



DATE: December 7, 2021
PUBLIC HEARING

AGENDA ITEM: Public Improvement Hearing: Resolution Ordering the Improvement for the Whistling Valley Street and Utility Improvements

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Marty Powers, Public Works Director
Chad Isakson, Assistant City Engineer

ISSUE BEFORE COUNCIL: The City Council is respectfully requested to open the Public Improvement Hearing for the Whistling Valley Street and Utility Improvements; and following the Hearing, consider adopting a Resolution Ordering the Improvements (4/5th vote required).

BACKGROUND: The Whistling Valley Street and Utility Improvement project includes the extension of public watermain from 10th Street North (CSAH 10) into and throughout the Whistling Valley neighborhood to provide clean drinking water to 42 residential properties along 10th Street Lane, Whistling Valley Road, and Whistling Valley Trail. Watermain will be installed through directional drilling to minimize impacts to the streets and boulevards. Individual water service stubs will be installed to the edge of right-of-way at each of the 37 platted properties, and connected to the private HOA owned watermain that provides water service to the remaining 5 properties. Following the watermain installation, street and drainage improvements will be completed including the removal and replacement of the bituminous surface and 6-inches of aggregate base material while leaving the existing curb and gutter in place. The existing D412 concrete curb and gutter was found to be a good condition, therefore only curb and gutter sections found to be cracked or damaged will be replaced. Leaving the existing curb also minimizes construction and drainage impacts to the neighborhood and maintains the urban section roadways at the existing 24-foot widths. Ribbon curb will be installed along the 22-foot-wide rural street segments to provide better edge protection and creating a 24-foot-wide reconstructed street.

As part of the Grant Agreement with the MPCA, all households in the development, regardless of Health Based Values (HBVs), are eligible to connect to municipal water and all households that connect to city water must have the private wells properly sealed and abandoned as part of the project and within the timeframe of the grant agreement. To implement these State requirements for the project the city intends to levy assessments for the public watermain, and the street and storm sewer improvements in accordance with the city's Special Assessment Policy and current practices. Each property that connects to city water must abandon all private wells, unless exempted by the MPCA as a monitoring well, within one year after water service is made available and following written notice from the city to connect. Once the private improvements are completed, the public watermain, and street and storm sewer improvement assessments levied for this project will be fully or partially reduced based on the grant amount applied by the state.

In order to assess all or a portion of the improvements, the city has prepared a feasibility report as required by the statutory process for public improvements that are specially assessed. The feasibility report has been completed and provides the scope of recommended improvements; estimated project costs; identifies easement and right-of-way, permits and other requirements needed to implement the improvements; recommends whether the improvements should be best made as proposed or in connection with some other improvement; and advises that the improvements are necessary, cost effective, and feasible. The report also includes a preliminary assessment roll for each of the benefitting properties based upon the city's Special Assessment Policy for Local Improvements.

PROPOSAL DETAILS/ANALYSIS: Pursuant to Minnesota Statutes, Section 429.011 to 429.111, a Public Improvement Hearing was noticed for December 7, 2021, to consider making the improvements necessary to extend municipal water into the Whistling Valley subdivision and to reconstruct the streets along 10th Street Lane, Whistling Valley Road, and Whistling Valley Trail. The attached notice was published in the official newspaper and individual notifications were sent to each address that will be wholly or partially assessed for the improvements.

A feasibility report was adopted by the City Council on October 19, 2021 in order to ready these improvements for 2022 construction. The total estimated cost of the improvements is \$3,664,000. This includes \$1,320,000 for the public watermain improvements, \$1,725,000 for the street and drainage improvements, and \$619,000 for the private water service connections/well sealing improvements. The proposed public watermain assessment is \$31,500 for each of the 42 residential properties based on assessing 100% of the public watermain improvements on a per REC basis. The proposed street and storm sewer assessment is \$12,400 for each of the 42 residential properties with direct access to the improved roadways. This unit assessment is based on assessing 30% of the street and storm sewer costs on a per unit basis. Assessments for street and drainage improvements will be levied over a 15-year period. Assessments for new watermain improvements will be levied over a 20-year period. All assessments that are not waived and removed from the property will be charged an interest rate of 1% over the bond rate for the project.

