

PUBLIC WORKS & UTILITIES COMMITTEE

11-0147R

RESOLUTION ORDERING THE IMPROVEMENT OF THE 2011 STREET
PRESERVATION PROJECT AT AN ESTIMATED COST OF \$3,640,000.

CITY PROPOSAL:

RESOLVED, that it is deemed necessary for public convenience and safety and it is hereby ordered that the following streets (city project 0828TR) be improved:

Arrowhead Road from Kenwood Avenue to Rice Lake Road

88th Avenue West (Loop) from TH23 to TH23

First Street from 10th Avenue East to 21st Avenue East

Fourth Avenue West from Second Street Alley to Fourth Street

Swan Lake Road from Basswood Avenue to Arrowhead Road

FURTHER RESOLVED, that said work be done by contract and that the estimated cost of said project as estimated by the city engineer is \$3,640,000, payable from Street Improvement Fund 440-038-5530. The funding sources for this project will be as follows; \$3,600,000 from Street Improvement Fund 440, \$40,000 from Stormwater Utility Fund 535, and of these project costs, \$776,365 will be assessed to benefitting properties.

FURTHER RESOLVED, that assessments shall be levied upon lands benefitting per the preliminary assessment roll (Public Document No. _____) and may be paid

in five annual installments at municipal bond index fund rate plus 1.50 per cent interest.

Approved:

Se 

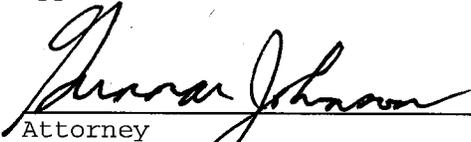
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

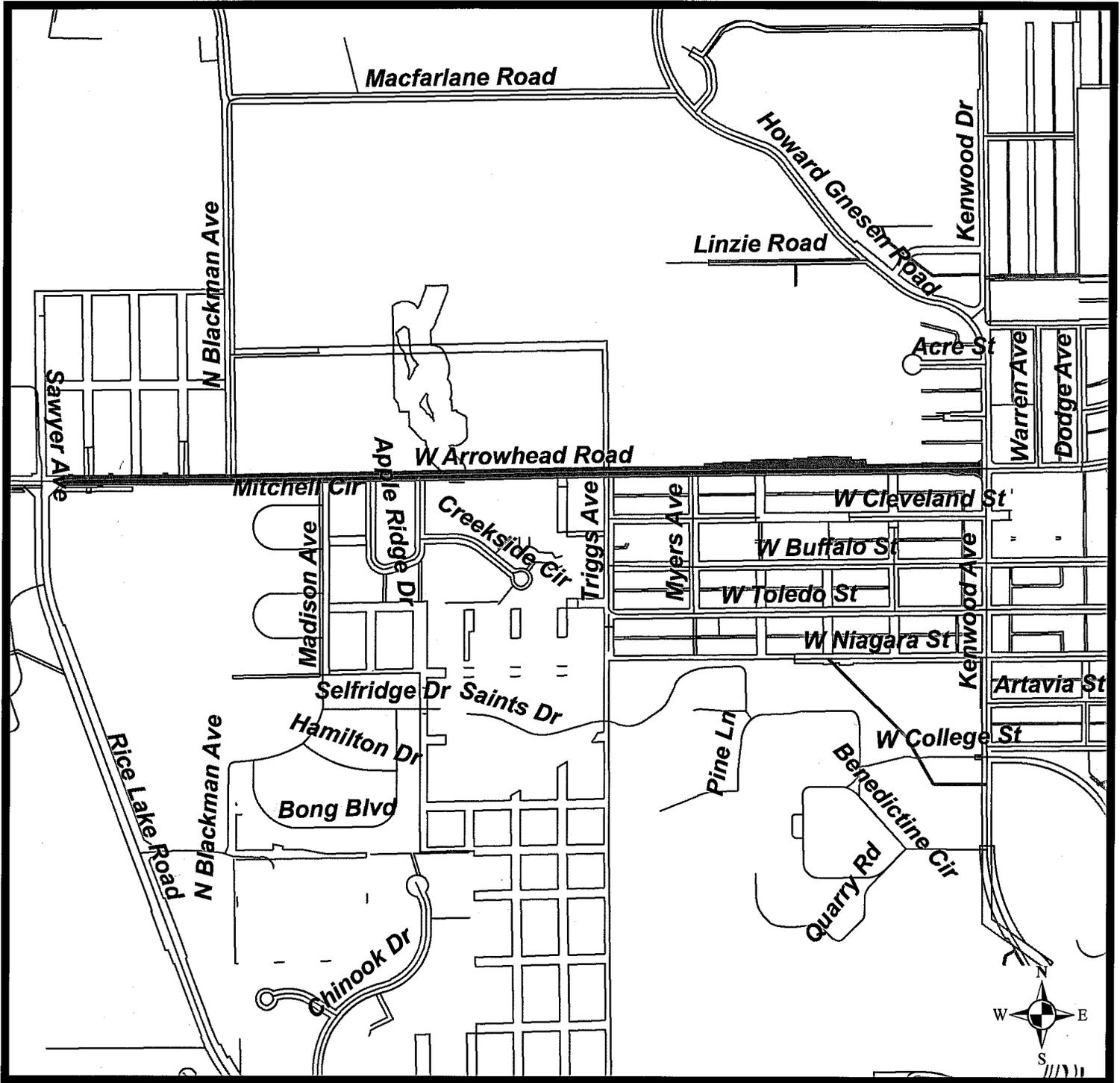
Approved:



Auditor

ENG CJV/jh 3/17/2011

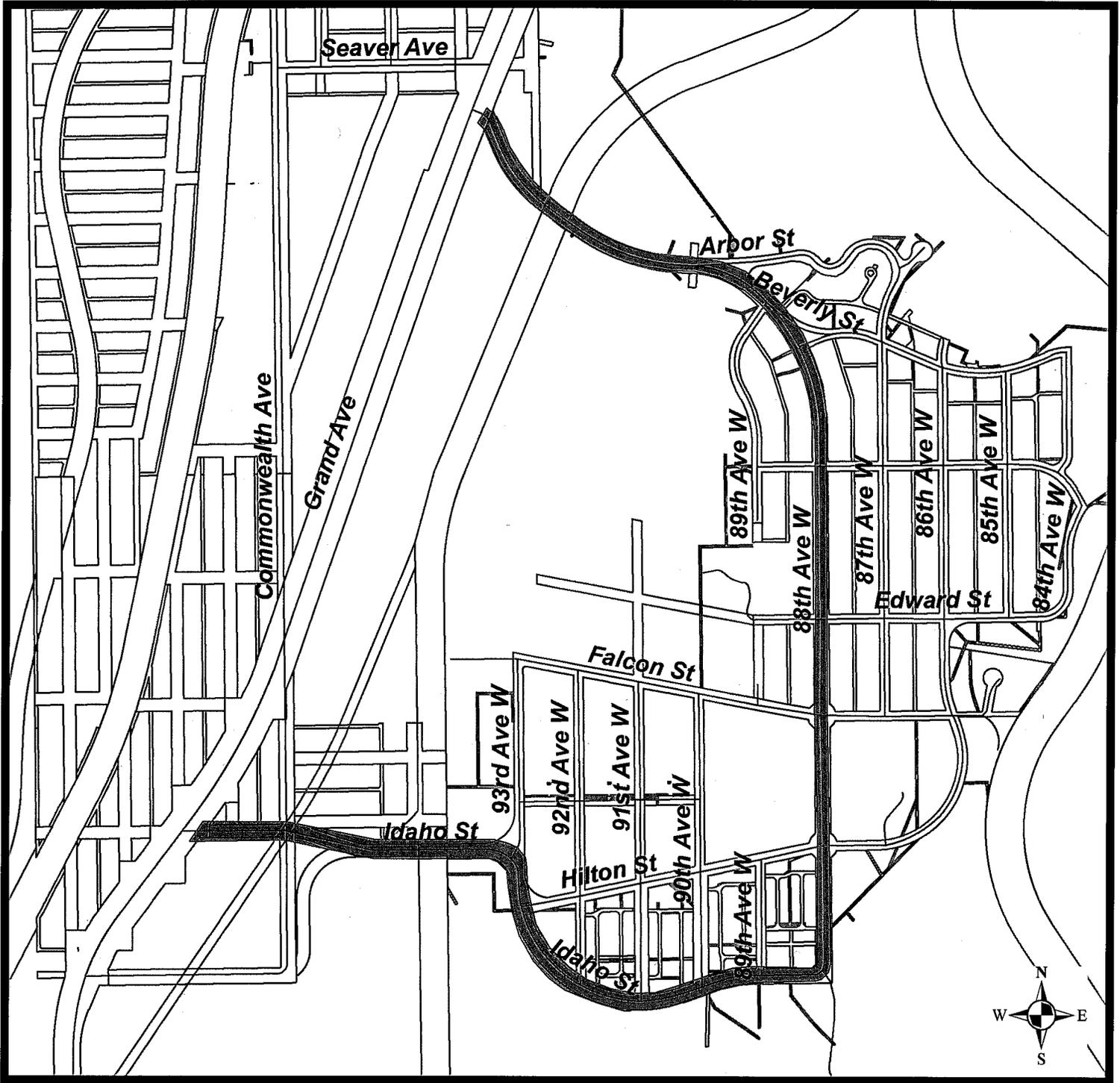
STATEMENT OF PURPOSE: This resolution will order in assessable street improvements as part of the city's 2011 Street Preservation Project. The estimated assessment to the abutting property owners is \$15.75 per front foot. This project will be bid with the Skyline Parkway reconditioning project, which is not proposed for assessments because the city owns the vast majority of the adjacent property. Due to limited funding, if the bids come in higher than the estimated amount, some of the areas may have to be pushed back or delayed until future years. Likewise, if the Riverside project receives grant funding, the city may have to delay some of these projects to fund the street portion of that project in 2011.



