

Roseville Public Works, Environment and Transportation Commission Meeting Agenda

Tuesday, March 24, 2015, at 6:30 p.m.
City Council Chambers, 2660 Civic Center Drive
Roseville, Minnesota 55113

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| 6:30 p.m. | 1. Introductions/Roll Call |
| 6:35 p.m. | 2. Public Comments |
| 6:40 p.m. | 3. Approval of February 24, 2015 Meeting Minutes |
| 6:45 p.m. | 4. Recognition of Outgoing Members |
| 6:50 p.m. | 5. Communication Items |
| 7:00 p.m. | 6. Leaf Pickup Program Discussion |
| 7:25 p.m. | 7. Pavement Distress Issues Discussion |
| 7:50 p.m. | 8. Sewer and Water Utility Lateral Ownership Discussion |
| 8:10 p.m. | 9. Possible Items for Next Meeting – April 28, 2015 |
| 8:15 p.m. | 10. Adjourn |

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**Roseville Public Works, Environment and
Transportation Commission**

Agenda Item

Date: March 24, 2015

Item No: 3

Item Description: Approval of the February 24, 2015 Public Works Commission Minutes

Attached are the minutes from the February 24, 2015 meeting.

Recommended Action:

Motion approving the minutes of February 24, 2015 subject to any necessary corrections or revision.

February 24, 2015 Minutes

Move: _____

Second: _____

Ayes: _____

Nays: _____

Roseville Public Works, Environment and Transportation Commission Meeting Minutes

Tuesday, February 24, 2015, at 6:30 p.m.
City Council Chambers, 2660 Civic Center Drive
Roseville, Minnesota 55113

1 **1. Introduction / Call Roll**

2 Chair Dwayne Stenlund called the meeting to order at approximately 6:30 p.m.
3 and Public Works Director Schwartz called the roll.
4

5 **Members Present:** Chair Dwayne Stenlund; Vice Chair Steve Gjerdingen; and
6 Members Brian Cihacek, Joe Wozniak, Joan Felice, and
7 Duane Seigler, Sarah Brodt Lenz
8

9 **Staff Present:** Public Works Director Duane Schwartz and City Engineer
10 Marc Culver

11 **2. Public Comments**

12 None.
13

14 **3. Approval of January 27, 2015 Meeting Minutes**

15 Member Felice moved, Member Cihacek seconded, approval of the January 27,
16 2014, meeting as amended.
17

18 **Corrections:**

- 19 • Page 3, Line 117 (Stenlund)
20 Typographical Error: change “models” to “mottled”
- 21 • **Page 5, Line 197 (Stenlund)**
22 Typographical Error: change “Ms.” To “Mr.”
- 23 • **Page 9, Line 378 (Gjerdingen)**
24 Change to read: “... additional comment be included on the ~~[website for the]~~
25 street policy, with his...”
26

27 **Ayes: 5**

28 **Nays: 0**

29 **Abstentions: 2 (Lenz and Wozniak)**

30 **Motion carried.**
31

32 **4. Communication Items**

Mr. Schwartz and Mr. Culver each briefly reviewed project updates and maintenance activities listed in the staff report and attachments dated February 24, 2015, including a solar update.

Discussion included potential impacts of construction related to implementation of the Bus Rapid Transit (BRT) with the only potential impact foreseen being for the installation of fiber for immediate and future use; no further indication from Metro Transit of their consideration of building the Roselawn Avenue station until ridership warranted it; and status of final plans and bidding for the BRT, still proposed for this spring and including two separate design packages for station design.

Further discussion included the status of design and specification work on the Lexington Avenue Bridge project at Highway 36 with utility meetings held in the last week, and MnDOT anticipating public open house meetings in the near future, possibly online versus a physical location if indicated.

Mr. Culver provided an update on the City Council's action last night in approving plans and specifications for the Victoria Street project and as discussed by the PWETC at their meeting last month, approval of staff's recommended 30 mph speed by declaring the roadway an urban section, a special condition under state law based on geometric conditions along that roadway. Mr. Culver advised that staff had received good public input on the reduced speed and parking (favorable) and efforts to address wetland mitigation with installation of the sidewalk and stormwater treatments proposed as part of the project. Mr. Culver advised that the next step would be to forward plans to MnDOT for their approval.

Discussion included the location of the trail on the east side and connected into Reservoir Woods, with an 8' bituminous pathway and 6' concrete sidewalk planned as applicable along the corridor; and the need to consider signage to alert bicyclers to reduce their speed in those areas needing caution.

Staff was reminded by Member Gjerdingen to follow-up with MnDOT on railing heights for safety considerations as previously brought forward.

At the request of Chair Stenlund, Mr. Schwartz reported that staff had not heard any reports of freeze-ups to-date.

5. Sanitary Sewer Ordinance Update

Mr. Schwartz presented the final revised language incorporating discussion of the PWETC from their last meeting and review by the City Attorney as detailed in the staff report dated February 24, 2015. With recommendation by the PWETC, Mr. Schwartz advised that staff intended to bring the document before the City Council at their March 2, 2015 meeting; and sought any further comment of the PWETC based on this latest iteration.

