



## STAFF REPORT

DATE: November 1, 2022  
**REGULAR**

**AGENDA ITEM:** Approve Resolution Receiving Feasibility Report, Calling Hearing on Improvement, and Authorizing Preparation of Plans and Specifications for the Old Village Phase 7 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

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**ISSUE BEFORE COUNCIL:** Should the City Council accept the Feasibility Report, call a public hearing to be held at the December 6, 2022 Council meeting, and Authorize the Preparation of Plans and Specifications for the Old Village Phase 7 Street and Utility Improvements?

**BACKGROUND:** The City of Lake Elmo is extending sanitary sewer to serve the existing properties in the Old Village MUSA area to replace the use of private on-site sewage treatment systems. The Old Village Capital Improvement projects also include drainage improvements to continue addressing historic flooding issues in the Downtown area, the replacement of aged watermain pipes and reconstructing the public streets that are disturbed during the work. The Improvements are being constructed in phases and through separate projects. The first six phases were constructed in 2015, 2016, 2017, 2018, 2021 and 2022.

The final phase of the Old Village Capital Improvement Plan, Phase 7, is programmed for construction in 2023. On September 6, 2022, the City Council authorized the preparation of a feasibility report to initiate the Project.

**PROPOSAL DETAILS/ANALYSIS:** A Feasibility Report has been prepared to address the improvements programmed for construction in 2023 for the Old Village Phase 7 Street and Utility Improvements. The report serves to identify the necessary improvements, the estimated project costs, and to consider the assessment of a portion of the project costs to properties adjacent to and benefitting from the improvements. On June 21, 2022 the council authorized engineering services for the preliminary design of the project, including detailed topographic survey and determination of building low floor elevations. The preliminary design work completed by the city's design consultant have been used in the preparation of the feasibility report and provides the basis for the recommended improvements and associated estimate of project costs.

The proposed improvements are depicted in the Report (Figure 2) and includes the extension of public sanitary sewer to serve the existing 24 platted properties located along Legion Avenue North, south of 30th Street (see attached location map). The extension of sanitary sewer service requires the construction of a new sanitary lift station to be located on an existing city owned property, about mid-point along the roadway. Gravity sewer is then extended both north and south of the lift station to provide a gravity service stub to each property. There are two vacant parcels owned by the adjacent property that could be sold and developed in the future. It is recommended that a service stub be installed to each vacant parcel to accommodate the potential for future service. The lift station pumps the wastewater through a new 4-inch forcemain to be installed along Legion Avenue to discharge to the existing sanitary sewer system located at 30th Street and Legion Avenue. A prepackaged fiberglass lift station unit is proposed to reduce project costs due to the limited number of end users. The sewer service is intended to replace the use of private

individual on-site sewage treatment systems and the Old Village Remote A 201 Community Wastewater Treatment System. The city owned 201 system currently serves 9 of the existing 24 properties. The community drain field and private septic systems will need to remain in service during construction, therefore a temporary sanitary sewer main with bypass pumping will need to be installed to maintain service during the project construction. The transition from septic to public sewer would likely occur in phases.

The proposed improvements include the replacement and relocation of the aged existing 6-inch watermain along Legion Avenue. Due to the narrow street corridor, the new sanitary sewer main must be installed along the existing centerline of the street with the watermain being relocated to run below the curb and gutter on the west side of the street to maintain the required 10-ft horizontal separation. The existing 6-inch watermain connection extending from the south end of Legion Avenue and connecting to the adjacent Heritage Farms subdivision will not be replaced. This segment of watermain was installed in 1999 with the Heritage Farms subdivision. It is therefore a much newer watermain than the Legion Avenue watermain, it appears to be in good condition and it is not located beneath a street surface slated for improvement.

