

MINUTES OF A SPECIAL CITY COUNCIL MEETING HELD WEDNESDAY, JUNE 8, 2011 – 6:04 P.M. – ROCKVILLE CITY HALL.

The meeting was called to order by Acting Mayor Randy Volkmuth. Roll Call was taken and the following members were found to be present: Acting Mayor Randy Volkmuth, Council Members: Bill Becker, Jeff Howe, Jerry Schmitt, Don Simon & Duane Willenbring. Absent: Mayor Hagen.

Staff members present were: Billing Clerk/Administrative Assistant Judy Neu, Public Works Director Rick Hansen & City Engineer Scott Hedlund.

Also present: Noel Engelmeyer, Stuart Thorson, Tim Mahoney, Joan & Mike Vanderweyst, Frank & Jeanien Roeder, Dale Danzl, Carol Wieber, Jim & Donna Hartung, Carol Hunstiger & Mike Schanglen.

City Engineer Scott Hedlund presented that the feasibility report for street improvement to Ahles Road approximately 1,400 lineal feet in length and Lena Lane approximately 1,030 lineal feet in length.

The project segment of Lena Lane and Ahles Road is in poor condition. The bituminous pavement distresses on both roads include severe fatigue alligator cracking, transverse and longitudinal cracking, edge cracking, potholes, rutting, and complete pavement failure. The existing sub-grade materials consist of clayey and silty soils, both considered weaker, poorly draining and more susceptible to movement by frost. The existing bituminous surfacing and aggregate base thicknesses are 2 to 4 and 4 to 6 inches.

The proposed project for Lena Lane and Ahles Road is to reconstruct by sub cutting and removing the upper 23.5 inches of roadway material and replacing it with geotextile fabric with 12 inches of granular borrow, 8 inches of Class 5 gravel, and 3.5 inches of bituminous surfacing. There will be no geometric changes (vertical and horizontal alignments, widening, in slope changes or drainage improvements) to the roads.

The project costs are estimated at \$206,550 including engineering, permits and contingency. The preliminary assessment shows approximately \$43,310 in assessments and the remaining cost \$163,240 in City costs.

The rates on assessments are based on the front footage of the road. In the residential area its 100% of your frontage so on Lena Lane almost everyone basically has about 300 feet of frontage and it's adjusted for your lot size and Ahles Road is zoned AG-40 so the assessment policy is that we cap assessment footage at 200 feet of assessment per 40 acres of land that you own. The City has a schedule of cost on assessment rates and only assess 27% of what the rate is.

Member Willenbring introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 2011-10
Resolution Receiving Report
(AHLES ROAD & LENA LANE RECONSTRUCTION PROJECT)**

WHEREAS, pursuant to resolution of the council, a report has been prepared by Short Elliott Hendrickson Inc. with reference to the proposed reconstruction improvement of Lena Lane between Lake Road and the south edge of House # 25425 Lena Lane driveway (approximately 1,030 lineal feet in length) and Ahles Road from approximately 350 feet east of 93rd Avenue to approximately 800 feet west of 88th Avenue (approximately 1,400 lineal feet in length) and to assess the benefited property for a portion of the cost of

the improvement, pursuant to Minnesota Statutes, Chapter 429, and further this report was received by the council on June 8, 2011, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost- effective, and feasible.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, MINNESOTA:

1. The council will consider the improvements in accordance with the report and the assessment of abutting property to be served by the improvements, for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$189,000.

2. A public hearing shall be held on such proposed improvement on the 8th day of June, 2011, in the council chambers of the city hall at 6:30 PM., and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

***AYES: Becker, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

Acting Mayor Volkmuth announced that the public hearing had now been called for the purpose of considering an improvement project.

City Engineer Scott Hedlund explained that the purpose of this public hearing is to gain comments from the residents on whether or not they think the projects should happen. This is not a final assessment hearing if the council decides to move forward with the project there would be another public hearing which would be an assessment hearing.