79
80 Section 802.11.D

81 At the request of Member Cihacek related to costs, Mr. Schwartz advised that he
82 would check to ensure this was typical ordinance language to define review of
83 fees on a periodic basis.
84

85 Member Wozniak asked if staff had any concerns with sump pumps draining onto
86 adjacent properties.
87

88 Mr. Culver responded that staff had discussed this with the City Attorney several
89 times, with their advice being that this was a grey area with property rights, and
90 more of a civil issue between property owners if and when it occurred. Under
91 current code requirements, Mr. Culver advised that drainage and utility easements
92 were required for most properties, allowing the City some control over that
93 drainage. However, Mr. Culver noted his surprise in reviewing plots, the number
94 of Roseville properties never having been platted and under Metes and Bounds
95 legal descriptions, making it much more difficult for the City to manage and
96 govern those types of situations. Mr. Culver clarified that a property owner had a
97 right to drain water away from their home to a street or stormwater system in
98 some fashion; but it became an issue of neighbor rights versus homeowners'
99 rights in some cases.
100

101 Mr. Schwartz concurred, noting that a homeowner could not knowingly harm
102 their neighbor.
103

104 Mr. Culver concurred; however, he noted that if and when a neighboring property
105 may be in the low spot, it often was up to the courts to determine those issues.
106

107 Section 802.11.C

108 Member Gjerdingen noted that the revised language now clarified sump pump
109 inspections could be done by a State licensed plumber, and questioned how the
110 City documented that.
111

112 Staff responded that the register of licensed plumbers allowed staff to ensure they
113 were licensed and insured, and other qualifications, to protect its citizens.
114

115 **MOTION**

116 Member Felice moved, Member Gjerdingen seconded, recommending to the City
117 Council revisions and updates to Roseville City Code, Chapter 802, Sewer Use
118 and Regulations (Attachment A), as presented in the staff report dated February
119 24, 2015.
120

121 **Ayes: 7**

122 **Nays: 0**

123 **Motion carried.**

124 **6. Sewer and Water Lateral Ownership**

Mr. Schwartz provided an overview of this topic that the City Council had requested the PWETC review and make recommendations of any revisions regarding ownership of water/sewer laterals and related liability.

Current Policy

- Ownership lies with property owner from city main to building
- City participates in sewer wye replacement as a part of the private repair/replacement
- Property owner hires contractor to repair or replace
- Sewer connection at main (Wye) is a frequent source of problem

Discussion included a definition of the sanitary sewer connection (Type A) at the main with service connection off to the side; the necessity of digging up the entire line for repairs; with the City performing the street patch if on a city jurisdiction roadway, whether asphalt or concrete, at cost to the homeowner and to City standards.

Mr. Culver noted this was the reason staff strongly encouraged residents, during any construction and/or mill and overlay work on their street if they've had any issues at all with backups or drains indicated during televising of that line, that they hire the City's utility contractor at that time to replace their service line while the street is dug up to avoid that additional cost to the homeowner and the City ending up with a patch on a newly rehabilitated roadway.

At the request of Member Lenz, Mr. Schwartz advised that in newer developed areas or with newer homes, it was more likely that better and more technologically advanced materials had been used for the laterals. However, in neighborhoods with varying ages of homes, or those having sewer work done in the late 1950's and 1960's, those lines were clay tile and at that time service laterals were stubbed out beyond the existing roadway and in most cases of clay tile as well. Mr. Schwartz advised that those materials are now creating the problem due to root intrusion at the joints and subject to collapse if the line was not embedded in sand properly.

In ownership considerations of the laterals, Mr. Schwartz advised that some cities take responsibility to the property line, and in Minnesota municipalities are protected to some degree under the discretionary immunity statutes provided a municipality has done due diligence in cleaning/inspecting lines, a city is then not liable for damages from backups from its mainlines. If there is a history of backups in a particular segment of the main and a municipality doesn't take steps to correct that issue by repairing or replacing it, a city would eventually become liable for the back-up damages.

However, Mr. Schwartz noted that it becomes more difficult maintain the sewer lateral from the main to the property line; it could be a grey area when the backup occurred in the service lateral; or how to determine where it occurred and how to

171 prove that location, and what level of maintenance had been provided on that
172 segment of the line. Mr. Schwartz noted that generally most of the older laterals
173 in Roseville were constructed without clean-outs at the property line, and
174 suggested that be a consideration in the PWETC's analysis especially on the
175 sanitary sewer portion.
176

177 Specific to the water main service connection in Roseville, Mr. Schwartz noted
178 that the main is usually 10' off the center line of the street, so properties on one
179 side of the street were responsible for 20' of lateral to the property line and the
180 homes on the other side of the street may be responsible for 40' of the lateral
181 within the street ROW. Mr. Schwartz noted that this created an inequity in the
182 distance and responsibility for total length of service among property owners. Mr.
183 Schwartz advised that typically the City shutoff or curb box is at the property line,
184 and some cities have taken on ownership of water laterals up to that point, even
185 those having policies similar to the current policy in Roseville (e.g. a recent
186 policy change in the City of Little Canada). Mr. Schwartz noted that typically in
187 terms of the water line, it is either leaking which eventually surfaces or is working
188 fine, and has a clearly defined point for shutoff and determination of which side is
189 the responsibility of the property owner and which is the City's responsibility,
190 which provides another consideration for the PWETC as part of their review.
191

192 Policy Change Considerations

- 193 • Why change now
- 194 • Location of ownership hand off
- 195 • Long-term cost and risk implications
- 196 • Residential vs. commercial differences

197
198 Having experienced such a leak, and the number of workers and equipment
199 required to make the repairs, Member Felice stated that she would have been
200 overwhelmed to pay for that if it hadn't been determined that due to the location it
201 was the City's responsibility to repair it. If consideration is given to change
202 ownership to under the street, Member Felice opined that there would need to be
203 some way to fund that expense; and further opined that it was well worth the cost
204 of insurance to have it available should something like that happen. Member
205 Felice stated her willingness to pay taxes to have that ownership moved to the
206 City; with Mr. Schwartz advising that if that was the PWETC's recommendation
207 and subsequent policy of the City Council, it would require some type of rate
208 increase for those home and/or business owners.
209

210 Cost Implications

- 211 • 9000 residential properties in Roseville
- 212 • \$2,500 - \$6,000 repair/replacement cost per service lateral – water and sewer
213 separated
- 214 • Potential \$72 million cost with a 50 year liability (based on a \$4,000 average
215 cost)
216

Discussion included past grants for private sewer laterals funded with state bonding money awarded by the Met Council and pending legislation to offer a similar process for cities to have available yet again; cost economies available for large scale projects versus on an individual basis; additional costs for circumstances occurring during winter weather conditions; and the significant amount of money involved.