The proposed improvements also include the reconstruction of the public streets disturbed by the sanitary sewer and watermain utility installations, consisting of a reconstructed bituminous street with new concrete curb and gutter (see Report Figure 4). The street segment of Legion Avenue was last paved in 2009 and is in relatively good condition. Reconstruction of the street is required at this time due to the impacts of the utility installations. Legion Avenue will be reconstructed to maintain its existing width of 24-ft. and approximate grade. The report presents two alternatives for the south end turn around area, consisting of the replacement of the existing hammerhead turnaround, or replacement with a new small diameter (30 ft. radius) cul-de-sac (see Report Figure 3). The final design for the cul-de-sac will be dependent upon the ability to acquire the necessary easements. With the post construction roadway width remaining at 24 ft. the report recommends a post construction “No Parking” signage plan that prohibits parking along one side of the street and along the south end turn cul-de-sac (see Report Figure 5). Stormwater runoff will be routed to a treatment structure with sump manhole and SAFL baffle to promote sediment capture prior to discharge into Legion Pond and to meet Valley Branch Watershed District Rules. New concrete curb and gutter will be installed along both sides of the street, together a new storm sewer system to collect and route stormwater runoff to the treatment structure.

The Report includes an estimate of total project costs and is further detailed by infrastructure component, including the sanitary sewer extension improvements, watermain improvements, and street and drainage improvements. The estimates include construction costs, engineering, geotechnical investigations, legal, and administration costs directly associated with project implementation. A small allowance is included for potential easement review and acquisition and a 10% contingency is included to address changing market conditions until contractor bids can be received to firm up the construction costs.

The proposed Project improvements would be partially assessed against the benefitting properties consistent with the city’s Special Assessment Policy and the Old Village Capital Improvement Plan Assessment Policy adopted in 2016, which results in all Old Village benefitting properties sharing equally in the overall Old Village sanitary sewer system costs. Based on the Old Village Capital Improvement Plan Assessment Policy, the unit assessment for sanitary sewer improvements constructed in 2023 would be \$13,100 (after indexing for inflation). There are 22 existing properties that will be provided new sanitary sewer service by the Project (see Report Figure 6). The property at 2749 Legion Avenue is outside the MUSA boundary and cannot gain sewer access without a Comprehensive Plan Amendment. The properties at 2998 and 2995 Legion Avenue are connected to city sewer along 30th Street North as part of the Old Village Phase 2 Improvements. The watermain improvements will not be assessed since all impacted properties are current water customers.

Street and drainage improvements are assessed at a rate of 30% of the total project costs for residential properties using a unit method. Residential properties are considered to provide an equal demand on street use and are therefore assessed on a per unit basis, including “flag” lots located on private streets. The remaining 70% of the project costs are paid through the city general fund. Residential properties with direct access to the street, vacant lots, and lots with direct access from a private street are included as benefitting properties. Each property is assessed one unit unless the property has the ability to be subdivided using the

current underlying land use and zoning regulations. There are 25 single family residential properties that directly gain access to Legion Avenue North and 4 additional platted properties, including 2 city owned parcels, for a total of 29 street and drainage improvement assessable properties. This results in a street and drainage improvement unit assessment of \$9,800.

The preliminary assessment rolls detailing each benefitting property's proposed assessment amount are included in the Appendix of the Report. Assessments for sanitary sewer improvements will be levied over a 20-year period, and assessments for street and drainage improvements will be levied over a 15-year period. All assessments are be charged an interest rate of 1% over the bond rate for the project.

In addition to the recommended improvements, the estimated project costs and the proposed assessments, this report addresses the project schedule, permitting requirements and the easement and right-of-way acquisition needed to implement the improvements. To maintain the proposed project schedule with an anticipated March bid date, it is recommend that the Council authorize the preparation of plans and specifications for the proposed improvements.

**FISCAL IMPACT:** The estimated total cost for the project is \$2,820,000; including \$1,368,000 for sanitary sewer improvements, \$508,000 for watermain improvements, and \$944,000 for street, drainage, and storm sewer improvements.

The project funding will consist of \$572,400 in special assessments for sanitary sewer service, and street and drainage improvements; \$1,079,800 paid through the Sewer Enterprise Fund; \$508,000 paid through the Water Enterprise Fund; and \$659,800 paid through the general fund for the City share of the street and drainage improvements.

