would be installed in those places. He stated they would look into some way to get more of the water out of the park.

Joe Hellenberg, 2936 Greenbrier Street, stated that he does not agree with the assessment plan since why should he have to pay for the storm sewer if he does not have water problems. The City Engineer explained that the storm sewer costs are not assessed, since the City pays for that, although it does come out of general property taxes. Montour stated drainage issues aside; the City feels the street needs to be replaced, so if we are going to tear the street up, we should fix the drainage too.

McGraw stated that if this project does not move forward this year, Greenbrier Street will keep coming up since it needs to be done. He noted that the cost will only get more expensive every year.

Chris Volingy stated that he thinks other options for the street could be looked at, and he is not in favor of this.

Keis stated that it is the City Council's responsibility to keep all of the City's streets in good repair, so the Council has to look at the City as a whole and be consistent with how other streets have been improved.

Torkelson asked Mr Volingy what other options he is referring to. Mr. Volingy stated that an overlay could be done since that is cheaper. The City Engineer explained that the improvement policy states that the first improvement done to a rural street is a full urbanization and address all of the issues. The policy states that if that does not occur, the full cost of the overlay will be paid by the adjacent property owners. The City Engineer stated that if the drainage or other problems are not addressed, that is not fair to the other property owners.

Steven Hiland, 2976 Greenbrier Street, asked how the City has the authority to install rain gardens. Montour stated that residents are asked if they want one, and they can be very beautiful. The City Engineer stated that an easement would be needed if the rain garden is put actually on the resident's property, but the road right-of-way extends past the back of the curb, and the City has the right to do construction within that right-of-way. He noted that the City has never installed a rain garden where a resident has refused one.

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Zach, 3015 Greenbrier Street, asked what happens if this project does not happen now. The City Engineer stated that if it is not done this year, it will be brought back in a year or two, and it will eventually happen because it needs to get done.

Joe Hellenberg, 2936 Greenbrier Street, stated if the project is going to happen, he would prefer a surmountable curb. The City Engineer stated that the Council can choose to do whichever style the residents prefer. He stated that whatever is decided, it will be done the same way on the entire street except a barrier curb will be at the corners no matter what. Keis stated that it is easier for the plows to have a barrier curb.

Elizabeth Vanguilder, 3036 Greenbrier Street, stated that they are in favor of the project moving forward, and prefer a surmountable curb. She stated that their driveway is much lower than the street and they currently have a driveway full of ice and a pool in the street.

Dick Thomalla, 2982 Greenbrier Street, clarified that his water ponding issue is in the street, not in the yards, so grading their yard would not help.

Upon motion by Keis, seconded by McGraw, the public hearing was closed.

McGraw stated that the City has a five year plan for street reconstruction and the City could let people know further ahead of time that their street is part of the plan. He noted that there are over 20 different sizes of properties in this project area.

Fischer stated that the Council is here to act in the best interest of the whole city, and when all of the rest of the streets are reconstructed and urbanized, it is in the best interest of the residents to be consistent. He stated that he has no opinion on how the assessment is divided up, but agrees that this street should be done now.

Montour reminded everyone that the costs are only going to go up, so think about how much more will it cost in two or three years. He noted that it is in the best interest to do the project now. McGraw stated it is never going to get any cheaper. Montour stated that if the project does go forward and not be built until 2020, he would recommend that the assessment cap amount be held at the 2019 rate.

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Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-1-14 – ORDERING IMPROVEMENT NO. 2019-02, GREENBRIER STREET (FROM LABORE ROAD TO COUNTY ROAD D), WITH THE UNDERSTANDING THAT IT MAY NOT BE CONSTRUCTED UNTIL 2020, AND AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS FOR THIS IMPROVEMENT; AND AGREEING TO HOLD THE ASSESSMENT AMOUNTS THROUGH 2020 AT THE 2019 RATE

The foregoing resolution was duly seconded by Fischer.

Ayes (5).

Nays (0). Resolution declared adopted.

The City Engineer explained that Greenbrier will not be done until County Road D is done, and that may not happen in 2019 due to issues with Ramsey County and Vadnais Heights. He feels that things will not get done in time to put the project out for bid within the favorable window to get good pricing.

ADJOURN

There being no further business, the meeting was adjourned at 9:06 p.m.

John T. Keis, Mayor

Attest: _____
Christopher Heineman, City Administrator