Member Cihacek suggested a consideration needed to include the cost savings component for the City to have uniform lines coming into a main and potential cost savings available in other areas; and suggested a cost savings analysis could provide additional information for this review.

Other Considerations

- Discretionary immunity issues
- Determining where problem is located on lateral
- Lack of service lateral as built information (water tends to be more uniform) – private developers and no city records available
- Fairness to properties that have replaced this infrastructure
- Other?

Discussion included replacement scenarios and ability of a homeowner to pay costs upfront or over time as a special assessment; and new connections added onto road assessment costs as applicable.

However, Mr. Schwartz noted that with completion of the first phase of the Pavement Management Plan (PMP) over the last 20 years, future road reconstruction projects would be few and far between, with that investment made and with few exceptions for a number of years, most projects would be maintenance for mill and overlay versus pavement replacement. Mr. Schwartz noted that there would be some water main or sewer main replacement projects coming forward where a portion of pavement would be lost to open service lines. However, Mr. Schwartz advised that water service lines tended to have a longer life cycle than sanitary sewer lines due to the original material specifications (e.g. clay lines).

Member Seigler asked if staff was seeing an increase in failures due to the aging housing stock in Roseville.

Mr. Schwartz responded affirmatively; however, conversely he noted the increasing technologies available in lining sanitary sewer laterals, even though they were fairly expensive at this point, which he estimated to be \$7,000 to \$8,000 per individual line. Mr. Schwartz noted that, if there was sufficient interest from 100% of the homeowners along a particular line, the entire segment's service laterals could be lined at the same time, thereby reducing the cost to \$2,000 to \$3,000 each, again based on the economy of scale. Mr. Schwartz noted the advantage for a homeowner to have their laterals lined while

the contractor is set up with their equipment, and noted a hole would need to be dug nearer the house. In staff's consultation with contractors doing this work, Mr. Schwartz advised that they all agree that the only way to get the cost down is to put together a larger scale project.

Member Lenz sought clarification on the location of the sewer line, with Mr. Schwartz confirming that sanitary sewer mains run down the center of the street, but the water mains are offset left or right of that, with the property owner currently responsible for however long that lateral line is from the main to the home depending on which side of the street they live.

At the request of Member Lenz, Mr. Schwartz confirmed that the City of Roseville's Finance Department worked with residents on timed payments or deferrals for hardship cases, with interest charged for the duration of the deferment and until the home is sold. Even though assistance programs are in place for residents in need, Mr. Schwartz noted that the Finance Department advised few took advantage of these options, since the interest rate typically charged is higher than the private sector.

At the request of Member Felice, Mr. Schwartz clarified how and when economies of scale could be applied for replacing or lining laterals if it was part of an organized effort, but questioned how to incent residents to get the necessary 100% participation.

Member Cihacek questioned if homeowners wouldn't be incentivized by the obvious cost differential.

Mr. Culver responded that if the City had the responsibility for laterals within the street, they would automatically make replacement or lining of those lines, as applicable, part of their main line replacement or lining projects, since it would behoove the City to be proactive in lining laterals up to property lines or replacing them when trenches are already open, providing some economies of scale.

From his personal perspective, Chair Stenlund opined that his rights and responsibilities should stop at his property line, since he can't shut off the water beyond that if he didn't own the pipe or line. An example would be if tree roots from a tree planted on the boulevard, which would be in the City's right-of-way, filled a line, he couldn't remove the tree. Based on that scenario, Chair Stenlund opined that the City should own the lines and/or laterals up to the private property line, and the property owner should own from the street to the home. However, Chair Stenlund recognized that life isn't fair, and if he chose to do nothing at his property line, it became a quality control issue for the City and the property owner's neighbors. If a cleanout valve was in place at the property line, and videotaping done from that point, Chair Stenlund opined that it provided more uniformity for all parties.

Discussion ensued regarding roadway conditions and replacement of the materials after a dig by to avoid sink holes, with staff advising that the street department managed the paving, or hired a qualified contractor to do so at City standards for replacing it as it was before and for quality control.

Member Cihacek asked how much costs for installation of cleanout valves would be and what the City's current policy was for making sure those were installed as part of any new construction.

Mr. Schwartz advised that staff would need to research that cost, as it was not current policy to require them.

Mr. Culver noted that costs would also vary depending on how deep the sanitary line was.

Member Cihacek opined that it would be reasonable to review and consider exploring ownership up to the mains and cost of valves to determine the cost per connection. Member Cihacek advised that he would be interested in receiving a cost estimate to that extent up to a hypothetical property line, and a uniform demarcation for new construction ownership at the property line.

Chair Stenlund expressed his preference for the City owning up to the property line, whether those additional costs and maintenance fees were covered as additional utility fees or through taxes.

Member Seigler suggested a cap (e.g. \$4,000) if a lateral has to be replaced, with the City typically picking up the cost at that average cap, or a percentage of that, or if needing to be replaced for dereliction of maintenance by a property owner, they would be responsible for 100% of the cost. Under this scenario, Member Seigler opined ownership would not change while not being overburdening for homeowners.

