

**CITY OF FALCON HEIGHTS**  
Regular Meeting of the City Council  
City Hall  
2077 West Larpenteur Avenue  
**MINUTES**  
January 11, 2023 at 7:00 P.M.

- A. CALL TO ORDER: 7:02 p.m.
- B. ROLL CALL: GUSTAFSON\_\_X\_\_ LEEHY\_X\_\_ MEYER\_X\_\_  
WASSENBERG \_\_X\_\_ WEHYEE\_A\_\_

STAFF PRESENT: LINEHAN\_X\_\_

- C. APPROVAL OF AGENDA

The City Council approves the agenda; approved 4-0

- D. PRESENTATION

- E. APPROVAL OF MINUTES:

1. December 28, 2022 City Council Regular Meeting Minutes

Council Member Meyer motions to approve the minutes; approved 4-0

- F. PUBLIC HEARINGS:

1. Idaho-Iowa Alleyway Improvement Project 21-03

Stephanie Smith, the City Engineer, states that she will be doing a quick presentation about the improvements that are being considered the Idaho-Iowa alleyways.

**Alleyway Improvement Project Overview**

City Staff brought forth a feasibility report back in 2021, but it was deemed that with the time constraints and with trying to fit it in for that construction season, that the project would be held back to bring it forth to the Council later, once Staff had more time to work on the design. Staff would like to bring this to consideration, that, if approved, would go forth this summer with the pavement management project, as well to be a part of a larger construction project. The area where this project is taking place is the alleyway between Arona Avenue and Pascal Street which serves parcels on Idaho Avenue and Iowa Avenue.

**Idaho-Iowa Alleyway Improvement Project 21-03**

The needs for the project include a drainage issue that had been reported by the residents who live off of the alleyway. They have reported and Staff have also seen ponding at Pascal Street that is causing icing during the winter and creates a freeze/thaw condition that's really causing the ice to get into the pavement and break it up. A petition for improvement in this area was received with 52% of property owners. Smith notes the petition was received prior to any staff cost estimates and Staff is unaware whether the assessment policy was known by the petitioners. The City's assessment policy for alleyways is that 90% of the cost of alleyways is assessed against benefiting

parcels. The drainage improvements would include adjusting the existing east catch basin elevation to make sure that it can receive the drainage waters, regrading the alleyway so that it will get good grades and then installing a new catch basin and connecting to the storm sewer at Pascal Street and Idaho Avenue. The surface improvements for the alleyway would include milling the existing pavement surface and then overlaying it with new pavement.

### **Pascal Storm Improvements**

The storm improvements that are proposed as part of this project includes storm improvements on Pascal. Because this project would be regrading the alleyway to direct more of the water towards Pascal and picking up some additional water with a catch basin, then Staff would also propose to do some improvements on Pascal to take that storm water by putting it in an additional catch basin on Pascal and then putting in a 15-inch perforated drain pipe to transport that to the existing storm sewer that's located at Idaho and Pascal. The estimated cost would be \$36,000 for the improvement of that area and would help to move the water off of the alleyway to prevent icing during the freeze/ thaw also on Pascal Street.

### **Cost Estimates and Funding**

Cost estimates and funding for the proposal is the estimated cost for the alleyway improvements would be \$89,000 and the proposed costs for improvements on Pascal storm water would be \$36,000 and the funding for these improvements would be the alleyway improvements would have that split between assessments versus street funds. So, 90% of the cost would be assessed to the benefiting parcels for a total of \$80,100 of assessments and then the street fund would be contributing \$8,900. The storm sewer fund would be covering the cost of Pascal Street storm water improvements which would be \$36,000.

### **Assessment Policy - Alleyways**

The breakdown of costs would be done by front footage on the alleyway so assessments would be calculated based on how many feet of alley each parcel is adjacent to. So, the per footage cost would be \$66.31/foot

### **Assessments - Payment Options**

The assessment hearing is planned for fall 2023 after the improvements are completed and at that time residents would have the opportunity to pay part of the assessment or to pay all of it up front and that would be interest free within the first 30 days after the assessment. Residents would also have the opportunity to add the assessment to property taxes. The length of the payment period and interest rate will be set by City Council during the assessment hearing. Typically, it would be 5 years with an interest rate of 2% over the current rate of return on the City's portfolio. The first payment would be due in 2024 with property taxes. There is also the option of hardship deferrals for residents if it is a homesteaded property, residents are aged 65 or older, or retired by virtue of a disability, and can show that payment would be a hardship. The assessment will accrue interest on the property and applications for hardship deferrals are available at City Hall.

