



MAYOR & COUNCIL COMMUNICATION

DATE: April 21, 2015
REGULAR
ITEM #13
RESOLUTION 2015-27

AGENDA ITEM: Phase II Downtown Street and Utility Project – Municipal Consent

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Washington County Public Works
Jack Griffin, City Engineer
Kyle Klatt, Community Development Director

SUMMARY AND POLICY RECCOMENDATION:

Staff and Washington County are recommending that the City Council approve Municipal Consent for Phase II of the Downtown Street and Utility to determine that the project is feasible and Final Design may be initiated. The proposed scope of work included in Phase II of the Downtown Street and Utility Project will be presented. Phase II of the Downtown Street and Utility Project is proposed to be constructed in 2016 and includes Lake Elmo Ave. (30th St. to TH 5), 30th St. (Lake Elmo Ave. to east of Reid Park) and additional improvements related to storm water management.

Staff and Washington County recommend that the City Council approve Municipal Consent for Phase II of the Downtown Street and Utility Project through the following motion:

“Move to adopt Resolution 2015-27, approving Municipal Consent for Phase II of the Downtown Street and Utility Project.”

FISCAL IMPACT:

The Project will be funded through multiple sources, including assessments to benefitting properties. The project financial plan, including a project specific assessment policy, is currently under development for the project. In addition, the City and the County are working on an agreement where the County will finance the City’s cost share of the improvements for an undetermined amount of time. The final estimated cost share and the financing plan will be determined through a cooperative agreement with Washington County, which is likely to come forward in May of 2015.

BACKGROUND INFORMATION:

Over the course of the last 15 months, the City of Lake Elmo, Washington County and Valley Branch Watershed District have participated in a collaborative effort to coordinate street, utility and storm water improvements in the Downtown or Village Area of Lake Elmo. With the assistance of consulting engineer SEH and consulting landscape architect Damon Farber and Associates, the project has undergone a significant preliminary design and community engagement process. Based upon the work completed through the preliminary design process, it has been determined that the project be split up into two phases of construction:

- Phase I (2015): Laverne Avenue North (from Upper 33rd St. to Trunk Highway 5), Upper 33rd Street North (from Lake Elmo Ave. to Laverne Ave.), 36th Street North (from Lake Elmo Ave. to Laverne Ave.) and downstream storm water management improvements.
- Phase II (2016): Lake Elmo Avenue North (from 30th St. to Trunk Highway 5), 30th Street (from Lake Elmo Ave. to the lift station location east of Reid Park) and storm water management improvements.

In addition to presenting the recommended phasing of the project, City and County staff have completed a recommended schedule for the Downtown Street and Utility Project. The updated schedule is found in Attachment #3. On February 5th of 2015, the City Council approved Municipal Consent for Phase I of the Downtown Street and Utility Project, allowing for Final Design to commence for Phase I, which is currently under way. Should the City Council proceed with Municipal Consent approval for Phase II, Final Design work for Phase II of the project would likely occur from May through September of 2015, while construction for Phase II would likely begin in May of 2016 based on the recommended schedule.

In order to provide an update on progress of the preliminary design process of Phase II, the City held a City Council Workshop on April 14, 2015. At the workshop, a presentation was made regarding the design and engagement process, the staff recommended roadway designs and alternatives, and the proposed stormwater management improvements. The purpose of the City Council workshop was to prepare the City for an action on Municipal Consent for Phase II. The staff presentation from the workshop and recommended designs can be found on the City's website (<http://www.lakeelmo.org/downtownproject>).

MUNICIPAL CONSENT:

As the County and City have worked together to craft a successful process for the downtown project, one of the necessary steps identified is municipal consent. As the County is providing the necessary up-front financing and leading the construction project, it is necessary for the City to provide Municipal Consent for the project to move forward into Final Design. Although the City previously approved a Municipal Consent action for Phase I of the Downtown Project, it is beneficial to once again provide an overview of the meaning of Municipal Consent in the context of the Phase II improvements.