In addition, the plans and specifications were approved by the city council and contractor bids will be received on December 8, 2021. Once received, bids may be held for up to 60 days providing the option to present Council with an award recommendation at a future council meeting up the second meeting in January. A project schedule for the improvement is attached and outlines the implementation timeframe for construction in 2022.

FISCAL IMPACT: The total estimated project cost is \$3,664,000. The improvements will be funded primarily through a grant from the MPCA under the 2018 3M Settlement Agreement, in the amount of \$3,660,000, and in accordance with the terms of the MPCA-Lake Elmo Grant Agreement dated April 2, 2021. Special assessments will be levied, and general city funds will be considered to cover costs incurred outside the grant agreement terms.

The city will contract for the public watermain, and street and storm sewer improvements located within the public right-of-way, make payment to the contractors and submit invoices for reimbursement through the MPCA Grant. The City intends to use fund reserves for the public improvements to pay the up-front project costs and to cover any city cost participation. Project invoices will be periodically submitted to the MPCA for grant reimbursement in accordance with the terms of the grant agreement. The private water service connection and well sealing work will be contracted separately by each individual property owner. Eligible private property costs will be paid from the MPCA Grant on a reimbursement basis through the city. This reimbursement applies to the contractor costs to install the water service line from the right-of-way to the home connection, the costs to abandon the private well(s) on the property, and all permit fees including a \$3,000 Water Availability Charge (WAC), a \$1,000 Water Connection Charge, a \$1,040 Meter Fee, and a \$60 Plumbing Permit Fee. If the property currently has a granular activated carbon (GAC) treatment system, the removal of the system from the home will also be reimbursed.

RECOMMENDATION: Staff is recommending that the City Council adopt a Resolution Ordering the Improvements (4/5th vote required) for the Whistling Valley Street and Utility Improvements as outlined in the Feasibility Report approved on October 19, 2021. The recommended motion for this action is as follows:

“Move to adopt Resolution No. 2021-140 Ordering the Improvements (4/5th vote required) for the Whistling Valley Street and Utility Improvements as outlined in the Feasibility Report approved on October 19, 2021.”

ATTACHMENTS:

1. Resolution Ordering the Improvements for the Whistling Valley Street and Utility Improvements.
2. Notice of Hearing on Improvement.
3. Preliminary Assessment Roll and Exhibit.
4. Location Map.
5. Proposed Improvements Exhibit.
6. Project Schedule.

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2021-140

**A RESOLUTION ORDERING THE IMPROVEMENT FOR THE
WHISTLING VALLEY STREET AND UTILITY IMPROVEMENTS**

WHEREAS pursuant to City Council resolution, adopted on October 19, 2021, the Council ordered a hearing on improvement for the for the Whistling Valley Street and Utility Improvements; and

WHEREAS, ten days mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 7th day of December 2021, at which all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the feasibility report prepared by FOCUS Engineering, Inc., and dated October 2021 states that the project is necessary, cost-effective, and feasible.

NOW, THEREFORE, BE IT RESOLVED,

1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report dated October 2021.
2. Such improvement is hereby ordered as proposed in the council resolution adopted this 7th day of December, 2021.
3. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax-exempt bonds.
4. The City Engineer is hereby designated as the engineer for making this improvement.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SEVENTH DAY OF DECEMBER, 2021.