### **Proposed Project Schedule**

January 11, 2023 - Public Hearing, Order Improvements  
February 2023 - Approve Plans and Spec, Authorize Ad for Bids  
February/March 2023 - Open Bids  
March 2023 - Award Construction  
Summer 2023 - Construction  
Fall 2023 - Assessment Hearing

### **Actions Requested**

Moving forward Staff asks the Council to hold the public hearing and to consider the resolution to order improvements.

Council Member Wassenberg asks if the mill and overlay is for the full length of the alleyway.

Smith says yes, that is correct.

Council Member Wassenberg says so there is benefit to directly behind each of the houses. Council Member Wassenberg asks do you know when the last mill and overlay was done on that alleyway or how often are they done?

Jack Linehan, the City Administrator, states that residents probably would know better, but his understanding, from looking through records, is the 1990s.

Council Member Wassenberg says so it may be due; it's not like it just has a mill and overlay three years ago or something like that.

Linehan states no, it has been a long time since the city has done any work on the alleys.

Smith says there is not currently a plan for improvement of the alleyways.

Council Member Leehy asks in regards to the hardship deferral does that go out in the letter communicated to each of the residents impacted by this so its easy access for them to find this information.

Smith believes that they have previously, but if they haven't previously, they can certainly start doing that moving forward.

Council Member Leehy asks in regards to the open bids, will that be taking place at the same time as the bids for other street work that is happening this spring and summer?

Smith states yes, staff would like to do that because it allows the opportunity to be included in a larger project making it more attractive to contractors and hopefully getting lower pricing.

Council Member Meyer is curious about the 90/10 split for financing this project. Council Member Meyer is wondering if this the standard for alleyway projects like this or what the precedent is for that.

Linehan says that the City has never instituted since the assessment policy was adopted in 2007. So, it's not one that the City has done. Looking at comparable communities, you have to look urban because the alley is kind of an urban design. Most communities do something similar. It's either 90/10 split or it's 100% just because they don't see that the alley has a public service beyond the alleyway area. Besides trash collection and others, there really isn't a lot of through traffic or other use outside of the adjacent properties of the alleyway.

Council Member Meyer expects that with the bid process there will be an important condition that this work is completed before the State Fair.

Smith says yes, Staff are including language about the State Fair scheduling in bids for Falcon Heights projects.

Mayor Gustafson opens the public hearing regarding the Idaho-Iowa Alleyway Improvement Project and invites those that are here to step up to the podium.

Paul Eberhard from 1497 Iowa states that for a while he thought he had been voted the neighborhood representative, but he sees that he has some company. Eberhard wants to make a few comments from his perspective. Eberhard admits to being a part of the 52% that supported the petition a couple of years ago when it was brought to his attention. But, what was brought to Eberhard's attention at the time was the issue at the end of the Pascal alley as being extremely dangerous. One of the neighbors up there saw a someone take a very hard fall. It turned out okay, but that's kind of alerted him to the issue. Eberhard knows there was a video meeting a year and half ago in June and Eberhard got a letter about that and the assessed cost, at least in his letter, was \$1,600 and some dollars. Eberhard knew that a feasibility study had been approved and Eberhard just recently got a letter in December saying his cost is \$3,300 some dollars. More than double what it was a year and a half ago. That's one of Eberhard's questions, the doubling of the cost. Also, in some of the information that Eberhard has read, it stated that, or at least appeared this way to Eberhard, that the mill and overlay was the primary reason for this job. And as an option, was to correct the problem at Pascal. Eberhard claims it is the other way around; that the reason for this project should be to fix the problem at the Pascal end of the alley and secondarily, maybe do a mill and overlay of the entire alley. Last summer, the City did some patch work on that alley which in Eberhard's mind worked very fine and if that's done every few years, Eberhard would be happy. Now, the only caveat on that is it hasn't gone through a spring yet, which the thawing and freezing is the hardest on that patch work, but Eberhard questions that the primary objective should be fixing the problem at Pascal and the east end of the alley and maybe forgoing the rest of the project for a later date when more alleys are being done. Eberhard thinks that was one of the comments in June of 2021 that they were going to try to combine this alley with other alley work and maybe have some cost savings as a result.