In terms of process, Municipal Consent is the point at which the City Council acknowledges that the preliminary design process performed is complete and has determined that the project is feasible and should proceed into Final Design. Municipal Consent is not approval of the final design, nor does Municipal Consent order the improvements. The City will be responsible for the City cost share incurred for the preparation of final design plans and specifications, but has not yet authorized the project to proceed into construction.

It should be noted that the preliminary design process outlines the fundamental elements of the design or project, including the installation of sanitary sewer and storm sewer, watermain replacement, street width and cross section (i.e. parking or no parking, sidewalk or no sidewalk). Nevertheless, there are still many design details that will be need to be determined within the Final Design process. These details are often determined in working with the property owners. For example, in the case of a couple of individual properties, retaining walls will likely be a necessary improvement. Staff will be able to work directly with these property owners in the Final Design process to determine final details of the walls and select materials. This example represents how the process and other important construction details continue to evolve in Final Design. In addition, there will be other aspects of the project that will require additional participation and input from the City Council. One critical area of Council attention will be the refinement of the Landscape Plan, as the landscape and streetscape improvements will require additional attention. In other words, Municipal Consent is the stage in the process where the fundamental design choices or elements are determined or anchored. Once Municipal Consent is in place, the County can execute a contract for Final Design, and the project can stay on schedule.

PHASE II PRELIMINARY DESIGN PROPOSED FOR MUNICIPAL CONSENT:

In order to present the Preliminary Design proposed for Municipal Consent, staff has included only the construction work that is proposed for Phase II in 2016. Attachment #5 includes the exhibits for the preliminary design proposed for Municipal Consent. Within Phase II of the project, there are 2 street segments that are proposed for public improvements (sewer, storm sewer, watermain, street, etc.): Lake Elmo Ave. (from Trunk Highway 5 to just south of 30th Street.) and 30th Street (from Lake Elmo Ave. to the lift station site just east of Reid Park).

It should be noted that the exhibits for the Phase II work include only the recommended design for the Lake Elmo Ave. and 30th St. segments. For the purposes of preliminary design and community engagement, the two streets segments (Lake Elmo Ave. and 30th St.) included in Phase II of the downtown project have been broken up into four project areas, each with their own set of unique circumstances. These four project areas are identified in the map found in Attachment #3. The reason for breaking the street segments up into four project areas is because there are different variations of recommended roadway design based on circumstances unique to each area. The four segments are Project Area A – Lake Elmo Ave. from TH 5 to 36th St., Project Area B – Lake Elmo Ave. from 36th St. to the RR Tracks, Project Area C – Lake Elmo Ave. from the RR Tracks to 30th St. and Project Area D – 30th Street. For each of these segments, Washington County and City staff are recommending different designs. The recommended design for each of the segments are the following:

- **Project Area A – Lake Elmo Ave. from TH 5 to 36th Street:** For the stretch of Lake Elmo Avenue north of 36th Street to Trunk Highway 5, County and City staff are recommending a section that includes a 11-foot southbound thru-lane and 6-foot shoulder on the west side, and a 10-foot left-turn lane and 12-foot right-turn lane on the east side. County and City staff are also recommending 7-foot sidewalks directly behind the curb on both sides of Lake Elmo Ave., as this stretch is part of the main downtown corridor. Multiple designs were presented and evaluated throughout the preliminary design process for Project Area A. In engaging residential property owners on the east side of Lake Elmo Ave., some residents have voiced their preference to not have sidewalks on the east side of the street. In evaluating this option, staff did complete designs that had no sidewalks on the east side. However, the removal of the sidewalks did not remove the potential risk of tree removal for some significant trees along the corridor. Should the Council choose to delay the installation of sidewalks on the east side of Project Area A, sidewalks could be installed at a future date when Washington County reconstructs Trunk highway 5 once they take ownership of the facility. However, it is difficult to predict when this will occur. In the judgment of staff, it is recommended that sidewalks be installed on both sides of Lake Elmo Ave., as it is the main commercial corridor for the downtown area and does experience a significant amount of traffic (projections over 9,000 vehicle trips per day out to 2030). Finally, it should be noted that Washington County will be installing traffic signals at the intersection of Lake Elmo Ave. and Trunk Highway 5 in late Spring/early Summer.
- **Project Area B – Lake Elmo Ave. from 36th St. to RR Tracks:** For the downtown stretch of Lake Elmo Avenue in between 36th Street and the Railroad Tracks, County and City staff are recommending a roadway design that includes two 11-foot thru lanes and two 10-foot parking lanes on both sides of Lake Elmo Avenue. The section also includes 12-foot sidewalks on both sides of the street, particularly in commercial areas. The intent of the design is to maximize the pedestrian area to improve the pedestrian environment of the downtown. 12-foot sidewalks will allow for enough space for required ADA sidewalk facilities, but at the same time allow for increased opportunities for streetscape landscaping and amenities, such as lighting, benches, trash receptacles, bollards, banners, and other treatments consistent with the Damon Farber Theming Study. With regards to parking, it should be noted that the design allowing for angled parking adjacent to the Lake Elmo Inn is not permitted under State Aid design. However, the proposed design does attempt to maximize on-street parallel parking opportunities by closing multiple driveways along Lake Elmo Ave. and properly striping designated parking spots. Staff is hopeful that the more formal designation of on-street parking spots will result in better utilization of parking downtown. Nevertheless, parking in the downtown area continues to be a concern. For this reason, the City may need to investigate certain parking restriction in front of certain uses, such as the post office, that lend themselves to quick trips (in and out). In addition, staff continues to recommend that the City investigate the possibility of additional municipal parking, either on the parks building site or some other sites downtown. Similar with any commercial business district, parking will continue to be an important component of success, at the City will need to be actively engaged on improving parking in order to support the success of the downtown district.

- **Project Area C – Lake Elmo Ave. from RR Tracks to 30th Street:** For the stretch of Lake Elmo Avenue south of the Railroad Tracks to 30th Street, County and City staff are recommending a design that includes two 11-foot drive lanes, a ten-foot parking lane on the west side, and a 6-foot shoulder on the east side. It should be noted that the proposed thru-lanes are narrower than the present design, a change that will hopefully reduce traffic speeds. In addition, the recommended design includes a 5-foot boulevard and 5-foot sidewalk on the east side of Lake Elmo Avenue. The boulevard will allow for increased snow storage and provide for a safer walking environment with a dedicated buffer in between the bust roadway and pedestrians. As the project team presented various alternatives for this portion of Lake Elmo Ave. to property owners, a desire for some parking was voiced by some. In addition, some property owners felt that pedestrian facilities on both sides of Lake Elmo Ave. was unnecessary. Finally, providing pedestrian facilities on only one side did reduce some impacts to mature trees along the corridor. Out of this engagement effort, the recommended design evolved. The recommended design strikes a careful balance by providing some pedestrian facilities, some parking facilities, and minimizing impacts to adjacent trees and properties to the best extent possible while not compromising the County and City's goals for the project.
- **Project Area D – 30th Street:** For the stretch of 30th Street east of Lake Elmo Ave., City staff is recommending a roadway design similar to what exists today, with two 14-foot thru lanes, except with the addition of a 5-foot boulevard and 5-foot sidewalk on the south side of 30th Street. These pedestrian facilities would be utilized to help accommodate pedestrian and bicycle traffic on 30th Street, which presently does not have any dedicated area outside of the travel lanes available for safer walking and biking. Per the City's Transportation Plan, 30th Street is a minor collector road, and projected traffic volumes are estimated to increase as the Village Planning Area develops. It should be noted that any improvements to 30th Street outside the area of the existing roadway will require land acquisition by the City, as there is no platted right-of-way on 30th Street. The City only has prescriptive easement rights along 30th Street. Should Municipal Consent advance with a design that includes pedestrian improvements outside of the existing roadway, Washington County will begin the process to acquire the necessary right-of-way and easements to construct the improvements. In the judgment of both City and County staff, the 30th Street corridor is presently not a safe environment long-term for pedestrians and bicyclists. As traffic volumes increase in the future, the concern over pedestrian and bicyclist safety would surely increase. It should be noted that this concern is one of the reasons informing the recommended design along 30th Street. The recommended design includes a 5-foot boulevard in between the roadway and the sidewalk. Not only can the boulevard be utilized for snow storage and aesthetic enhancements, but it also provide an additional safety buffer for pedestrians and bicyclists who choose to use the sidewalk. The alternative to this design would be a 7-foot sidewalk or trail directly behind the curb. The difference between the two designs would be 3 additional feet of encroachment to the south.