CITY OF LAKE ELMO

(Seal)
ATTEST:

By: _____
Charles Cadenhead
Mayor

Julie Johnson
City Clerk

**CITY OF LAKE ELMO
NOTICE OF HEARING ON IMPROVEMENT
WHISTLING VALLEY STREET AND UTILITY IMPROVEMENTS**

Notice is hereby given that the City Council of Lake Elmo will conduct a public hearing on **Tuesday, December 7, 2021**, at or approximately after 7:00 PM to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111:

The extension of municipal water into the Whistling Valley subdivision to replace individual private wells along 10th Street Lane North, Whistling Valley Road North, and Whistling Valley Trail North to provide clean drinking water to each of the 42 properties homes adjacent to the new watermain, including a water service stub to the public right-of-way. Following the watermain installation, street and drainage improvements will be completed along the following public streets:

- 10th Street Lane North, from 10th Street (CSAH 10) to Whistling Valley Trail.
- Whistling Valley Road North.
- Whistling Valley Trail North.

The area proposed to be assessed for the watermain improvements include each of the 42 properties located along 10th Street Lane North, Whistling Valley Road North, and Whistling Valley Trail North that will be receiving access to connect to city water; and the area proposed to be assessed for the street and storm sewer improvements include each of the 42 properties that gain direct driveway access from the above referenced streets to be improved as part of this project. The estimated total cost for the project is \$3,664,000; consisting of \$1,320,000 for the public watermain improvements, \$1,725,000 for the street and drainage improvements, and \$619,000 for the private water service connections/well sealing improvements. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desiring to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: October 19, 2021

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

(Published in the Stillwater Gazette on October 22, 2021 and October 29, 2021)