Steve Goers from 1488 Idaho states that there was a measurement of support and that he was probably a non-responder and apologizes for that. Personally, Goers wholeheartedly echoes Paul's concern. Goers' additional comment being that they are in this thing for the long haul. Goers moved to the City of Falcon Heights 15 years ago, right out of college, thinking that he would live here for a few years and flip a house and live his glory days. It turns out this a fantastic City and place. Goers loves the neighborhood. Goers says that somebody said once the only problem with the neighborhood is that the houses are just a little too small and the lots are just a little bit too small and that's the only problem. So, for Goers, going to Paul's concern around the Pascal stuff like water issues and drainage issues, other alleys in other cities have had major considerations sometimes done. In Minneapolis, alleys have had to have major upheavals to make sure that water issues are done. Goer knows that they have fought a long time with cities to make sure some of those flows issues and stuff like that were handled. This is nowhere near that complex; there is a lot of work already done on the flow and stuff like that from Curtiss Field. Solving a water issue where it stands and were it affects multiple houses, but literally every single person that drives up and down, that is a big thing; it immediately takes an alley, which is normally walkable the rest of the time, and makes it unsafe. So, for Goers if the City is going to spend, in this case the \$250,000 or whatever that rough number was, if it's that or if the City is spending \$500,000 to do it right, or again understanding why that cost doubled, but let's do it the right way. Let's get this water issue handled for the next 50 years. And again, if it is a matter of later on with some of the quality of the surface and stuff like that, let's fix that. But, let's fix foundational things and then the cosmetic stuff can be handled honestly over the top. Right now, the alley compared to many in St. Paul and Minneapolis is a glorious place. It is double the width. Goer doesn't want to say it is

fine and doesn't want to leave it untouched, but he does want make sure the City is solving things foundationally because he wants to be in the City of Falcon Heights for the 15 to 50 years.

Mayor Gustafson keeps the public hearing open so that Eberhard and Goers can respond to the Council and Staff. The Mayor also asks Stephanie if the pooling at Pascal was the main concern that came up the first time and can that problem be fixed without addressing the alley.

Smith says one of the items that Staff looked at, was there good enough grade to get that water to flow to a catch basin? City Engineers would have to change the grades on the alleyway. So, that involves new pavement for a significant portion of the alleyway; and, if the City is going to be in there to do a portion of the alleyway, then it also makes sense to give a new surface for the alleyway as a whole. That's how Staff looked at the project when they were putting it together. Staff understood the concerns of the residents that involved the drainage in the area and when we took a look at that issue, knowing that Staff would have to affect the pavement and would have to change the grade of the roadway, then it made sense to also include the mill and overlay as part of that. That's why it has been included.

Mayor Gustafson says, so in order to improve the problem at Pascal at the end of the alley there, Staff would have to address the alley itself in terms of its grading into Pascal. So, Staff would have to physically change the alley grading in order for the water to move properly.

Smith states yes and shows a picture of the proposed alleyway project. Smith points out the green squares and says that there are two existing catch basins that are on the alleyway. Then, you also can see to the east of that second catch basin, where there's pavement distresses... those dark spots. Those are pavement areas where it has been broken up and needed to be patched or fixed due to what's been described as the icing and the freeze/thaw situation. It looks like that area has been patched previously and so that is the area that Staff are trying to keep water from ponding. And, in order to do that, requires some change of the grading of the alleyway. Changing the alleyway grading actually would also start to send the water towards Pascal Street. which brings up this Pascal storm improvements. The storm improvements proposed for Pascal would be there to pick up additional water that the alleyway improvement would be sending towards Pascal and to make sure that has a good place to go, to get the water off of the alleyway and keep from going on to Pascal Street, and then also putting it into a perforated pipe, which is a pipe that has holes in it that allows the water to percolate into the soil.

Council Member Wassenberg asks would Staff basically crown the length of the alleyway sort of at the intersection /at the juncture of 1472 and 1468 and have some flow to the catch basin in the alleyway and have some flow to the new catch basin on Pascal. Is that the idea?

Smith says yes that is the idea.

Council Member Wassenberg says so in order to do that it does seem like the City needs to tear up over one third of the alleyway to just accomplish the water fix.

Council Member Leehy comments from what she is recalling when this came up quite some while ago is that other alleys in Northhome were investigated to see what repairs were needed and their need of repairs are years away versus this is more urgent. So, that

is why the Council did not want to wait until theirs are needed because it's that much farther down the road, where the City needs to solve this issue at Pascal on the east side.

Smith states that the other alleyways don't have a similar issue to this; that is correct. Staff did reach out to those neighborhoods to see if there was a resident interest in moving forward as a part of possibly doing just an alleyway-orientated project. So, a mailing was sent out to the other neighborhoods that do have alleyways in that area to see if there was an interest and there was a very minimal response.

Mayor Gustafson recalls the conversation revolving around that, was that if the City could get enough interest into multiple alleyways, because just an alley as a project, one street worth, isn't a popular thing for a contractor to gear up all of their equipment for. And, when the City was doing the 2021 pavement and improvement project, all of this project didn't come in in time. It was proposed after that bid had been let for that project. The City attempted to figure out how all of that would work. The Mayor says, fortunately they didn't have the 2021 contractor participate in this or otherwise the City would still be waiting for the work to be done. Apart from that, the City could not get the timing, but did survey the entire Northhome area and all of the alleys. In addition, did an assessment of the condition of those alleys and reached out to all of the neighbors to determine if there was any interest in participating in this because of the way an alleyway is structured with its 90/10 assessment factor, the call has to come from the residents and the homeowners of that alley in order to go forward with it. It comes at the request of the homeowners to address the alley. This block was the only one that had enough of a problem that they were willing to have the City take it on and include it in one of the City's projects.