If authorized, SEH, Inc., together with FOCUS Engineering and a geotechnical engineer will prepare final plans and specifications in a not to exceed amount of \$142,000, and a not to exceed geotechnical services amount of \$25,000. If the improvements are ordered, the design costs will be charged against the project fund and become assessable to the benefitting properties once the improvements proceed into construction. Should the project not be constructed, these costs cannot be assessed.

**RECOMMENDATION:** Staff is recommending that the City Council approve a Resolution, receiving the Feasibility Report, calling a public hearing, and Authorizing the Preparation of Plans and Specifications for the Old Village Phase 7 Street and Utility Improvements. The recommended motion for this action is as follows:

***“Move to approve Resolution No. 2022-100, receiving the Feasibility Report, Calling a Public Hearing, and Authorizing the Preparation of Plans and Specifications for the Old Village Phase 7 Street and Utility Improvements.”***

**ATTACHMENTS:**

1. Resolution Receiving Report and Calling for Hearing on Improvements.
2. Notice of Hearing on Improvement.
3. Preliminary Assessment Roll.
4. Project Location Map.
5. Project Schedule.

Feasibility Report (*available for review at City Hall*).

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

**RESOLUTION NO. 2022-100**

**A RESOLUTION RECEIVING A FEASIBILITY REPORT FOR THE  
OLD VILLAGE PHASE 7 STREET AND UTILITY IMPROVEMENTS  
AND CALLING HEARING ON IMPROVEMENT**

**WHEREAS**, pursuant to City Council authorization, adopted on September 6, 2022, a feasibility report has been prepared by FOCUS Engineering, Inc. for the Old Village Phase 7 Street and Utility Improvements; and

**WHEREAS**, the feasibility report recommends that benefitting properties be assessed all or a portion of the cost of the improvements pursuant to the city's Special Assessment Policy and Minnesota Statutes, Chapter 429; and

**WHEREAS**, the feasibility report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

**NOW, THEREFORE, BE IT RESOLVED,**

1. That the City Council will consider the improvements in accordance with the report and the assessments of the abutting properties for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total project cost of \$2,820,000; including \$1,368,000 for sanitary sewer improvements, \$508,000 for watermain improvements, and \$944,000 for street, drainage, and storm sewer improvements.
2. A public hearing shall be held on such proposed improvements on the 6th day of December, 2022 in the council chambers of City Hall, at or approximately after 7:00 P.M. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.
3. The City Engineer, together with SEH, Inc. are hereby designated as the project engineer and are directed to prepare Plans and Specifications for the making of such improvement.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FIRST DAY OF NOVEMBER,  
2022.**

**CITY OF LAKE ELMO**

(Seal)  
ATTEST:

By: \_\_\_\_\_  
Charles Cadenhead  
Mayor

\_\_\_\_\_  
Julie Johnson  
City Clerk

**CITY OF LAKE ELMO  
NOTICE OF HEARING ON IMPROVEMENT  
OLD VILLAGE PHASE 7 STREET AND UTILITY IMPROVEMENTS**

Notice is hereby given that the City Council of Lake Elmo will conduct a public hearing on **Tuesday, December 6, 2022**, 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 public sanitary sewer along Legion Avenue North, south of 30th Street, to replace the use of private individual on-site sewage treatment systems and the Old Village Remote A 201 Community Wastewater Treatment System. The improvements include the replacement and relocation of the existing watermain, and the reconstruction of the public streets disturbed by the utility installations, consisting of a reconstructed bituminous street with new concrete curb and gutter, and new storm sewer system along Legion Avenue North, from 30th Street to the south end cul-de-sac.