COMMUNITY ENGAGEMENT:

As part of the preliminary design process, the County and City have participated in a significant community engagement effort. Community engagement activities have included the following:

- 3 Public Open House meetings (3/13/14, 6/12/14 and 12/11/14)
- 1 Downtown Summit meeting (10/14/14)
- 2 Neighborhood Focus Group meetings (1/14/15 and 3/5/15)
- 30th Street Sidewalk Survey (10/15/14)
- A large number of comment cards, letters and individual emails
- Individual meetings with a large number of property owners
- Property owner notification of Municipal Consent action
- County and City project websites maintained throughout the preliminary design process

With regards to Phase II of the Downtown Street and Utility Project, the most recent engagement activity was the neighborhood focus group meeting on 3/5/15. This focus groups meeting focused on Phase II of the project, and alternative designs were presented to property owners along the corridor. Feedback and comment cards were received from the community at the focus group meetings. The comments are summarized in Attachment #6. In addition, staff has also attached the 30th Street Survey (Attachment #7) completed in the fall of 2014 for consideration by the City Council. In the judgment of staff, the survey has bearing on the recommended design for 30th Street.

Overall, County and City staff feel that a very effective engagement process has occurred for both Phase I and Phase II of the Downtown Street and Utility Project. A great deal of knowledge has been gained about drainage and other important existing conditions of the project area. In addition, a fair and open dialogue has occurred between property owners and the County and City. The relationships that have been established during the engagement process will be very important during construction should the County and City proceed with the project. Project staff intend to continue to provide up-to-date and accurate information about the construction process. In addition, staff will try and accommodate any special requests by property owners that relate to Final Design or construction.

CRITICAL PATH DECISIONS:

Based upon the recommended action, staff would like to highlight the following critical path decisions necessary for successful Municipal Consent:

- **Roadway Designs.** The City council must determine if the recommended designs for the project roadways should be advanced. The agenda packet includes the recommended designs put forth by Washington County and City of Lake Elmo staff. The recommended designs take into account State Aid design, traffic engineering best practices, project goals for both organizations (i.e. walkable downtown, providing alternative modes of transport, etc.) and feedback provided by the community through a robust engagement

effort. The intent of the recommended designs is to strike a balance between designing safe and effective roadways for all users while minimizing impacts to adjacent properties. Although the packet only includes the recommended designs for each project area, staff will have all of the alternative designs that have been evaluated as part of the preliminary design process available at the meeting. The City Council has the option to accept the recommended designs in their totality, or evaluate alternative designs for each project area.

- **Stormwater Management Improvements.** Along with the roadways, it is important to confirm that the stormwater management facilities proposed for the project are the correct improvement to pursue. In order to complete the street and utility improvements associated with Phase I and Phase II, stormwater improvements must be completed in the sub-watershed of where the improvements are located. For the improvements to Lake Elmo Ave., Washington County is proposing to install an underground storage and infiltration facility beneath the roadway. The facility should be effective in filtering and cleaning stormwater prior to it traveling to Lake Elmo. Washington County will be responsible for the maintenance of this improvement. In addition to this facility, Washington County has been working with some property owners to investigate further stormwater enhancements to protect Lake Elmo. The County will continue to explore options as the project proceeds into Final Design. With regards to the 30th Street improvements, the City is proposing a stormwater infiltration basin in the southwest corner of Reid Park. It should be noted that some concerns were voiced by nearby property owners regarding the location and impacts of the proposed facility. In terms of impacts, the County and City have surveyed the proposed location to determine the size and types of trees in the area. As a result, the location and design of the basin has been modified to reduce impact to nearby significant and valued trees. It should be noted that a screen of significant trees along 30th Street will be maintained. Also, it was found that the majority of the vegetation and trees in the area proposed for the pond are buckthorn and other less-valued brush and material. Finally, a concern was raised about the facility generating additional mosquitos. The facility is being designed as an infiltration basin. While it is likely that there will be some standing water within the facility periodically, the facility should be able to infiltrate the water as long as it is maintained properly. Similar to roadway design, the intent of the stormwater design is to strike a balance between a cost-effective and feasible facilities, while trying to address concerns of nearby residents as well.