City Council Member Wassenberg says he can actually see that. Council Member Wassenberg lives at 1446 California which is just one block north and one block to the east of this area. Wassenberg walks the alleyways quite a lot and are generally in good shape and are not falling apart.

Linehan says correct and this part of it to ideally if the City does one alley it would do all of them at once but as the Mayor said, the City didn't drum up enough interest. Linehan doesn't think any of the other alleys got over a quarter of respondents, so that's part of it too. Because of the assessment policy, that it is resident led, it really needs to have the support of residents. So, I think from Public Works' perspective, they are seeing a deterioration of a lot of the alleys as they see each spring more is ripped up. Linehan imagines this one, especially, after this winter with all of the thawing, freezing, and the plows going through, it will be significantly worse in the spring.

Mayor Gustafson says that the City may have a big group that's wants to participate in the City's 2025 pavement management project at that time after this winter. So, it is kind of unfortunate that the City only has one alley that needs to be addressed. The Mayor knows that the estimated cost was based upon 2020 and 2021 guesstimates and it is a sticker shock to deal with 2023 anticipated cost. Just the cost of asphalt has gone up three times in this last year as the City saw with the 2023 project on Garden and the mill and overlay in the Northeast area because that project went up 50% more than what the City was anticipating it would be.

Council Member Leehy says it would still be helpful that the City is still doing it at the same time as the Northeast quadrant project.

Mayor Gustafson says yes, that is what the City is hoping for because otherwise you would have, for somebody willing to do it, all of their costs of getting their equipment to

the site strictly on that one-block area. The Mayor wouldn't want to know what the cost would be if it was all the City could do on there, basically, is the challenge.

Linehan adds part of the City's pricing and the goal always for the City is at the beginning, when the City does an initial estimate, there isn't much known. So, before the City orders the feasibility study, Staff's not fully certain as to what the pavement conditions are or what the full scope of work is. Now that the City has done the feasibility study, the City has a plan on how to address the alley. That's where that price increase comes in. It's a combination of 2023 pricing going up and also knowing fully the scope of the project. The City's goal is, once the final assessment comes in the fall, The City tries to overshoot this one a little bit. So, the City tries to have this one higher because what the City doesn't want to do is come back to the residents in the fall and say it's gone up since the estimate. The City's goal is to build in a lot of contingencies and a lot of potential change orders with the idea that hopefully this will come down when the City gets pricing in the spring. Staff thinks this number is probably accurate but are optimistic that this number is on the higher end rather than on the lower end.

Council Member Meyer says to Steve's question about doing it the right way and fixing things foundationally. Council Member Meyer is curious why Pascal and this area failed earlier than other alleyways and if Smith thinks this is a long-term fix and how long of a fix is it.

Smith states that the issue with the breakup of the pavement and as the residents were saying they were concerned about safety in the area that is an issue with not having grade for the water to drain away and to drain to the catch basin adequately.

Council Member Meyer asks so basically when it was initially constructed it has less of a grade than the other alleys.

Smith says that is possible or it is possible that over time it could have been scraped away too through snow maintenance and other types of maintenance as well. Alleyways aren't built to the same standard as a roadway either. So, over time they do get patched, patches can layer upon each other and also create settlement areas that can hold water. By actually going into the road and changing some of those grades, and as described, adjusting the elevation of the existing catch basin, and looking over at Pascal as well and creating places for that water to go, that should be a good solution for the water to drain to. This would be a mill and overlay versus a complete reconstruction of the roadway. It would likely have reflective cracking, where a couple of years after the project, places that have severe cracks would have that crack reflect through. So, in couple of years, they could see those, but those can also be crack-sealed as well.

Council Member Meyer asks what the time frame would be for these residents before they would have to do this again.

Smith says a little bit of that is how Falcon Heights has more resident-driven policy, so it is when residents feel like they want to improve the surface. Smith believes that the City last did work on this alleyway in the 90s so it could be similar to that.

Mayor Gustafson states it could get 20 to 30 years out of it with maintenance, patching, and crack-sealing. That is one thing about a mill and overlay, you are taking off the skin and replacing it, and the base kind of remains the same. Saving the areas where you are building up the base, or building it up to get the grade proper and to get the drainage there. The objective here is minimalizing the pooling all the way through the alley as well, right? The hope of the project is the alley is flowing out to the streets into the storm sewer catch basins.

