



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
REGULAR
ITEM #: 9
MOTION *Resolution No. 2010-070*

AGENDA ITEM: 2011 Street and Water Quality Improvements – Public Improvement Hearing and Resolution No. 2010-070 Ordering Improvement and the Preparation of Plans and Specifications

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Bruce A Messelt, City Administrator

REVIEWED BY: Tom Bouthilet, Finance Director
Jack Griffin, City Engineer
Mike Bouthilet, Public Works

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to hold the Public Improvement Hearing for the 2011 Street and Water Quality Improvements and, following this, affirmatively consider Resolution No. 2010-070, thereby ordering the improvement and the preparation of plans and specifications. Following the Public Improvement Hearing, the recommended motion to act on is as follows:

SUGGESTED MOTION: “Move to adopt Resolution No. 2010-070, ordering the Improvement and the preparation of the Plans and Specifications, with replacement of new bituminous curb.”

STAFF REPORT: Pursuant to Minnesota Statutes, Sections 429.011 to 429.111, a Public Improvement Hearing has been noticed for December 7th, 2010, at 7:00 P.M. to consider making improvements to the following street segments:

- 10th Street Court North (from 10th Street North to north end)
- 11th Street North (from west end to Laverne Avenue North)
- 12th Street North (from west end to Leeward Avenue North)
- Laverne Avenue North (from 10th Street North to 12th Street North)
- Layton Avenue North (from 10th Street North to 12th Street North)
- Leeward Avenue North (from 10th Street North to 12th Street North)

A Feasibility Report for these streets was completed and presented to the City Council at the November 17th, 2010, Council Meeting. The Report recommends a street reclamation improvement be completed for all the streets presented in the Report. Costs for replacement of the existing bituminous curb were provided in the Report and presented to the City Council for either new bituminous curb or new concrete curb. Council's direction was to proceed with new bituminous curb replacement, which will be presented as the recommended project at the Public Hearing. The detailed findings of the report will be presented at the meeting and an opportunity for public comment and input will be provided.

Should the improvements be ordered, the project will be partially financed through special assessments. The Lake Elmo City Council adopted a new assessment policy at the November 16th, 2010, Council Meeting. The final assessments in the Report for replacement with new bituminous curb are accurate and consistent with the new assessment policy.

For replacement with new bituminous curb, the Report outlines a proposed assessment of \$3,900 for each benefiting property in David Nelson Estates (10th Street Court North) and \$3,300 for each benefiting property in Tartan Meadows (11th Street, 12th Street, Laverne Avenue, Layton Avenue and Leeward Avenue).

The attached notice was published in the official newspaper and individual notifications were sent to each address that potentially will be impacted by these improvements. A Feasibility Report has been completed and adopted by the City Council defining the scope of the proposed improvements together with the estimated project costs. This report is available for review at City Hall.

ADDITIONAL INFORMATION: The report proposes a total of 8 rain gardens to be installed as part of this project. The estimated costs for these improvements are \$38,200. A funding application has been prepared and submitted through the Valley Branch Watershed District Community Grant Program. Up to 50% of the water quality improvement costs are grant eligible. The remaining \$19,100 would be funded through the City's storm water utility fund. Staff will continue to work with the Washington Conservation District to educate residents and to promote continued interest in the Rain Garden Program.

LEGAL CONSIDERATIONS: Please note that, because this project was initiated by the City Council and not by a resident petition, the improvements must be ordered by a 4/5th majority of the City Council.

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that, upon completion of the Public Hearing and due consideration of public comment, the City Council affirmatively consider adoption of Resolution No. 2010-070, Ordering the Improvement and the preparation of Plans and Specifications for the 2011 Street and Water Quality Improvements by undertaking the following motion:

SUGGESTED MOTION: **“Move to adopt Resolution No. 2010-070, ordering the Improvement and the preparation of the Plans and Specifications, with replacement of new bituminous curb.”**

Alternatively, the City Council does have the authority to table this item for future consideration, or further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action, including not ordering a portion or all of the proposed improvements. If the Council elects to revise the proposed action, the appropriate motion of the Council following such discussion would be:

“Move to adopt Resolution No. 2010-070, ordering the Improvement and the preparation of the Plans and Specifications, *[as discussed and agreed upon at tonight’s meeting].*”

ATTACHMENTS:

1. Resolution No. 2010-070
2. Notice of Public Hearing

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation of Item City Engineer
- Questions from Council to Staff Mayor & City Council
- Opening and Conduct of Public Hearing Mayor Facilitates
- Closing of Public Hearing Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion/Comments..... Mayor Facilitates
- Action on Motion..... Mayor & City Council