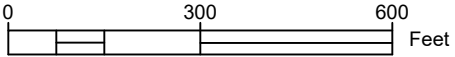
NO.	NAME	ADDRESS	MAILING ADDRESS	PID	TOTAL ASSESSMENT	STREET AND DRAINAGE ASSESSMENT	WATERMAIN ASSESSMENT	
1	COTTER DAREN & SARAH	9360 WHISTLING VTRL	PO BOX 25064		2702921340014	\$43,900	\$12,400	\$31,500
2	BRENNAN THOMAS F & SHARON A	9440 WHISTLING VTRL	9440 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921340011	\$43,900	\$12,400	\$31,500
3	MAUER WILLIAM M & STEPHANIE M	9445 WHISTLING VTRL	9445 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921340009	\$43,900	\$12,400	\$31,500
4	SHERWOOD JOHN M & REBECCA M	9480 WHISTLING VTRL	8480 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921340010	\$43,900	\$12,400	\$31,500
5	REGAN DANIEL O & KORIE M	9485 WHISTLING VTRL	800 LASALLE AVE STE 1610	MINNEAPOLIS MN 55402	2702921340008	\$43,900	\$12,400	\$31,500
6	BOYD DIANE J	9520 WHISTLING VTRL	9520 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921430008	\$43,900	\$12,400	\$31,500
7	LAUMEYER JENNIFER & BRIAN	9525 WHISTLING VTRL	9525 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921420005	\$43,900	\$12,400	\$31,500
8	PETER JOHN DONOVAN REV TRS	9550 WHISTLING VTRL	9550 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921430016	\$43,900	\$12,400	\$31,500
9	KACZMARCZIK JAMES M & ELOISE J MAKI	9581 WHISTLING VTRL	211 FERNDALE ST	MAPLEWOOD MN 55119	2702921420006	\$43,900	\$12,400	\$31,500
10	LAWIN TIMOTHY P & LISA M	9590 WHISTLING VTRL	9590 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921420012	\$43,900	\$12,400	\$31,500
11	ZHANG HAIYAN & SHEN WEILI	9593 WHISTLING VTRL	9593 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921420007	\$43,900	\$12,400	\$31,500
12	SCHUMACHER DAVID G & MICHELLE M	9607 WHISTLING VTRL	9607 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921420008	\$43,900	\$12,400	\$31,500
13	ALLEN GREGORY D & JANE E	9620 WHISTLING VTRL	9620 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921420011	\$43,900	\$12,400	\$31,500
14	LIVERINGHOUSE JOHN D & SARAH J M	9650 WHISTLING VTRL	9650 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921420010	\$43,900	\$12,400	\$31,500
15	DIANA LYNN HIPPLE TRS	9682 WHISTLING VTRL	9682 WHISTLING V/TRL	LAKE ELMO MN 55042	2702921420009	\$43,900	\$12,400	\$31,500
16	JOHNSON JOHN R & JULIE M S	9530 10TH ST N	9530 10TH ST N	LAKE ELMO MN 55042	2702921340002	\$43,900	\$12,400	\$31,500
17	PANEK THOMAS G & GALE A	9601 WHISTLING VRD	9601 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921430014	\$43,900	\$12,400	\$31,500
18	EDEBOL JOHANNES & ASHLEY M ZILLES	9605 WHISTLING VRD	9605 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921430015	\$43,900	\$12,400	\$31,500
19	MYEROFF CHAD & ANDREA GOLDSTEIN	9606 WHISTLING VRD	9606 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921430009	\$43,900	\$12,400	\$31,500
20	WESTBY TODD N & HEIDI M	9611 WHISTLING VRD	9754 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921430013	\$43,900	\$12,400	\$31,500
21	WESTBY TODD N & HEIDI M	9615 WHISTLING VRD	9754 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921430012	\$43,900	\$12,400	\$31,500