Smith says yes and that is what this project would be addressing more thoroughly than say a completely new pavement surface.

Council Member Leehy says it is more cost effective than putting it off for too long and having to completely redo the alley.

Smith states yes, mill and overlays are an effective maintenance item as well.

Mayor Gustafson says, also, if you wait too long for a mill and overlay and you allow your base to corrode as the City has found on Garden Avenue and in Falcon Woods, where then the City has to do a reclaim, where they go down and dig up eight inches instead of two or more, or, however many it takes in order to get it back up to get the grades right.

Goers has two comments. What would be the cost be to do a proper replacement if you were to rip this down to the ground? The other question is, has the City looked at other surfaces, for example concrete? Would that be five times the cost and lasts truly for 50 years? Also, a little more specifically, not to get too far into the weeds on the Pascal side, but between where that catch basin is and where Pascal is, that obviously is the area of concern and that's the area that is basically flat. So, it seems to Goer, that the City basically has to raise towards that catch basin area if you are trying to push stuff to Pascal because there is not a lot lower to go that you go in on that side, because that is already at Pascal or even lower a little bit. So, it sounds like there is multiple things in place with pipes and stuff like that. Again, it seems like it would have to be raised significantly while some garages sit up and some are at a very flat level. Six inches over the course might not be a lot but it could be significant for the people who live right there.

Smith says that concrete is significantly more expensive than asphalt. It does last quite a bit longer, but there is a reason why alleyways are generally paved in bituminous, because it is significantly cheaper. Smith would have to create an estimate to figure out what that cost of concrete is, but it would be of scale larger, as well as the cost for full replacement, to actually go down, dig out the gravel underneath the roadway, and replace that. Smith is trying to think of projects that she has done that are residential roadways and those can be as much as five-digit figures. And that's not at a 90% assessment; that's at quite a bit less than 90% assessment, that's at like a 65% assessment. Again, these are numbers that Smith is trying to remember and apologizes that she doesn't have exact figures on that but it would be a significant cost increase.

Linehan mentions that judging off the pricing the City saw for the 2023 PMP, Linehan would say at least double to do a full reconstruction. At minimum double, and that is kind of where you get to the question, if you do a full reconstruction, are you getting twice the life of the project? And, same with concrete. Concrete would last longer, but is it going to last five times longer? You know, if it's five times more, is it going to last five-times longer? Linehan doesn't know if so. There might be a good argument to doing a mill and overlays for an alley. Also, looking at the use of the alley compared to a street, so, the City takes that into consideration such as, Garden Avenue, which has a lot of through traffic, buses, so you are seeing a pretty good number of cars per day. For the alleys, it's in the under one hundred vehicles per day, and the biggest users are the garbage/recycling trucks, which are the heaviest users in the alley; but, outside of them, it's lower. Linehan thinks that you could make a good case that doing mill and overlays give the City a good and pretty long span that the City can keep doing as a Band-Aid for a lot longer than you could on street.



Smith states that it is recommended because it is a cost-effective measure to improve the life of the pavement.

Mayor Gustafson says you can do like three to four mill and overlays before you have to do a reclaim. Also, if you catch it in time, you can do a reclaim without having to do a rebuild. So, there's those three levels that he gathered while in the back of the room, watching the questions and answers for the Falcon Woods meeting. The Mayor thought, for that one, the City was going to have to do a complete rebuild and it take down to the dirt and start over again. Initially, that was the fear of the condition of that roadway, but then, with the core samplings that Staff took, they were able to determine that they could do a reclaim and that brought the cost significantly lower to do the reclaim. The only bummer about all of these options, the assessment process is that it really does fall on the homeowners to pay for that; whereas, if you don't have an alley, and you've got front driveways, your street access or your access to your garage, is everybody and not just the residents that are there. The Mayor thinks that's why the Councils, back when they established the policies in 2007, the Mayor knows that they spent quite a few years trying to adapt it and to get it right, in talking to some of those who were there. But, the Mayor feels the resident's pain. When he saw that our cost estimates doubled due to the cost of construction and lack of economy as scale, I just thought that wasn't good.

Council Member Meyer asks Paul and Steve if they have a sense of how many different companies/haulers and garbage cans they have in their alley.

Eberhard says he doesn't know but he tells the Council and Staff one thing that he observed one day probably happens more. Eberhard saw a garbage truck go the entire length of the alley and didn't stop once and went into the next alley.

Goers states that there are probably three or four haulers that come through.

Council Member Meyers states that early last year, the Environment Commission was kicking around the idea of getting the discussion started about a single hauler. Maybe not for the whole City, maybe just for certain neighborhoods. He knows it's been talked about in the past and there's maybe some controversy.

Eberhard says that he actually believes that Steve's estimate for three to four is low. One company for instance comes through the alley twice. They get trash and yard waste.