The area proposed to be assessed for these improvements include properties abutting or properties that gain direct driveway access from Legion Avenue North, from 30th Street to the south end cul-de-sac, and properties that receive access to the municipal sanitary sewer system. The estimated total cost for the project is \$2,820,000; including \$1,368,000 for sanitary sewer improvements, \$508,000 for watermain improvements, and \$944,000 for street, drainage, and storm sewer 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: November 1, 2022**

**BY ORDER OF THE LAKE ELMO CITY COUNCIL**

**Charles Cadenhead, Mayor**

*(Published in the Stillwater Gazette on November 4, 2022 and November 11, 2022)*

**CITY OF LAKE ELMO  
NOTICE OF HEARING ON IMPROVEMENT  
OLD VILLAGE PHASE 7 STREET AND UTILITY IMPROVEMENTS**

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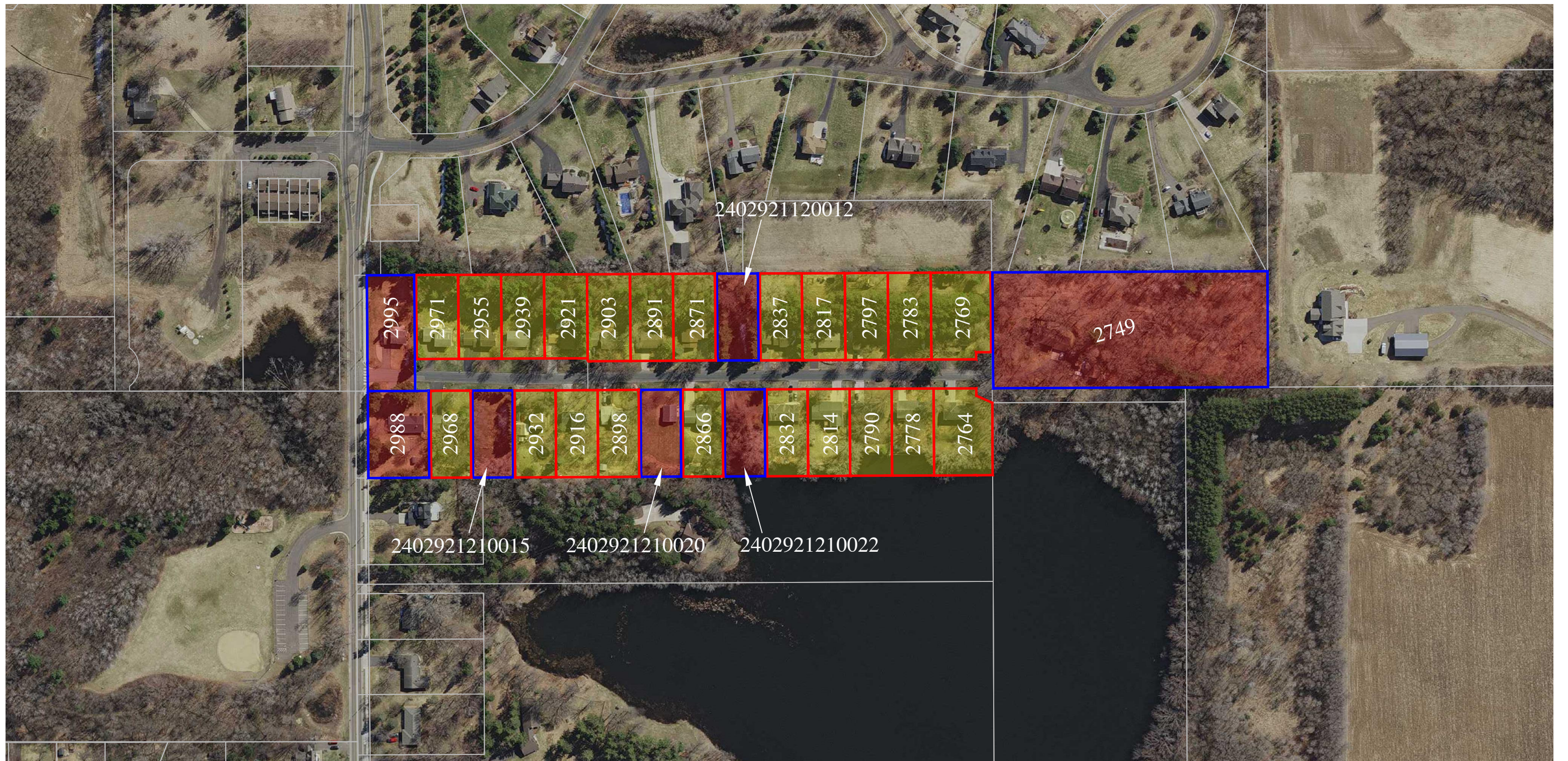
**DATED: November 1, 2022**