22	BENNETT COLE A & ELIZABETH E	9621 WHISTLING VRD	19708 CHAGRIN BLVD	LAKE ELMO MN 55042	2702921430011	\$43,900	\$12,400	\$31,500
23	TANDON ROHIT & MONA	9634 WHISTLING VRD	9634 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921430010	\$43,900	\$12,400	\$31,500
24	HOLY CHRISTIAN CHURCH INTERNATIONAL	9654 WHISTLING VRD	125 STEVENS ST W	LAKE ELMO MN 55042	2702921420013	\$43,900	\$12,400	\$31,500
25	TORGERSON PAUL M & REBECCA L	9676 WHISTLING VRD	9676 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921420014	\$43,900	\$12,400	\$31,500
26	ROXANE L BECKEN REV TRS	9703 WHISTLING VRD	9703 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921410008	\$43,900	\$12,400	\$31,500
27	SANDERS JEFFREY & JULIE	9706 WHISTLING VRD	9706 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921410009	\$43,900	\$12,400	\$31,500
28	RICHARD WILLIAM P & KAREN R	9714 WHISTLING VRD	9714 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921410010	\$43,900	\$12,400	\$31,500
29	SEELHAMMER TODD G & CRYSTAL D	9717 WHISTLING VRD	9717 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921410007	\$43,900	\$12,400	\$31,500
30	DAHL GREG & TAMMY LYONS DAHL	9726 WHISTLING VRD	9726 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921410011	\$43,900	\$12,400	\$31,500
31	ESTER TYSON P & ELIZABETH C	9729 WHISTLING VRD	9729 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921410006	\$43,900	\$12,400	\$31,500
32	EDER BRIAN J & GRETTA	9740 WHISTLING VRD	9740 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921410012	\$43,900	\$12,400	\$31,500
33	DEAGAZIO WILLIAM J & MARY G	9745 WHISTLING VRD	9745 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921410005	\$43,900	\$12,400	\$31,500
34	WESTBY TODD N & HEIDI M	9754 WHISTLING VRD	9754 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921410013	\$43,900	\$12,400	\$31,500
35	JOHAN E RUST REV TRS & MAGDALENA L RUST REV TRS	9768 WHISTLING VRD	20816 4TH AVE W	CUDJOE KEY FL 33042	2702921410014	\$43,900	\$12,400	\$31,500
36	MATHEWS DONA L	9776 WHISTLING VRD	1027 LAVERNE AVE N	LAKE ELMO MN 55042	2702921410015	\$43,900	\$12,400	\$31,500
37	ST GERMAIN CHAD J	9788 WHISTLING VRD	9788 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921440016	\$43,900	\$12,400	\$31,500
38	POUNDS ROBERT B & LAURELLA A	9799 WHISTLING VRD	2442 LONE EAGLE TRL	WOODBURY MN 55129	2702921440015	\$43,900	\$12,400	\$31,500
39	SOLFELT REV TRS	9811 WHISTLING VRD	9811 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921440014	\$43,900	\$12,400	\$31,500
40	BARTELS KURT & SHERRY	9819 WHISTLING VRD	9819 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921440013	\$43,900	\$12,400	\$31,500
41	MANICKA YATHEENDHAR D & NISHA Y	9829 WHISTLING VRD	10544 HAWTHORN TRL	SAINT PAUL MN 55129	2702921440017	\$43,900	\$12,400	\$31,500
42	BRAUN SHARON B & WILLIAM H	9831 WHISTLING VRD	9831 WHISTLING V/ RD	LAKE ELMO MN 55042	2702921440012	\$43,900	\$12,400	\$31,500
TOTALS						\$1,843,800	\$520,800	\$1,323,000