Council Member Meyer says that maybe in the context of having to repair these alleys, there might be some more support for that kind of change.

Eberhard asks the Mayor if he understood him right, that he thinks he said the residents were surveyed by the City as to if they wanted this work done or not. Eberhard says that he never recalls being asked by the City. The petition that Eberhard referred to was brought up by a neighbor and that neighbor put notes in everybody's' mailboxes and that's the one that he supported. But, he doesn't recall the City asking him if he wanted this done.

Mayor Gustafson says the City sent out cards to the other alleys because your alley was set. So, as the initiator of the project, other alleys were surveyed, but not this one, because there was already support for it. The City was trying to get support for more alleys to help reduce the cost of this project.

Eberhard says that's fair enough but his point earlier was that he supported fixing the problem at Pascal at the end of the alley and didn't necessarily support the whole alley being milled and overlaid. Eberhard also thanks Jack for the reminder that this was done

last in the 90's. Eberhard lived at his current address when that was done. That was a complete rebuild it was done to the dirt and they regraded everything. He recalls one of the major reasons for doing that was drainage and now we are here again for drainage. So, to Steve's point, and I don't know if twenty-five years is a long time, but we should try to maybe get it right and maybe it can last longer. The only other comment is doing a mill and overlay, which was referred to as the skin of the alley. Eberhard states that he isn't an engineer, but from his observation, thawing and freezing is a mighty powerful tool. Eberhard doesn't believe that even a mill and overlay will survive that very long. Case and point in the alley, the issue as Eberhard sees it, is mainly where the sun gets through versus where the sun doesn't get through on days in March and April, when it is 35 to 45 degrees during the day, with the sun out, and then it goes below freezing at night. Those are the worst days and every bad spot in the alley, Eberhard believes, is in an area where the sun gets through and causes that issue to happen. In Eberhard's humble opinion, he doesn't believe even a mill and overlay is going to survive that; he doesn't believe it will last thirty years.

Mayor Gustafson says it lasts to the extent of then you have to replace it again. If you look at the road surface such as in the front your house, that was probably last part of the last mill and overlay project. Roadways do wear out and weather takes a beating on everything that we have.

Eberhard states that roadways don't quite have the same issue because, they are pretty much, except for trees, which don't provide too much shade with no leaves, they have sun; the full street has sun. Eberhard points out the contrast. If you ever look at an alley, and he assumes that all alleys have this issue, but it is really noticeable. Between Eberhard's garage and his neighbor's garage, there is a very bad spot where the sun gets through, which causes the thawing and freezing.

Smith says part of the drainage issue on alleyways, too, is because they do not have curb and gutters on the sides. They aren't shaped the same way that a roadway is, with a crown on the top so there is a high point and the water drains to the side and it runs along the gutter. With an alleyway, it's called an inverted crown, where the lowest point is in the middle, and so that's where the drainage collects. That's why you can see the catch basins are in the middle of the roadway or in the middle of the alleyway, and unfortunately, that is hard in the winter because it will melt where you have the sunny spots and it will try to get to those catch basins and if it can't get into there, then it's just sitting in the middle of the road.

Goer states as far as paying for it goes, he knows that his property line goes into the middle of the alley. At the end of the day, he owns it and there is a level of getting neighborhood support, and he isn't uncomfortable with that reality. To Paul's point a little bit about the whole drainage issue: It is very flat between that middle catch basin and Pascal. The other side of that coin is if look at where Arona goes, that is significantly lower than Pascal. Goer's concern is making sure, at the end of the day, whether or not if it's ice and frozen, and melted or not, things do move whether you watch it or not, it does flow downhill. Goer understands the crowning concept although Smith just said they try push it toward the middle. So, if the goal is that you need to dig that out, again it would be nice to understand the scope of the work being done. But, Goer has to reiterate that moving that water out is the number one thing the alley is dealing with and we want to get that right. The rest of the other stuff, and even the quality stuff, if the City did it have half or quarter of the price as a rebuild is fine. The neighbors have a commitment and have the ability to patch. Goer's opinion of the patch job that was done last summer looked like garbage. Goer believes it is functional; it is more of a cosmetic complaint as opposed to anything else. But, if the City and residents in the alleyway are going to do this, let's again make sure that we are crystal clear that the water is flowed

properly and again, get the foundational part of it right, even if it's just a mill and overlay.

Council Member Wassenberg says, to that point, can it be taken under advisement that the City err on the side of putting in more drop/grade rather than less drop/grade to make sure that the drainage actually occurs properly overtime? Rather than the minimum that might be necessary to move water, to go on the high side of what's feasible?