For the record the City received two (2) letters David Panek @ 25408 Lena Lane and Frank & Jeanien Roeder @ 25337 Lake Road. Acting Mayor Volkmuth read Mr. Panek letter into the record.

David Panek @ 25408 Lena Lane - The time for this project is not right now and you may say is there any right time. The economic environment is very low many people are just trying to hang on to what they have. The road needs "work" but does it need to be all redone or can we try to patch and limp into better economic times? I have resided on Lena Lane for 16 years. The City needs to do something about the heavy trucks on the road. The trash haulers are on it 5 days every week and more some day's I really don't care who hauls my trash! You should put the trash out for "bid" we all may benefit and the roads will for sure. "Benefited by said improvement" Do I really? Gravel may be ok for me or patch.

The other letter was not read due to Frank & Jeanien Roeder voicing their concerns at the meeting.

Frank Roeder @ 25337 Lake Road – Just wondering why is there only so many homes being charged with this amount of money. If we resurface part of the road isn't it the whole community involved.

Acting Mayor Volkmuth explained the 27% is being paid by the homeowners that are adjacent to the project and the other 73% is being paid by all taxpayers.

Carol Wieber @ 25611 Lena Lane – I need some explanation: We had our road patched, maintained and reconstructed. What determines when you charge residents because previously the road has been patched, maintained and reconstructed and no one got charged?

Acting Mayor Volkmuth explained whenever it was patched that is considered maintenance but when you do a total reconstructed you are getting a new road.

Public Works Director Rick Hansen explained when you patch a road basically you are fixing the immediate problem for a temporary period of time whether its one year or hopefully longer. If we reconstruct the road we can fix the road right so that the road can last us 20 to 30 years and after those many years the hope is that all we would have to do is mill off the black top and put new down and never have to touch the sub-grade again.

When the previous patch work was done on Lena Lane we only went down 13 inches to temporarily fix the problem we never touched the sub-grade. With the proposed project it is estimated to go down 24 inches to fix the sub-grade.

Michael Schlangen @ 9175 Ahles Road - Do you assess when you gravel roads? "No" Why couldn't we go back to gravel? He would be in favor of going gravel in front of his property but the City would need to check with the other residents if they would be okay with Ahles Road being gravel.

Jeanien Roeder @ 25337 Lake Road – I wouldn't be oppose to going back to gravel on Lena lane that maybe would slow traffic down.

Carol Hunstiger @ 23000 93rd Ave – I would be okay with gravel if Ahles Road is maintained properly, gets dust control and blading.

Dale Danzl @ 25702 Lena Lane - Is there a code for what the slope of the ditch is suppose to be?

City Engineer Scott Hedlund explained that there is recommended standards but these are City roads so there is no requirement.

Noel Engelmeyer @ 25417 Lena Lane – What's bothering is that we keep saying if the rest of Lena Lane gets fixed. Why don't we wait and do the whole road at one time. When the sewer project went in the residents on Lake Road received a new road and all the resident that were associated with the project had to pay for the road. Now Lena Lane needs a new road and the Lake Road residents don't have to help us pay for the road.

City Engineer Scott Hedlund pointed out that 2 property's on Lena Lane are not being assessed the full 300 feet at this time but if we continue to reconstruct the other portion of Lena Lane in the future those parcels would be assessed again for the remaining footage. (Example house number 25420 Lena Lane is being assessed 190 feet now they would be assessed the remaining 110 feet in the future and 25425 Lena Lane is being assessed 75 feet and the remaining 255 feet in the future.)

Joan Vanderweyst @ 25704 Lena Lane – I'm not affected from this assessment but eventually I will be. I don't see how you can assess 200 feet for one and 300 feet for another I know that is how the process is but how unfair is that. We should not be assessed more just because we have more or less frontages or we are not considered agricultural. Another question you're going to do only 1000 feet and have heavy trucks going up and down Lena Lane. What is it going to do to the other portion of the road? I feel this road is being used by many people that everyone should be paying for this road not just the Lena Lane residents.

Motion by Member Becker, second by Member Willenbring, to close the public hearing at 6:40 p.m.