LEGEND



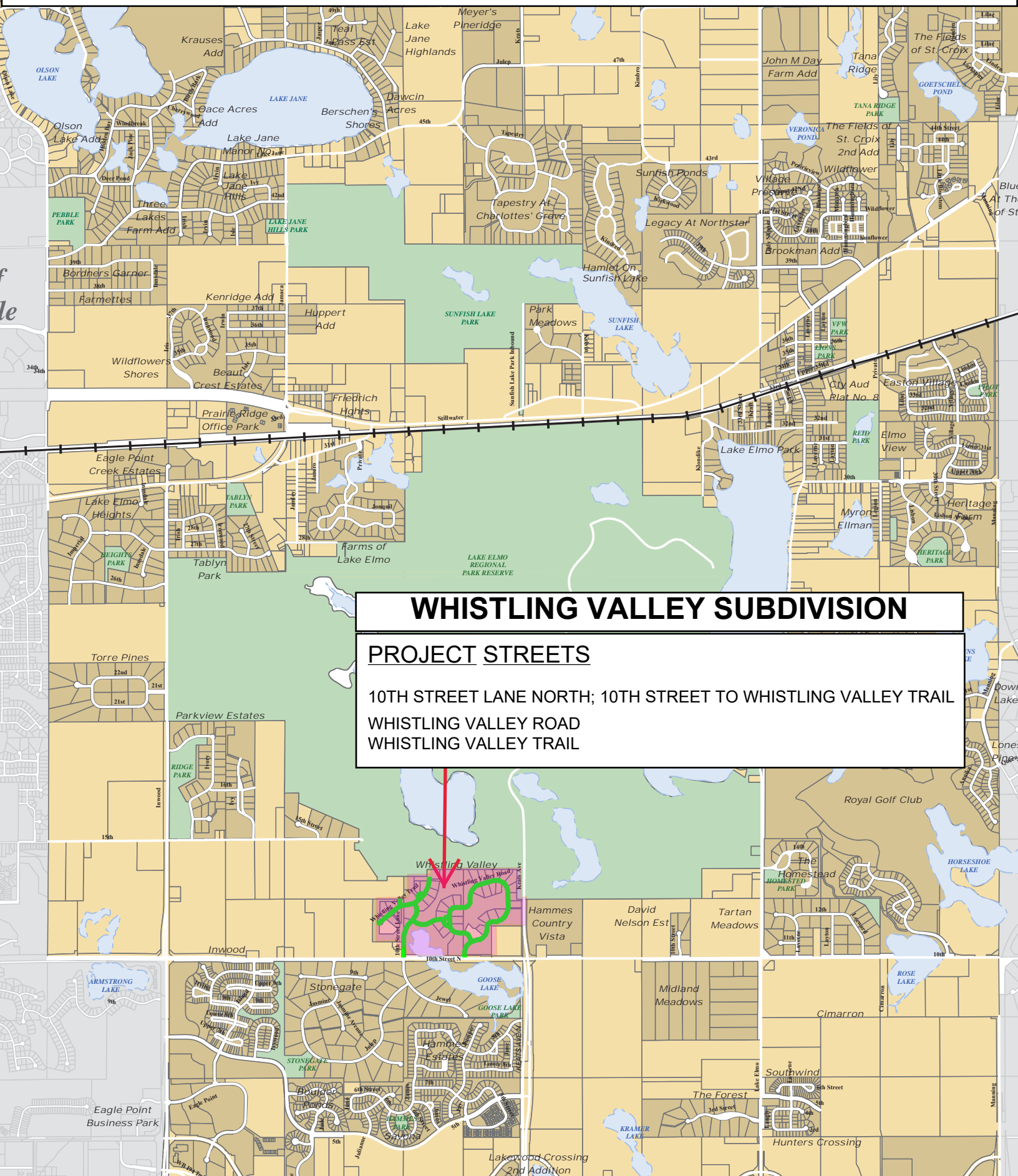
ASSESSABLE PROPERTY - STREET AND WATERMAIN IMPROVEMENTS



CITY OF LAKE ELMO

WHISTLING VALLEY STREET AND UTILITY IMPROVEMENTS

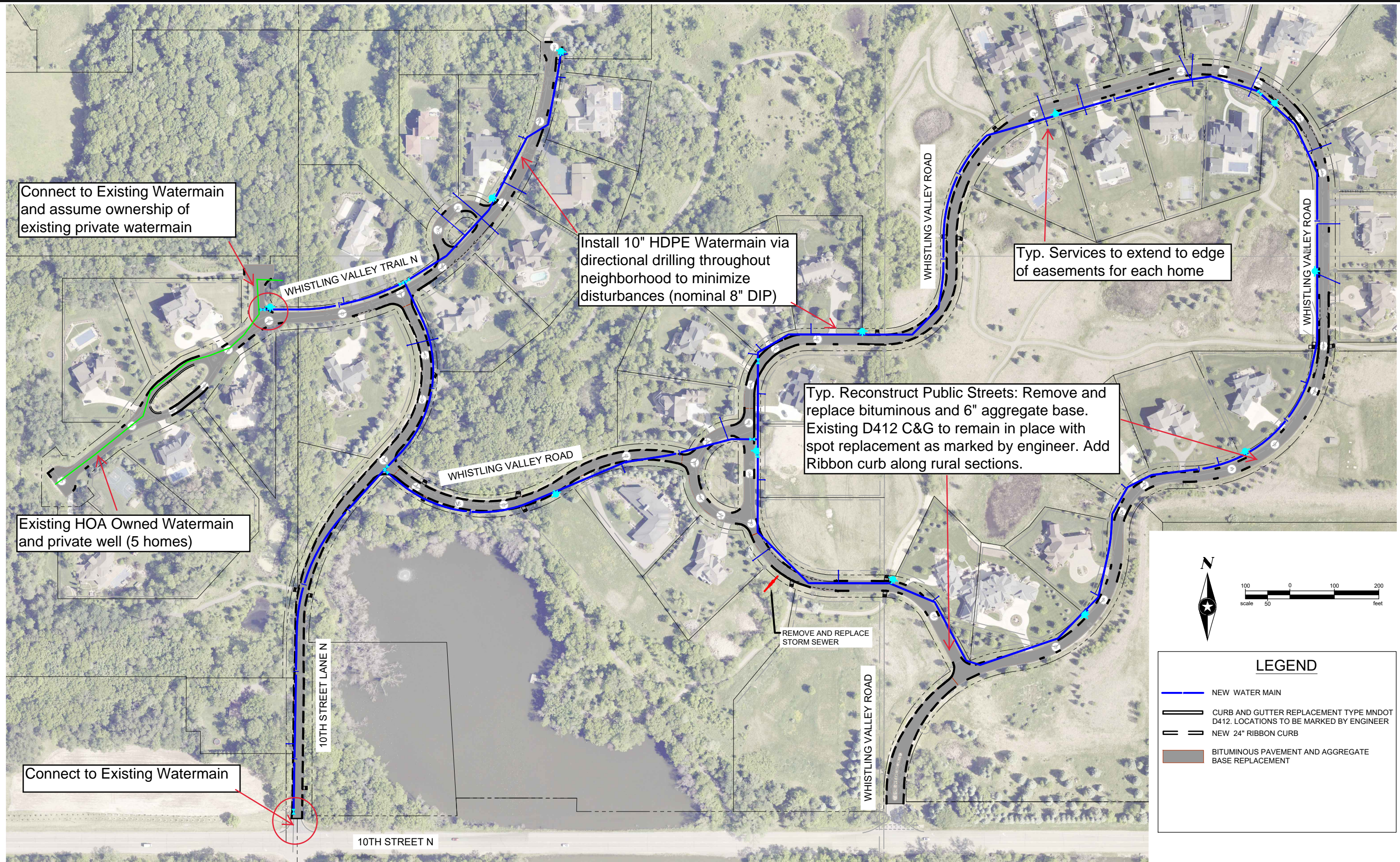
PROJECT LOCATION MAP



WHISTLING VALLEY SUBDIVISION

PROJECT STREETS

10TH STREET LANE NORTH; 10TH STREET TO WHISTLING VALLEY TRAIL
WHISTLING VALLEY ROAD
WHISTLING VALLEY TRAIL



Connect to Existing Watermain and assume ownership of existing private watermain

Install 10" HDPE Watermain via directional drilling throughout neighborhood to minimize disturbances (nominal 8" DIP)

Typ. Services to extend to edge of easements for each home

Typ. Reconstruct Public Streets: Remove and replace bituminous and 6" aggregate base. Existing D412 C&G to remain in place with spot replacement as marked by engineer. Add Ribbon curb along rural sections.

Existing HOA Owned Watermain and private well (5 homes)

REMOVE AND REPLACE STORM SEWER

Connect to Existing Watermain

Watermain to be installed 10-foot offset from private HOA owned sanitary sewer.
Hydrants placed to meet 250 foot spacing requirements

PROPOSED IMPROVEMENTS



FILE NO.