Mayor Gustafson thinks that this design, as various discussions were all about making certain drainage issue would be solved, was the main driver. And, just like the storm sewer work, the initial thought was this was going to be far less costly than what it's going to be because it's going to need to be quite substantially more than what was anticipated in 2021 when it was first looked at. The Mayor knows that Stephanie and her crew have always approached this to make certain it functions properly and that the drainage happens and that the storm sewers are there. The City noticed that attention to detail in the Garden Avenue project as well, as that one developed, too. Where once again, the storm sewer costs went up higher because the City was informed that they had to do something they weren't planning, to mitigate a future problem. The Mayor thinks that Stephanie and her group are very much thinking along the same lines as you, thinking, *let's get the drainage issue right*, because the Mayor knows she doesn't want to hear complaints in 25 years.

Smith points out that the feasibility report is based on conceptual work and early design work. As the City moves further into design, Staff would be looking at these items in more detail as Staff put together plans.

Mayor Gustafson closes the public hearing.

Linehan states that, if adopted, the Council will most likely need to come back, probably at the next Council meeting, and do a budget amendment. So, we will need to generally amend the City's budget. When the Council did the 2023 PMP, it did not include the alleyway project, so that was not in consideration of the cost. So, when the Council looks at the total project cost, the City is going to have to do that. Realistically, the City would have to front the money up front for the assessment and would do that through the City's bond. The City will assume that the bond will be increased for that dollar amount. The total impact, when all said and done, is that it would cost the City \$8,000 to do the alley and \$36,000 to do the storm improvement. So, the Council would have to do an amendment to the storm fund and also an amendment to the general project cost. Internally, the council can do that without levying it and there will be no change to the levy. It will only be internal shifting of funds, but the Council would want to do that to clean up and clarify.

Mayor Gustafson says that the City would want to clean up and clarify so then when the City is bidding the project, they are correctly identified within the budget and different assessments.

Linehan states exactly, the Council should do that ahead of time so that the City has everything prepared and ready. In full honesty, this should have been included as a part of the City budget and a part of the 2023 PMP, generally, but with the focus on everything else, the City was still trying solicit additional final calls for people to jump on, realizing that isn't happening, but still knew that 52% of the residents on the street signed this petition and didn't want to forget about it and ignore it. So, that is why Staff if doing it now, to try to make sure that while they can still do it, they do it.

Mayor Gustafson asks otherwise they would have to wait until 2025.

Linehan says yes that is correct.

Council Member Leehy clarifies by asking, it was not because the City needed to have a public hearing first, it just got a little lost in the shuffle and now the City is playing catch up?

Linehan says yes, a little bit of both. Part of that, staff knew that the two projects would be two different public hearings. So, there was a combined public hearing for Garden Avenue, but then also all of the other streets that the City is doing for the mill and overlays, which they were included in that. Then, this being the second one with a different audience.

Smith says also, getting the revised costs from the amended feasibility report.

Mayor Gustafson states because the City didn't have the cost in the feasibility report at that time.

Council Member Wassenberg motions to adopt resolution 23-01 ordering improvements for the Idaho-Iowa alleyway improvement project; approved 4-0

G. CONSENT AGENDA:

1. General Disbursements through: 1/5/23 \$69,620.89  
Payroll through: 12/30/22 \$22,945.83  
Wire Payments through: 12/30/22 \$26,703.29
2. City License(s)
3. Designation of Official Depositories for 2023
4. Reconfirming Designation of 2023 Polling Locations
5. 2023 Mileage Rate
6. Acceptance of Proposal from Kelly & Lemmons for Prosecuting Attorney Services
7. 2023 Appointment of City Prosecutor
8. Review Elected Out-of-State Travel Policy
9. Review and Adopt Council Standing Rules and Council/Advisory Commission Roles and Guidelines
10. Appointment of Acting Mayor
11. Council Appointment as Liaison for City Commissions
12. 2023 Commission Re-Appointments
13. Tubman Legal Services Cooperative Agreement

Council Member Leehy wants to say how pleased she is that the City has the opportunity to partner with Tubman Legal Services and their request for cooperative agreement, meeting needs within the community. She believes this is the first time that this has been brought to the City of Falcon Heights.

Mayor Gustafson thanks all of the people that are reupping their service on the City's Commissions because it is really important that residents step forward and participate.

H: POLICY ITEMS:  
1. Climate Crisis Resolution

Linehan says that the Climate Crisis Resolution has been a work in progress for about the last year now. It was originally introduced, had been workshopped a couple of times by the Council at the July Workshop, it was discussed, and at that point, the Council decided to send it to the Environment Commission to work on further. So, the Environment Commission looked at it for a few different meetings, they kind of drafted policy language in October, and at November Environment Commission meeting, they approved the resolution. The Council then, at the January City Council Workshop made some changes. It was a lot of compromise between groups to get a policy that the Council felt that met everybody's expectations. So, the final one before you is the result of that. Staff took the changes the Council recommended at the Workshop and incorporated it into the final Climate Crisis Resolution. It's currently is ready for review and potential approval from the Council.