**BY ORDER OF THE LAKE ELMO CITY COUNCIL**

**Charles Cadenhead, Mayor**

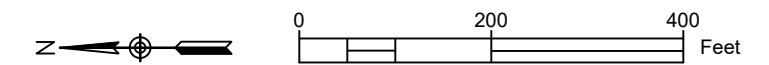
*(Published in the Stillwater Gazette on November 4, 2022 and November 11, 2022)*





**LEGEND**

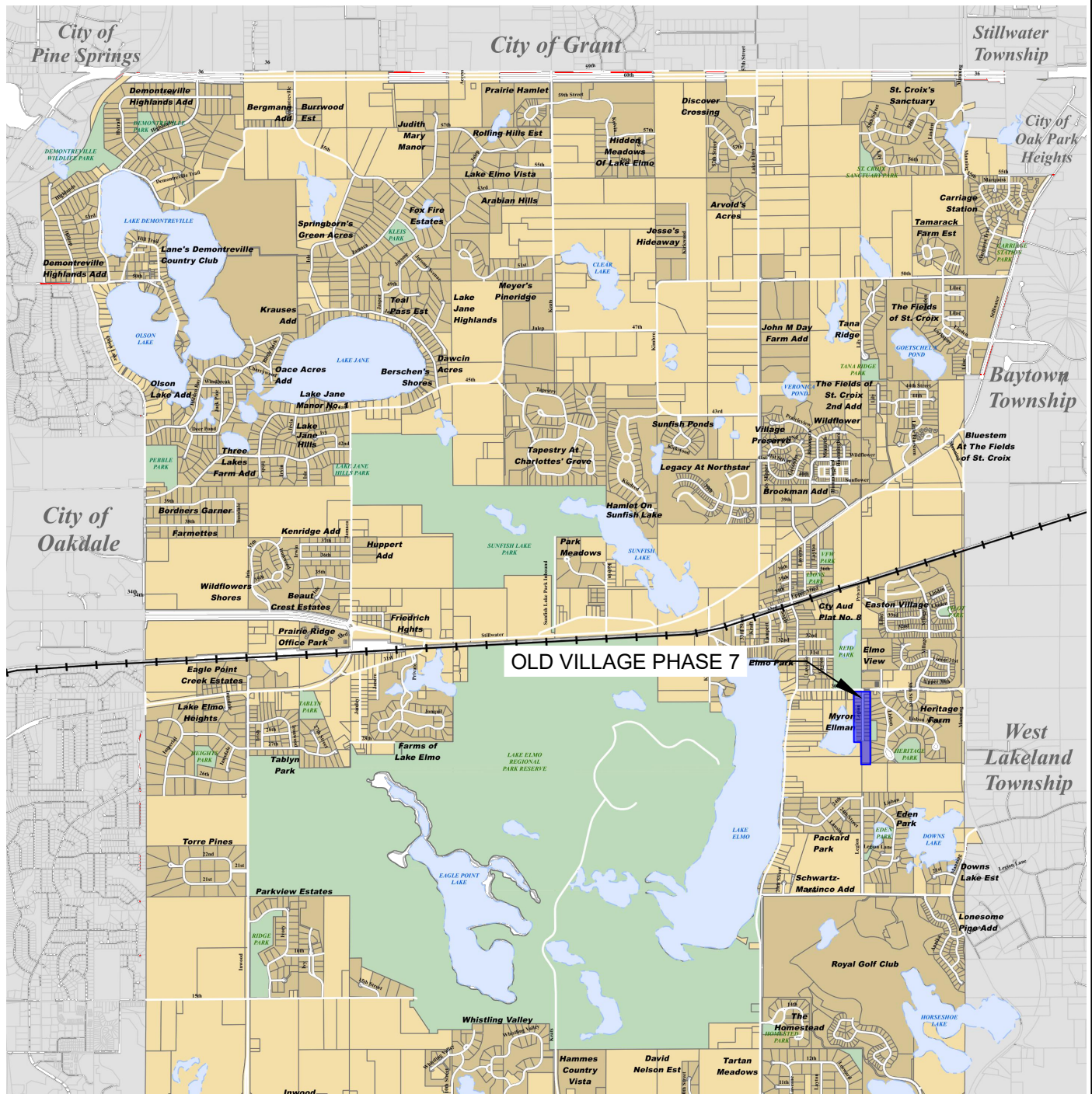
- ASSESSABLE PROPERTY - STREET, DRAINAGE, AND SANITARY SEWER IMPROVEMENTS
- ASSESSABLE PROPERTY - STREET AND DRAINAGE IMPROVEMENTS