161595
DATE:
10-8-21

WHISTLING VALLEY STREET AND
UTILITY IMPROVEMENTS
LAKE ELMO, MN.

PROJECT SCHEDULE
CITY OF LAKE ELMO

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempksi, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

WHISTLING VALLEY STREET AND UTILITY IMPROVEMENTS
PROJECT NO. 2020.123

APRIL 6, 2021	Council Approves MPCA Grant Agreement.
JULY 6, 2021	Council orders preparation of Feasibility Report and Design Phase Services.
OCTOBER 19, 2021	Presentation of Feasibility Report. Council accepts Report and calls for Improvement Hearing. Council approves Plans and Specifications and orders Advertisement for Bids.
DECEMBER 7, 2021	Public Improvement Hearing. Council Orders the Improvement (4/5th Vote).
DECEMBER 8, 2021	Project Bid Date: Receive contractor bids.
DECEMBER 21, 2021 or JANUARY 4, 2022 or JANUARY 18, 2022	Council accepts Bids and awards Contract. <i>(bids may be held for 60 days)</i>
MARCH, 2022	Conduct Pre-Construction Meeting and issue Notice to Proceed. <ul style="list-style-type: none">OCTOBER 14, 2022 Substantial Completion.NOVEMBER 25, 2022 Final Completion.

**Final Assessment Hearing Schedule TBD*