Council Member Meyer states that as the Council liaison to the Environment Commission, he saw this resolution at its earliest stages and the template the City started with left a little to be desired. Council Member Meyer is very proud of the Commission for working in a lot of local experience into this resolution, both in terms of some of the climate impacts that we felt as a City feels and also the many, many steps the City has already taken as a City to address this issue. It is near and dear to Council Member Meyers. Meyer lost his car in a 500-year flood up in Duluth. It is kind of his life's work when he is not on Council to work towards a clean energy future. Council Member Meyer feels really good about this resolution and likes the emphasis that the City has placed on resilience. Meyer says let's be honest, the City of Falcon Heights isn't going to solve global warming by itself. But, the City is taking a good moral stand here and acknowledging that, because of the heightened weather impacts in the decades to come, The City does need to look at the City infrastructure and build it with that in mind or the City will have to build it again before the City wants too. Council Member Meyer appreciates the Councils work on this as well and is really happy with the compromise they came up with.

Council Member Wassenberg says that this is a nice piece of work and thinks it is a good voicing of an important issue and a restatement of the efforts that the City of Falcon Heights has already taken and the commitment to being a part of the solution to the future.

Council Member Leehy appreciates how the City involves its Commissions to do a lot of the research and work on this even as Council Member Meyer has stated already and is really pleased to be in a City that a majority of the people cares for our environment. The Council recognizes the responsibility to be good stewards of this earth and this part of earth that the City puts its footprint on. Also, that the City of Falcon Heights can continue as in the past to be a leader in caring for the environment. As the City has this opportunity with this resolution, Council Member Leehy is pleased that the Council is making this step tonight.

Mayor Gustafson states that he is also pleased and really likes the way that the City of Falcon Heights has shown that it is a leading City when it comes to caring for doing what we can locally to act local and think global; which is why this issue went to the Environment Commission was to acknowledge and take a look at what the City has been doing and what can the City do. The City of Falcon Heights was a founding Green Step City which is the right step to make. The Mayor thanks everyone for their hard work on this and the Environment Commission.

Council Member Meyer  
motions adopt resolution 23-  
04 declaring climate crisis and  
the commitment to Falcon  
Heights to take action;  
approved 4-0

I. INFORMATION/ANNOUNCEMENTS:

Mayor Gustafson states that the Community Engagement Commission will be meeting on the third Wednesday of January and February because the third Monday in both of those months is a federal holiday. The Commission meetings will proceed on those dates.

Administrator Linehan states that Public Works was doing ice cleanup. Crews were out this morning salting roads after the extremely slippery conditions. As a Green Step 5 City, the City tries to be discretionary with our salt use. This helps the environment and our budget, as we do not salt as much as some nearby communities. That said, Staff will continue to salt if conditions are similar to today.

**Ice Rink Status**

The Curtiss Field and Grove Ice Rinks are open. Schedule for Curtiss Field Warming House & Attendants: 4-8PM weekdays, and 1-5PM on weekends. To check status of ice rinks, residents can call our call-out line at (651) 792-7607 to hear the hours.

**Larpenteur Snow Removal**

A reminder that the City has agreed to take on all residential sidewalk plowing on Larpenteur. This does include multi-family, but does not include mixed-use residential that have commercial, including Amber Union, Falcon Town Square, and all commercial properties. We have issued notices of correction for multiple properties that have not kept up on shoveling sidewalks. One gas station property did not remove their snow by their deadline, so Public Works removed snow and we bill the property directly. If they do not pay, it goes on their tax assessment.

**Fee Schedule Public Hearing**

There will be a public hearing on Wednesday, January 25<sup>th</sup> to hear the ordinance update of our 2023 fee schedule. Notices going out in the paper 10 days prior to the hearing.

**City Hall Holiday Schedule**

Closed on Monday, January 16<sup>th</sup> in celebration of Martin Luther King Jr. Day

J. COMMUNITY FORUM:

*Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification, but no council action or discussion will be held on these items.*

K. Closed Session

1. Discussion of the Purchase of Property Located at 2050 Roselawn Avenue – Community Park – Pursuant to Minn. Stat. 13D.05, subd. 3(b)(3).

L. ADJOURNMENT: 8:49 p.m.

Council Member  
Leehy motions to adjourn;  
approved 4-0

Dated this 25<sup>th</sup> day of January, 2023

  
\_\_\_\_\_  
Jack Linchan, City Administrator

  
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Randall C. Gustafson, Mayor