It should also be noted that staff previously thought that the decision to bury overhead private utilities would need to be made along with the Municipal Consent action. At the recent Council workshop on 4/14/15, staff indicated that a decision would need to be made as part of the consent process. However, after further discussion with Washington County, the decision to bury overhead utilities does not need to be tied to the Municipal Consent process, and there is still time available to delay a decision to wait for updated cost considerations. This delay could provide the City more time to research additional funding opportunities. At this time, it is staff's recommendation that a decision on overhead utilities not be made until the full picture of project costs are available. As noted previously, decisions on the estimated cost-share will be further

flushed out with the Cooperative Agreement with Washington County, which should be completed in May.

PROCESS/TIMING

From a process and timing standpoint, staff wanted to discuss the importance of moving forward with a project in 2016. From staff's perspective, there is a number of critical reasons why it is important to proceed with Phase II of the project in 2016.

- 1) First and foremost, Washington County has offered to lead and finance the total project if the project is able to remain on schedule. The County moved the overall project up to 2015 in their capital improvement plan. They have expended a significant amount of resources on staff and consultants to move the project forward as planned. They have been a dedicated and truly collaborative partner in planning and designing these improvements for Downtown Lake Elmo. Should the project be delayed, the County cannot guarantee that the same level of financial commitment can be provided in the coming years, as other projects in other communities are planned.
- 2) The City and County have led a robust and lengthy community engagement process for the proposed public improvements. When proceeding through an extensive and lengthy engagement process, it is important to move the project forward to take advantage of the engagement process completed. Delay in the proposed project will result in additional resources being expended on planning and engagement efforts and significant rework efforts on the part of the City.
- 3) The City has communicated to individual property owners that sanitary sewer will be installed in 2015 and 2016 as part of the overall Downtown Street and Utility Project. The timing of these improvement is critical for some property owners who are currently on non-compliant or failing septic systems. In addition, having certainty in the timing of the improvements is important for property owners to plan their own private connections and service lines. Finally, it should be noted that numerous lateral sewer extensions to other surrounding neighborhoods in the Village are dependent upon the trunk sewer being installed as part of Phase I and Phase II of the project. Delay in the Phase I or Phase II project will likely have a domino effect of delaying future lateral sewer extensions.

These time-sensitive factors are offered to the City Council for consideration. It should be noted that detailed planning for this project is entering its 15th month and has included large coordination between the City, Washington County, Valley Branch Watershed District, and many private landowners. Should the City Council approve municipal consent for Phase II of the Downtown Street and Utility Project, a formal cooperative agreement between the City and the County will need to be completed in May, finalizing the estimated cost-share related to final design and construction.

RECOMMENDATION:

Washington County and Staff recommend that the City Council approve Municipal Consent for Phase II of the Downtown Street and Utility Project through the following motion:

“Move to adopt Resolution 2015-27, approving Municipal Consent for Phase II of the Downtown Street and Utility Project.”

ATTACHMENTS:

1. Resolution 2015-27
2. Project Map
3. Project Areas Map
4. Project Schedule
5. Phase II (2016) Preliminary Design Exhibits – Recommended Designs
6. Neighborhood Meeting Summaries (3/5/15 Focus Group Meeting)
7. 30th Street Survey