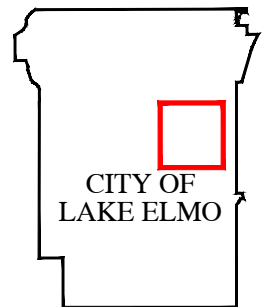
NO.	NAME	ADDRESS			MAILING ADDRESS						PID	TOTAL	STREET AND	SANITARY	SAC
												ASSESSMENT	DRAINAGE	SEWER	
											AMOUNT	ASSESSMENT	ASSESSMENT	AMOUNT	
1	FRIENDT TIMOTHY A ETAL	2749	LEGION	AVE N	8058	ENCLAVE	CIR	WOODBURY	MN	55125	2402921130001	\$9,800.00	\$9,800.00		
2	TOFT RODNEY A & JUDY A	2764	LEGION	AVE N	11350	12TH	ST N	LAKE ELMO	MN	55042	2402921210027	\$22,900.00	\$9,800.00	\$13,100.00	1
3	KUPFERSCHMIDT W ALAN	2769	LEGION	AVE N	2769	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120017	\$22,900.00	\$9,800.00	\$13,100.00	1
4	SEHLOFF ALLEN P	2778	LEGION	AVE N	2778	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210026	\$22,900.00	\$9,800.00	\$13,100.00	1
5	DEZIEL MARK E & MICHELLE R	2783	LEGION	AVE N	2783	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120016	\$22,900.00	\$9,800.00	\$13,100.00	1
6	PROPERTY RESTORATION MANAGEMENT INC	2790	LEGION	AVE N	28727	149TH	AVE	NEW AUBURN	WI	54757	2402921210025	\$22,900.00	\$9,800.00	\$13,100.00	1
7	SHANLEY STEVEN D & ROSALIE	2797	LEGION	AVE N	2797	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120015	\$22,900.00	\$9,800.00	\$13,100.00	1
8	WINKELS BRADLEY J & MOLLY A	2814	LEGION	AVE N	2814	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210024	\$22,900.00	\$9,800.00	\$13,100.00	1
9	ALPERS JEFF	2817	LEGION	AVE N	2817	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120014	\$22,900.00	\$9,800.00	\$13,100.00	1
10	DOUGHERTY LILLY ETAL	2832	LEGION	AVE N	2832	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210023	\$22,900.00	\$9,800.00	\$13,100.00	1
11	ADEOSUN SARAH & ADESINA	2837	LEGION	AVE N	2837	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120013	\$22,900.00	\$9,800.00	\$13,100.00	1
12	CITY OF LAKE ELMO				3880	LAVERNE	AVE N	LAKE ELMO	MN	55042	2402921210022	\$9,800.00	\$9,800.00		
13	CITY OF LAKE ELMO				3880	LAVERNE	AVE N	LAKE ELMO	MN	55042	2402921120012	\$9,800.00	\$9,800.00		
14	FISHER ANGELA	2866	LEGION	AVE N	2866	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210021	\$22,900.00	\$9,800.00	\$13,100.00	1
15	FISHER ANGELA				2866	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210020	\$9,800.00	\$9,800.00		
16	SANDERS JOSEPH J	2871	LEGION	AVE N	2871	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120011	\$22,900.00	\$9,800.00	\$13,100.00	1
17	MURRAY WILLIAM R JR	2891	LEGION	AVE N	2891	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120010	\$22,900.00	\$9,800.00	\$13,100.00	1
18	ROBINETTE RONALD JR & KAREN L	2898	LEGION	AVE N	2898	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210019	\$22,900.00	\$9,800.00	\$13,100.00	1
19	HORNING BRIANA J & ERICK P	2903	LEGION	AVE N	2903	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120009	\$22,900.00	\$9,800.00	\$13,100.00	1
20	THOMAS TYAN J & ELLEN H ESCH	2916	LEGION	AVE N	2916	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210018	\$22,900.00	\$9,800.00	\$13,100.00	1
21	GREWE BRADY	2921	LEGION	AVE N	2921	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120003	\$22,900.00	\$9,800.00	\$13,100.00	1
22	OLSON GERALD C & CANDYCE J	2932	LEGION	AVE N	2932	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210013	\$22,900.00	\$9,800.00	\$13,100.00	1
23	JENSEN ANTON H	2939	LEGION	AVE N	2939	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120004	\$22,900.00	\$9,800.00	\$13,100.00	1
24	HUTTS SARAH	2955	LEGION	AVE N	2955	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120005	\$22,900.00	\$9,800.00	\$13,100.00	1
25	SULLIVAN GAIL C	2968	LEGION	AVE N	2968	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210014	\$22,900.00	\$9,800.00	\$13,100.00	1
26	SULLIVAN WILLIAM T & GAIL C				2968	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210015	\$9,800.00	\$9,800.00		
27	JARA MICHAEL L & MARIE D	2971	LEGION	AVE N	2971	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120001	\$22,900.00	\$9,800.00	\$13,100.00	1
28	GARNER DONALD J & JERILYN M	2988	LEGION	AVE N	2988	LEGION	AVE N	LAKE ELMO	MN	55042	2402921210037	\$9,800.00	\$9,800.00		
29	CORCORAN SUSAN D	2995	LEGION	AVE N	2995	LEGION	AVE N	LAKE ELMO	MN	55042	2402921120044	\$9,800.00	\$9,800.00		
<b>TOTAL</b>											<b>\$572,400.00</b>	<b>\$284,200.00</b>	<b>\$288,200.00</b>	<b>22</b>	