AYES: Becker, Howe, Schmitt, Simon, Volkmuth & Willenbring

Motion passed on a 6 to 0 vote.

Member Howe questioned how are we going to pay for the project or is that up for discussion. Can we vary from City Policy?

Acting Mayor Volkmuth explained there is approximately \$210,000 in the road fund to take care of this project.

Member Willenbring explained the assessment policy was a major rewrite and had a lot of public input. This is the best we have unless the assessment policy gets changed we need to bide by it. When we merged the City inherited roads that weren't built properly and now taxpayers have to pay for it.

Acting Mayor Volkmuth stated that Lena Lane is approximately a mile long if we fixed the whole road would we achieve huge cost savings as far as 1000 feet oppose to 5000 feet as per a linear feet.

City Engineer Scott Hedlund explained you might see some cost saving but you might have a different kind of contractor involved with a bigger project verses the smaller contractors with a shorter segment that could possibly keep cost down. This wouldn't affect the assessment it would only affect the City's cost based on the assessment policy.

Member Simon stated he spoke to some people in the city and they asked why don't we go back to the road and bridge fund like what the township did. Another thing we need to look at is bonding.

Acting Mayor Volkmuth explained if the City is going to bond you have to understand that we have to assess 20% or you can't bond. The City statue basically states that you have to collect 20% by the property owners to be able to bond.

City Engineer Scott Hedlund commented that the Council can change policy at anytime but as far as when we went through the 1½ year long assessment policy involvement process we hashed out the different options of bonding not bonding, assessing not assessing with the City Financial Consultant. The law that you are talking about is the General Obligation Improvement Bonds (GO Improvement Bond) and you would need to assess 20% of whatever you borrow.

Public Works Director Rick Hansen stated what to consider when turning a tar road into gravel – Currently we have 13 miles of gravel roads, spend between \$17,000-\$18,000 a year on grading, spend \$10,000 a year on dust control-out of the 13 miles only 1½ miles are being dust controlled, Graveling is done approximately every 3 years or sooner on highly traveled roads. If you go ahead with the project and fix about 2400 feet of road you will spend approximately \$200,000 but it will last 20-30 years and the maintenance would be every 5 years of seal coating/crack filling. Something you may want to think about when you are discussing roads going to gravel. "It cheap to turn roads to gravel but its expense to maintain."

Member Becker introduced the following resolution and moved for its adoption:

***RESOLUTION NO. 2011-11
Resolution Ordering Improvement and Preparation of Plans
Lena Lane/Ahles Road Improvements
Rockville, Minnesota***

WHEREAS, a resolution of the city council adopted the 18th day of May, 2011, fixed a date for a council hearing on the proposed road improvement:

Lena Lane – Between Lake Road and the south edge of House #25425 Lena Lane’s driveway (approximately 1,030 feet in length).

Ahles Road – From Approximately 350 feet east of 93rd Avenue to approximately 800 feet west of 88th Avenue (approximately 1,400 feet in length).

WHEREAS, ten days’ mailed notice and two weeks’ published notice of the hearing was given, and the hearing was held thereon on the 8th day of June, 2011, at which all persons desiring to be heard were given an opportunity to be heard thereon,

AND WHEREAS, a reasonable estimate of the total amount to be assessed, and a description of the methodology used to calculate individual assessments for affected parcels, was available at the hearing.

NOW THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF ROCKVILLE, MINNESOTA:

- 1. *Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.***
- 2. *Short Elliott Hendrickson Inc. (SEH) is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.***
- 3. *The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of the tax exempt bond.***

***AYES: Becker, Howe, Schmitt, Simon, Volkmuth & Willenbring
Motion passed on a 6 to 0 vote.***

ADJOURNMENT – Motion by Member Becker, second by Member Howe, to adjourn the meeting at 7:03 p.m. Motion carried.

**JUDY NEU
BILLING CLERK/ ADMINISTRATIVE ASST**

**RANDY VOLKMUTH
ACTING MAYOR**