At the request of Member Gjerdingen, Mr. Schwartz clarified the potential costs for laterals with new construction projects: additional trenching under OSHA safety requirements, testing of the main. Mr. Schwartz further clarified that, during a major reconstruction project there may be various economies of scale, a contractor typically installs services after the main is filled and pressure tested, with the lateral trenches then dug and placed, noting that it wasn't just a simple one-time installation process for water lines. Mr. Schwartz noted that sanitary sewer mains and laterals were not as complicated, and can usually be done at the same time the main is installed even though laterals are typically dug by contractors after the fact. It is less expensive to perform this work at that point versus after the road is paved with curb & gutter installed, and sod and trees planted.

At the request of Member Gjerdingen, Mr. Schwartz estimated the cost for new construction of each of those laterals would be \$2,000 to \$3,000.

Member Cihacek clarified that the issue to be considered by the PWETC for recommendation was not so much new construction, which would typically be under contractor liability; but the concern is how to address the majority of older housing stock in Roseville needing infrastructure replacement and not covered by insurance or other means, and how to address that versus new construction. Member Cihacek opined that the City needed to be proactive moving forward to allow it to have better access and control of mains and laterals.

Mr. Schwartz advised that when the City was heavily into the PMP in the 1980's and 1990's, a fair number of residents took advantage of replacing their laterals based on the great bid prices, with some of those homeowners paying as little as \$600 each to replace their laterals in the public rights-of-way.

Member Cihacek asked if property owners had any opportunity to learn what condition their laterals were in and how to access that information.

Mr. Schwartz advised that the City maintained sewer/water cards from original construction of houses (e.g. small drawings and sketchy information) and some of the original as built for mainlines has some minimal information on them. However, given the variety of data sources and if and when they're available, Mr. Schwartz noted that a full database for each property did not exist, especially the older properties having 4" cast iron or 6" clay or other type material pipes, those that were the most problematic.

At the request of Member Cihacek, Mr. Schwartz advised that staff continued to update their information as they worked with homeowners who have replaced their infrastructure. However, Mr. Schwartz noted that to get all the information in one place for easy access from the field or at the office would prove to be a monumental task given current staffing levels.

Member Cihacek suggested some type of disclosure for those purchasing older homes in Roseville that might provide an estimate of a potential future cost they should be prepared for with those older pipes.

Mr. Culver noted that, during more recent years when permitting was required for replacement of water and/or sewer lines, if a homeowner or prospective homeowner contacted the City's Building Department to seek that information, they could access it and advise them when it was last replaced.

Mr. Schwartz noted the water side provided more of a location, with varying sizes and types of pipes.

Mr. Culver suggested staff research the information with the Building Department to determine their data retention timeframe for permits and other property information, and how or if a homeowner could obtain that information from the past.

Mr. Schwartz advised that during staff's research of this issue, there were some cities that have a requirement for televising sewer and/or water lines as a point-of-sale requirement, with the City of Golden Valley having the strictest policy he'd found among metropolitan communities. In that case, Mr. Schwartz advised that the homeowner or seller actually had to prove the sanitary sewer service was of sufficient material or condition for resale, or the seller had to replace it before sale. Mr. Schwartz noted that this required the seller paying for televising of the lines that would indicate any off-set joints or root intrusion, and if so, also require replacement at that point and before sale.

Member Cihacek asked staff to provide more information on home ownership on older homes and those having knowledge of the lines, and applicable cost estimates for those homes or situations.

Chair Stenlund noted that staff's estimate already provided the total cost at approximately \$72 million, so it was really only determining who would cover the costs, property owners or the City.

Member Cihacek opined, no matter of the potential cost, it would be beneficial to alert homeowners of potential future costs.

Member Felice noted that, in an emergency situation with a sewer backup or water line freeze-up, you didn't have time to research the situation or a contractor, and only needed someone to "save me now!" Member Felice opined that it would be good thing for the City to have available a list for homeowners of qualified, licensed contractors who could perform the work.

As one of the 120 homeowners in Roseville required to run water during colder winter months due to an incorrectly or too shallow water line installation, Member Wozniak opined that it had always bothered him since he had not been aware of that situation when purchasing the home from the previous homeowner. Member Wozniak opined that he thought the City would have taken responsibility during construction to make sure the water line was properly installed to avoid this, and as a result he viewed the water line as something provided to the homeowner by the City, and thought the City should take ownership all the way up to where it enters his home. In response to Chair Stenlund's request for clarification, Member Wozniak stated that to him this meant at the water meter, or the shut-off valve in his house. However, Member Wozniak recognized that as a property owner he could also do something that could inadvertently damage the water line in the area he's suggesting be the City's responsibility.

Mr. Schwartz concurred that he could support the ownership to the property line for water lines scenario in most cases, but in situations when a plumber was hired by the homeowner to switch a home from a private well to City water, or in cases where a contractor installed a line improperly, it would be difficult to justify accepting those lines on an “as is” basis.

Member Wozniak noted that, in his personal case, the main shut-off valve was actually located in his neighbor’s property across the street at least that was where the contractor went to thaw the water line during his first winter owning the home.

Mr. Culver asked for those addresses to further investigate that situation.

Mr. Schwartz sought clarification as to whether that was the first time the line froze shortly after a road project was completed and the grade changed.

Member Wozniak responded negatively, advising that they were already on the notification list for potential freeze-ups.

