



MINUTES
CITY COUNCIL WORK SESSION
February 7, 2008

CALL TO ORDER

The meeting was called to order at 7:35 pm.

Present: Mayor: Randy Gilbert; Council: Ben Goodwin, Sharon Henderson, Jim Benson

Staff Present: City Administrator: Steve Stahmer; Finance Director: Terry Post; Public Works Director: Marv Wurzer; City Attorney: Joel Jamnik; City Engineer: Dan Boxrud

Absent: Council: Sam Rettinger (with notice)

APPROVE AGENDA

*A motion was made by Henderson, seconded by Goodwin, to approve the Agenda as presented.
Ayes: all.*

DISCUSSION ITEMS

Drainage Issue at 179 Meadow Lane and Surrounding Area

Stahmer provided background on the issue and stated that, beginning in 1999, the owners of 179 Meadow Lane have informed the City about a private storm water issue in the Orchard Meadow Subdivision, and have asked the City's assistance in resolving the problem. This area was subdivided and platted back in 1980 (see attached aerial photo). At that time a developer installed a French drain for seasonal standing water in the low area to serve 179 & 181 Meadow Lane, 187 Orchard Circle, & 1694 Bollum Circle. The intent of the French drain was to direct water to a drainage pond within the subdivision. For reasons unknown to the City, the developer installed the French drain on private property and not within a drainage or utility easement. While the French drain was effective for a number of years, adequately draining the low area to the drainage pond, tree roots, sediment, and natural deterioration have rendered the French drain inoperable over the last several years. Thus the low-lying area occasionally sees standing water during spring thaw and seasonal rain storms. The water no longer drains through the French drain and the property owner often pumps the water out to the City street.

In 2002, a 12" concrete pipe was installed by the City from the western edge of the City right-of-way on Orono Orchard Road, across the road to an existing wetland where storm water could be directed. It was the property owner's responsibility to work privately with their neighbor to route the drainage in the rear yards through a 12" pipe along their northern property lines to connect to the City's pipe. The one condition by the City being that the property owners receive permission from the Minnehaha Creek Watershed District (MCWD) before the drainage pipe was installed and connected to the culvert. Sometime thereafter the MCWD was contacted by the property owners to determine whether a drainage pipe could be installed to drain the low area. A letter dated August of 2003 from the MCWD indicates that a site investigation was conducted on the property and it was determined that the area was considered a wetland. Therefore, the property owners were unable to install the 12" pipe to drain the area to the culvert the City had installed under Orono Orchard Road at that time.

City Staff and Council members were again contacted in the summer of 2007 by the owners at 179 Meadow Lane, Bill and Arlene McIntyre, regarding this drainage issue. The property owners have asked that the City help resolve this longstanding drainage problem. To date, former and current City Staff have considered this to be a private drainage issue located on private property. Therefore, any action by the City and any funds or to be spent in order to help resolve this situation should be directed specifically by Council.

The City Council has previously discussed this issue and directed staff to determine potential solutions and estimated costs. The Council also discussed, without a final determination, whether this was a City or a private issue.

Three optional solutions, including estimated costs are attached. Given the three options, the cost is likely to be in the range of \$30,000 to solve the drainage issue. Funding of such a project depends squarely upon the City Council's determination of the public/private issue, whether the City would assist by assessing benefiting/petitioning property owners, and whether any City funds are to be used.

Any special assessment conducted would have certain problems to overcome. First, the project, if ordered by Council, should be done in response to a petition from the property owners asking to be assessed. A primary issue will be how many, and which neighboring property owners would be willing to pay their portion of the \$30,000 improvement costs (i.e., will there be enough properties over which to fairly spread the cost). In addition, special assessments are typically done for public improvements benefiting private properties. Therefore, it would be assumed that the City would take over ownership and responsibility for any infrastructure improvements built through special assessment. Such an arrangement will add future maintenance and capital responsibilities on City taxpayers.

The Council discussed the issue with members of the neighborhood present.

Mayor Gilbert stated that he might personally be able to justify the City participating in funding the project by paying a third of the costs, up to around \$10,000, but this would have to be voted on after further investigation.

Jamnik stated that the residents could petition for improvements to be made and an assessment made by the City to be paid over 10 years. He outlined a process for moving ahead, should the homeowners and Council which to consider such a procedure. Steps would include:

1. Refining the design
2. Soliciting bids for the improvements
3. Determining the proper apportionment of costs/benefits
4. Assessment petition to be submitted by property owners
5. Obtaining necessary easements
6. Construction and assessment

It was noted that approximately nine homes could be considered to be affected by the situation, to some degree or another.

Gilbert pointed out to the property owners that they could likely accomplish construction of the proposed storm water improvements more cheaply if they pursued it privately.

The property owners agreed to research the issue with a private contractor and to obtain quotes for the work to be performed. After this information is obtained, the City and property owners will reconsider the options.

TH12 Landscaping Discussion

Stahmer discussed the project timeline to date and noted that Brady Halverson of SEH had previously discussed two broad landscaping options for the corridor. The first was a low intensity design with a smaller price tag. The second included many more amenities/elements and had a considerably higher cost. Previous Council discussion appeared to develop into a tentative consensus that the high-intensity plan, minus the pavers, irrigation and possibly certain lighting elements, was the most desirable concept at this early stage.

Stahmer stated that he recommended that Halverson be given the go ahead to proceed with the planning process, during which future Council work sessions will be held to refine the design of any project to be ultimately voted on for approval.

Henderson stated that she did not want to see the City landscape the area "on the cheap," and that a striking entrance was needed for downtown. Thus, she did not want a random prairie look to the project.

Gilbert discussed the possibility of a phased project to be done in two or more phases over the next few years.

Goodwin stated that the Council should first move ahead with this project and then move forward on other priority project in the downtown area.

The Council debated various uses for the available funding.

Stahmer stated that he believed that the various points being debated with regard to the landscaping project are exactly the types of items that would be fleshed out in the planning process. To date, approximately \$3,000 had been spent on planning, out of the originally recommended \$9,000+ scope and fee.

The Council directed staff to continue working on the plan with Halverson based upon the original scope and fee proposal.

OTHER BUSINESS

Mayor Gilbert stated that he thought the City should consider waiving the fee for the Fire Department's Annual Pancake Breakfast special event sign fee.

ADJOURN

Hearing no objection, Mayor Gilbert adjourned the February 7, 2008, City Council Work Session at 9:05 pm.

Respectfully submitted,

Steve Stahmer
City Administrator