**LEGEND**

 OLD VILLAGE PHASE 7



**FOCUS**  
ENGINEERING, inc.

OLD VILLAGE PHASE 7  
STREET & UTILITY  
IMPROVEMENTS  
PROJECT NO. 2022.119  
OCTOBER, 2022

FIGURE NO. 1  
LOCATION MAP  
MYRON ELLMAN SUBDIVISION  
LEGION AVENUE NORTH

PROJECT SCHEDULE  
CITY OF LAKE ELMO

**FOCUS** ENGINEERING, inc.

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

OLD VILLAGE PHASE 7 STREET AND UTILITY IMPROVEMENTS  
PROJECT NO. 2022.119

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JUNE 21, 2022	Council authorizes Topographic Survey and Preliminary Design.
SEPTEMBER 6, 2022	Council authorizes preparation of the Feasibility Report.
NOVEMBER 1, 2022	Presentation of Preliminary Design and Feasibility Report. Council accepts Report and calls Improvement Hearing. Council Orders the preparation of Plans and Specifications.
TBD	Neighborhood informational meeting.
DECEMBER 6, 2022	Public Improvement Hearing. Council Orders the Improvement (4/5th Vote).
FEBRUARY 21, 2023	Council approves Plans and Specifications and orders Advertisement for Bids.
MARCH 23, 2023	Project Bid Date: Receive contractor bids.
APRIL 4, 2023	Council accepts bids and awards contract.
MAY 15, 2023	Conduct Pre-Construction Meeting and issue Notice to Proceed. <ul style="list-style-type: none"><li>• OCTOBER 27, 2023 Substantial Completion.</li><li>• JUNE 28, 2024 Final Completion.</li></ul>

*\*Final Assessment Hearing Schedule TBD*