Regarding lateral sewer lines, Member Wozniak agreed with Chair Stenlund’s comments, opining that he had more influence in what went into the lateral and therefore bore some responsibility for affecting its operation or landscaping installed over the line.

Member Gjerdingen opined that he was hesitant for the City to take on that total cost, noting that the money had to come from somewhere; and questioned where that was and if it was always allotted only to this purpose. In cases for high density housing (HDR), Member Gjerdingen suggested a more efficient water main cost for repair and/or maintenance was available to that property owner over time, but would be unfairly hit with any property tax increase to cover these costs. Member Gjerdingen opined that the same applied to some commercial properties, as well as some county roads in which the City owned the mains. Member Gjerdingen opined that, from his perspective, it made more sense to add a higher construction replacement cost, as it could be that one property owner could decide to push off repairs but during the middle of winter, the line broke. Member Gjerdingen opined that during large reconstruction projects, it provided the perfect time to replace lines. Member Gjerdingen stated that he could consider the City taking ownership of the laterals on some roads, but was not sure if he could support that city-wide.

Member Cihacek questioned if this was going to be considered as an additional cost or fee applied to utility bills to address future maintenance costs or would it be an additional surcharge added to pay for this amortized cost over time.

Mr. Schwartz questioned if he was suggesting it would be like a property owner having an insurance policy for its own water and/or sewer lines.

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Member Cihacek suggested instead of adding it to taxes, it could be done property-wise and added to fees as applicable.

Mr. Culver questioned if Member Cihacek intended that as pre- or post-replacement.

Member Cihacek opined that it could be either; stating that he'd be fine with an additional \$5 fee to make sure funds are available if and when needed, and if not used or the ownership of a property changes, it could be refunded. Member Cihacek opined that this way there would be a pot of money for repairs; but admitted he was not sure if that would be viable depending on surcharge rules under which the municipality and its utilities were governed.

Chair Stenlund suggested a fee that went into a pool to take care of any situation in the City of Roseville.

Member Seigler stated that he had no problem with an assessment for repair, but would like to see a cap, especially if there were unique situations; with the City being responsible for smaller liabilities and protecting some of the other unique situations.

Mr. Schwartz stated they had run into unique situations in the past, especially with county and/or wider roadways, when repair or replacement would become an undue burden for those adjacent property owners.

Mr. Schwartz summarized his understanding of tonight's discussion for staff to provide additional information as noted and hold more detailed discussions with the Finance Department.

Additional information needs for future discussion included: point-of-sale options, financing and capping costs and how to address various situations, at what point ownership began, and how to examine and document clean-out valves as homes or new connections are construction going forward (Cihacek); who was the responsible party in situations of improper installation or past ownership and who becomes liable, the current or former property owner (Stenlund); if, how, and to what extent the City can require homeowners to maintain minimum insurance coverage to address these situations (Cihacek); and if a property owner is liable to the center of the street if something goes wrong while owning laterals but most of the contractors are long gone, and who becomes liable when the property owner didn't own the land under the street, but did own the laterals, at least under the current situation (Stenlund).

Recess

Chair Stenlund recessed the meeting at approximately 7:48 p.m. and reconvened at approximately 7:53 p.m.

7. **Right-of-Way (ROW) Width Discussion**

As previously requested by the PWEC, Mr. Culver presented information on right-of-way easements and possible vacations of some for home expansions that may be applicable for zero setback requirements (e.g. HDR's).

Member Seigler, who had originated this request, provided examples of some corner lots without room for even a two-car garage under current setback requirements; or some lots too small for sufficient green space or unable to qualify for any expansion based on impervious surface requirements. As a GreenStep City, Member Seigler questioned if the City was being consistent in that designation while still requiring significant setbacks across-the-board; while not allowing those wanting to expand to increase the value of their homes based on those setback requirements.

Mr. Culver noted that given the age of the community and much of its housing stock, there were numerous unique circumstances. Mr. Culver opined that part of the problem with easements was that since Roseville was developed without the majority of the lots properly platted, with many lot splits over and again, creating irregular properties over those years, it created many of the problems, since right-of-way and/or utility easements were not always provided. Mr. Culver noted that under current regulations, many of those lot splits would not be allowed today that would serve to avoid the very issues Mr. Seigler was identifying. Mr. Culver noted that this included the land use code that a property could not have more than 30% impervious surface.

As suggested by Member Seigler, Mr. Culver spoke in support of a case study for his neighbor's property, not only as an example, but to perhaps find solutions or options for development versus the inability to develop in certain cases.

Mr. Culver displayed a map showing rights-of-ways from one area of Roseville and actual variances of that width as an example of the variables.

In addition, Mr. Schwartz advised that in some corridors the variable may not be as large as indicated on this map, as the map didn't always show actual platted rights-of-way widths in some instances. As an example, Mr. Schwartz noted that Roselawn Avenue, originally a Ramsey County Road, had an initial standard of 66', then another 10' was added to each side; with some county roadways actually at 86', and others allowing for 49.5' on each side of the center (e.g. Lexington Avenue and Rice Street) after replatting.

At the request of Member Felice, Mr. Culver clarified the difference in rights-of-way and easements. Mr. Culver explained that a right-of-way was typically platted and publically owned, either dedicated or purchased, with private property extending up to that right-of-way. Mr. Culver advised that an easement essentially provided the same rights, but it was a portion of encumbered private property. Mr. Culver noted that generally setback rules generally are measured off

a property line, while a roadway easement may not have as many limitations for the private property owners as a right-of-way.

Mr. Schwartz noted that platted rights-of-way were generally used for a public purpose (e.g. sidewalks), while easements typically had a specific use (e.g. utility or roadway) depending on how they were written, and sometimes prohibiting that area for another type of use. As an example, Mr. Schwartz advised that, the City may have a sanitary sewer easement, but it could not put in a water main in that area unless it acquired easement rights specifically for that purpose.

Mr. Culver advised that any newly platted property included a drainage easement around the new property for drainage and utility purposes; however, a sidewalk would require additional rights being granted.

Member Cihacek asked if the property owner was responsible for rights-of-way and easement maintenance.

Mr. Schwartz advised that, legally, the City could not force a private property owner to mow a city-owned right-of-way if it was actually owned by the City. However, Mr. Schwarz noted that a property owner often did so to make their property look good; even though in rare circumstances, property owners have refused to do so, and the City did so. However, Mr. Schwartz advised that the City did minimal mowing in those situations for the purpose of reducing the height of the grass and/or weeds, and it would not be to standards for most front yards in Roseville.

At the request of Member Cihacek, Mr. Schwartz responded that code language prohibited some and dictated what type of landscaping a property owner could install, such as not reducing or eliminating sight lines, or hampering snow plowing, etc. However, Rain gardens are frequently allowed, and the property owner may even be eligible for cost participation if it helps to reduce drainage and runoff on a roadway, with many such project costs reimbursed under best management practices (BMP's) with the Ramsey Conservation District and area watershed districts.

Member Cihacek questioned if that affected a lot's permeability enough to allow expansion of a home or garage or changing requirements.

Mr. Culver advised that, if you go over the 30% impervious surface cap, you had to mitigate that with extra BMP's in some way, with a rain garden being one of several options available, and the calculation based on the amount of additional impervious surface being added and dictating the size of the BMP required.

However, Chair Stenlund noted that such a BMP could not be installed in a right-of-way as it could not have dual uses in one area.

If homeowners are expected to maintain rights-of-way, Member Cihacek questioned if it wouldn't be mutually beneficial to promote such uses.

Mr. Culver noted that could be possible, but required an additional step, to apply for an easement encroachment, but would require a case-by-case review and be two separate processes and evaluated per case.

Member Cihacek questioned if there was any historic variable driven by historic uses.

Mr. Culver responded that it would be very difficult to standardize that information on a city-wide basis, due to the numerous variables for rights-of-way and positions of roadways, location of water and sewer mains, and location of private utilities. Mr. Culver opined that it would be an enormous administrative task to accomplish that, as well as working through Ramsey County to legally change those rights-of-way and identify where it could happen.

Member Cihacek questioned if the City could voluntarily cede part of its easement or right-of-way back to a homeowner to create that consistency.

Mr. Culver advised that there was such a mechanism in place, used sometimes, called a vacation process, and included filing fees for applications, holding a public hearing, investigating utilities and other issues that could be impacted and on a case-by-case basis. Mr. Culver advised that it was easier for the City to support a setback variance if that became a driving factor.

Mr. Schwartz concurred, noting that it would also be cost prohibitive to do so.

Chair Stenlund noted public rights-of-way could not generally be used for personal gain (e.g. to meet a water quality issue).

Member Seigler used the property at 1829 Roselawn Ave. on the displayed map and variables along just that one block in setbacks, available property for expansion; public rights-of-way; and other issues. Member Seigler opined that he saw some setback requirements as excessive when there appeared to be no consistency from one parcel to another, even on one block. When a lot was small, Member Seigler opined that it became even more excessive when the City's easement or right-of-way was taking 20% to 25% of that lot. Member Seigler noted that the city, county and/or state had 65 years since the City's inception to do something on that reserved property, and had not done so to-date. Now, with changes to housing stock expectations and in order to have a home resalable in today's market that was viable (e.g. master suite and minimum two-car garage), if there was room for an expansion on the lot to accomplish a marketable home, the City should find a way to accommodate that growth to get higher value homes.

674 Member Seigler expressed concern that the City of Roseville could eventually end
675 up being a community of lower value homes or lower income housing, similar to
676 some neighboring communities, with those seeking higher valued homes moving
677 to other communities to find it. Member Seigler opined that there were some
678 areas with stable lots that could be addressed to meet those needs.

679
680 Chair Stenlund noted that the Cities of Eagan and Edina had ripped out little
681 homes and built McMansions that were not creating problems from their size and
682 creating problems with solar shade.

683
684 Member Seigler stated that he personally had no problem with the market value of
685 homes surrounding him increasing.

686
687 Chair Stenlund just noted that there were other issues to consider, as well as other
688 options.

689
690 Member Seigler opined that Roseville may be coming artificially undesirable due
691 to the large setbacks, reducing house values and any improvements that may
692 occur. Member Seigler advised that if some improvements were allowed it would
693 serve to improve the community's overall value.

694
695 Member Cihacek questioned if a parcel's size when offered for sale provides its
696 platted lot size or included the right-of-way.

697
698 Mr. Culver responded that advised that the lot size was bound by the square, not
699 the right-of-way; and for example, a 2-3 acre lot which was not that uncommon as
700 a standard lot size in Roseville while some were smaller. Mr. Culver noted that in
701 many instances, the right-of-way width was established prior to the home actually
702 being built, and the City hadn't taken any additional right-of-way since the home
703 was constructed. From his professional stance, Mr. Culver advised that he'd have
704 difficulty saying where the pavement was in relationship to the lot lines; but also
705 maintained the need to retain right-of-way, especially on corner lots.

706
707 Member Cihacek questioned the differences among adjacent lots.

708
709 Mr. Culver advised that some may have been platted properties, and the adjacent
710 properties may not have ever been platted, but continued as Metes and Bounds
711 parcels, many which were still evident in Roseville. If those properties sought a
712 lot split in the future, Mr. Culver advised that they would then be forced, under
713 current regulations, to include a dedicated right-of-way.

714
715 Member Cihacek opined that the rules seemed arbitrary for adjacent homes, and
716 there didn't seem to be a method in place other than historically. Member
717 Cihacek questioned if there was a remedy for those property owners under current
718 development trends so they could make their case with the City and be heard for
719 the merits of their particular situation.

Mr. Culver responded that this was more of a Community Development Department or Planning Department discussion. While recognizing the point about arbitrary rights-of-way widths and how they're applied or their results, Mr. Culver advised that his question was whether in practice the right-of-way width of those properties used as examples tonight prevented the City or County from operating and maintaining the roadway. Mr. Culver noted that there may be cases where a new utility or sidewalk was needed, and the right-of-way width may limit those needs, or more width may be required to install something.

Member Seigler recognized that there were limits as to what a private property owner could put inside that box, or limiting green space versus not allowing construction. Mr. Seigler also recognized that the City may be wary of giving up control of those areas; however, he reiterated that after 65 years, when nothing was yet installed there, the City needed to determine what it preferred: to allow more construction or to increase home sizes.

Member Cihacek concurred that this appeared to have more of a planning area of emphasis.

Mr. Culver stated that, if came down to if we want to allow residents to add value to their homes on small lots, and what should be considered a valid variance request. For example, Mr. Culver noted a smaller lot could add a patio or sunroom addition in the backyard, or other minor options. However, Mr. Culver noted that from staff's perspective it was easier to have something in code speaking to those issues versus allowing variance applications on a whim or at the leading of changing City Councils or Planning Commissions in any given year. Mr. Culver opined that the consequences of that may present other issues in other part of the community. Mr. Culver concurred that this warranted additional discussion at the Planning Commission level; and noted there were various considerations as to if and when a right-of-way or easement was vacated and returned to a parcel. From his perspective, Mr. Culver advised that he couldn't always recommend such a move as being in the best long-term interest of the City.

Member Cihacek opined that it goes to the fact that some of those lines appear arbitrary or conditions may have changed; and in some instances, it may require a new determination under current development trends. Member Cihacek noted that it would mean increased taxable property if the City gave some of that land back. However, Member Cihacek opined that the PWEC needed advice from the planning level to develop a policy in relationship to when rights-of-way remained important.

Mr. Schwartz advised that staff could discuss this with the Community Development Department and bring their viewpoint back to the PWETC for additional discussion. Mr. Schwartz noted that rights-of-way were a huge

consideration for public projects, especially expansion of county or highway rights-of-way prohibiting projects due to the high cost, with the cost of right-of-way acquisition often exceeding the cost of the project itself, making agencies sensitive to giving any of it up.

8. Twin Lakes Traffic Study

Mr. Culver briefly reviewed the recent Twin Lakes Traffic Study update, advising follow-up discussion could be held at a future PWETC meeting if warranted. Mr. Culver reviewed the results of that update intended for presentation at the March 2, 2015 City Council meeting by SRF Consulting Group, and included in tonight's meeting packet materials. Mr. Culver clarified that the action before the City Council was specific to permitting a feasibility study for extension of Twin Lakes Parkway, with plans and specifications requiring future City Council approval and other processes before construction and determining how to fund the project. Mr. Culver noted that this had last come before the PWETC for discussion in late 2014.

Member Felice noted that, if this was approved, it would have a huge impact on the area in connecting transit options currently underway and those being considered for that area in the near future.

Mr. Culver advised that the BRT plans had not yet been modeled into the study until determinations had been made by the Metro Transit and how they intent to provide a feeder system into the BRT based on ridership and once the BRT line was in operation. At that time, Mr. Culver opined that there would be a better feel for impacts on travel demand in the broader Twin Lakes area.

Member Felice opined that it was even more important as more young families were coming into Roseville.

Member Gjerdingen opined that the study was timely in the residential area as well, with results showing fewer cars feeding into that area than predicted versus not building the Parkway and the negative traffic impacts with more trips projected. From his perspective, Member Gjerdingen opined that the Twin Lakes Parkway appeared to be a big win-win and in creating an urban feel in the Twin Lakes area given its mixed use intentions.

Member Gjerdingen noted the assumption for a 6-lane Snelling Avenue, and questioned if MnDOT had addressed that potential.

Mr. Culver noted that it was recognized by all parties that some improvements were needed at intersections along the Snelling Avenue corridor. However, by recommending 6 lanes, Mr. Culver advised that it put a placeholder to make sure all agencies noted the need for additional capacity if everything else was going to work in that area. Mr. Culver admitted that MnDOT had not made any

commitment to additional lanes at this point but the City and County could continue lobbying them for additional improvements to address capacity issues. Further discussion included the need for increased capacity overall on Snelling Avenue, including extending the BRT further north to TCAPP; projected continued traffic growth on Snelling Avenue and how impacts with additional lanes on I-35W will affect that, with the SRF traffic modeling attempting to project that need; difficulty crossing Snelling Avenue at various intersections; potential grade separations that could help alleviate some issues at key intersections; and how to improve capacity for at-grade intersections (e.g. Lydia Avenue).

Additional discussion included signage and trailblazing signs to guide those less familiar with the areas adjacent to Snelling Avenue.

9. Possible Items for Next Meeting – March 24, 2015

- **Leaf Collection Program Discussion**
- **System-wide Pavement Delamination Issues (Culver)**
Mr. Culver advised that the top layer of pavement stripping on local streets seems to have a theme with sealcoating issues. Mr. Culver advised that staff would return with options for the PWETC to consider making a recommendation on potentially stopping sealcoating for a time, and the risks involved both pro and con, in doing so; and budget scenarios and pavement life cycle impacts and maintenance in place of sealcoating.
- **Sewer and Water Utility Lateral Ownership Continued Discussion**
- **Solar Update**
- **Soil quality examination pavements for parking and the process (Cihacek)**
- **Elections in April of a Chair and Vice Chair (Stenlund)**
While he was willing to continue chairing the meeting if no one else stepped forward, Chair Stenlund asked that commissioners give consideration to this upcoming election as new commissioners come on board.

10. Adjourn

Member Cihacek moved, Member Felice seconded, adjournment of the meeting at approximately 8:48 p.m.

Ayes: 7

Nays: 0

Motion carried.

Roseville Public Works, Environment and Transportation Commission

Agenda Item

Date: March 24, 2015

Item No: 5

Item Description: Communication Items

Projects update:

- Victoria Street Reconstruction and Sidewalk Project: This project is being advertised to solicit for bids with the bid opening on April 9th. Assuming we receive a reasonable low bid, staff expects to award this project at the April 13th City Council meeting
- Staff attended a preliminary Staff Advisory Committee meeting for the I-35W North Corridor Preliminary Design Project. This project would install one managed lane in each direction for 35W from Trunk Highway 36 to Lexington Ave in Blaine. The preliminary plans would be ready in mid-2016. Currently this project is only partially funded and programmed for the year 2020 or beyond. There is a chance that with some additional Transportation funding this project could be accelerated.
- Due to high bids which were received at the end of April, staff has recommended the rejection of bids for the Evergreen Stormwater Reuse Project. This project would have installed a large underground stormwater retention tank that would have provided water for the irrigation of the Evergreen Park baseball fields. The low bid received was \$660,000, which was 45% higher than the engineer's estimate. The City of Roseville does have \$300,000 grant for the construction of this project, but staff felt that that additional cost to the City of Roseville as well as the potential additional unknown costs could not be justified for this project. We are continuing to work with the Board of Water and Soil Resources (BWSR) in an attempt to determine an alternative project for these funds. Council will act on staff's recommendation on Monday, March 23rd.

Maintenance Activity:

- Street maintenance staff is busy sweeping the entire street network hoping to get through every street prior to the first major rain event since melt down of the gutters. They should complete the city sometime the week of March 23rd. Sidewalks are being swept by Parks personnel and pavement repairs have begun as well.
- Utility crews have been busy beginning seasonal preventative maintenance programs. We did receive 2 calls on frozen water services in the past two weeks but the threat should pass quickly with the recent more average temperatures..

Other:

Staff will brief the Commission on some department retirements and staff changes. Nothing new to report regarding the Solar Credit applications at this time.

Attachments:

A: None

**Roseville Public Works, Environment and
Transportation Commission**

Agenda Item

Date: March 24, 2015

Item No: 6

Item Description: Leaf Pickup Program Discussion

Background:

The City of Roseville has provided a curbside leaf pickup service to Roseville residents since 1970. In 1997, the City adopted a fee-for-service program to help minimize direct costs to City operating budgets. The program has been managed with user fees since 1997. In more recent years the City Council direction to staff is to recommend the fee annually cover the entire cost of the program. The fee is fairly predictable unless the weather does not cooperate during the program as happened last fall. As the fee has increased to cover the full cost, participation rates have fallen to the current approximately 700 properties. This is under an 8% participation rate. We are at a juncture where the majority of the equipment used for this program is in need of replacement. Staff feels it is a good time to revisit the need to provide this service to residents and the alternatives available to them. This is a very labor intensive program. Staff will present the recent history and costs of this program and other unmet needs where the resources could be redirected if the Council chose to eliminate the collection portion of the leaf recycling program.

Recommended Action:

Discuss viability of continuing the leaf collection program.

Attachments:

A: None

**Roseville Public Works, Environment and
Transportation Commission**

Agenda Item

Date: March 24, 2015

Item No: 7

Item Description: Pavement Distress Issues Discussion

Background:

The City of Roseville, along with many other Cities in Minnesota, are experiencing an accelerated deterioration of the top layer of bituminous pavement. We call this delamination (pictured below). There has been some research on this item in the recent year that may indicate that this added distress is related to an interaction between the top layer of the pavement and the seal coat treatment we apply to our roadways.

Staff will present some information on this topic and ask for the Commission's feedback on modifying our pavement maintenance strategy in order to respond to this accelerated distress.



Recommended Action:

Receive presentation.

Attachments:

A: None

**Roseville Public Works, Environment and
Transportation Commission**

Agenda Item

Date: March 24, 2015

Item No: 8

Item Description: Sewer and Water Lateral Ownership

Background:

The Commission received a presentation and discussed the current policy of sewer and water service laterals being the responsibility of the property owner as defined in city code at your February meeting. Staff has been assembling follow up information requested by the Commission. Staff will present the information at the meeting for additional discussion and present a staff recommendation on this issue.

Recommended Action:

Receive follow up information and staff recommendation on sewer and water lateral ownership and liability and provide comment to staff. Formulate recommendation to the City Council if desired.

Attachments:

A: None

Roseville Public Works, Environment and Transportation Commission

Agenda Item

Date: March 24, 2015

Item No: 9

Item Description: Look Ahead Agenda Items/ Next Meeting April 28, 2015

Suggested Items:

- Eureka Recycling annual report
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-

Recommended Action:

Set preliminary agenda items for the April 28, 2015 Public Works, Environment & Transportation Commission meeting.