**Arrowhead Road Mill and Overlay
Kenwood Ave to S. Rice Lake Rd.
0829TR**

March 3, 2011

1 inch = 1,000 feet



**88th Ave W. Mill and Overlay
Loop
0832TR**

March 3, 2011

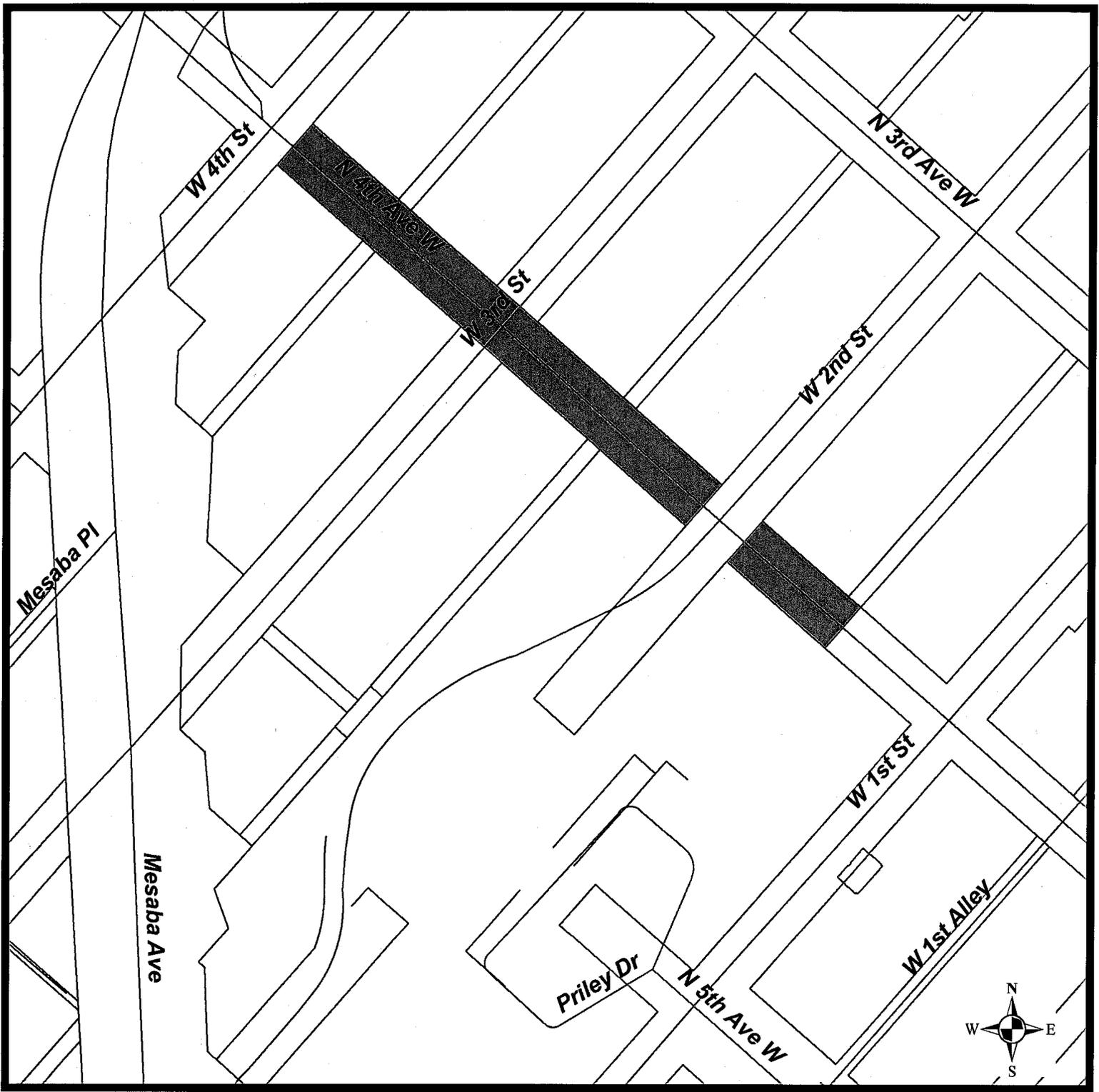
1 inch = 750 feet



**E 1st St. Mill and Overlay
10th Ave E. to 21st Ave E.
0835TR**

March 3, 2011

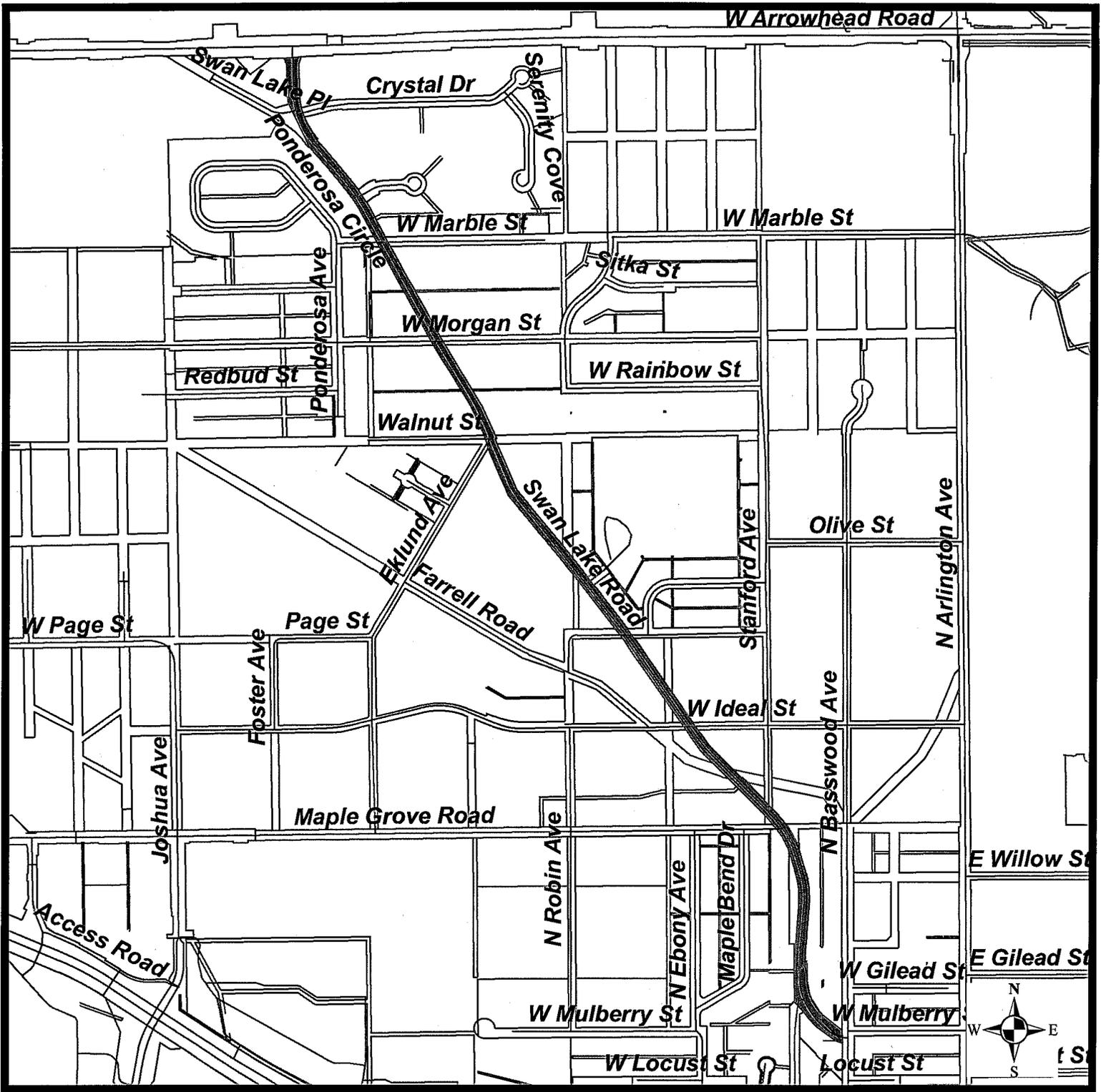
1 inch = 625 feet



**N. 4th Ave W. Mill and Overlay
W. 2nd St. Alley to W. 4th St.
0828TR**

March 4, 2011

1 inch = 167 feet



Swan Lake Rd Mill and Overlay
Basswood Ave to Arrowhead Rd
0852TR

March 4, 2011

1 inch = 917 feet

Linda Brophy - Morgan Park Street Overlay Hearing

From: <Debisabell@aol.com>
To: <lbrophy@duluthmn.gov>, <DNESS@duluthmn.gov>
Date: 3/17/2011 6:54 AM
Subject: Morgan Park Street Overlay Hearing
CC: <kalee@chartermi.net>, <Vinsmom@aol.com>, <Pollypurser@aol.com>, <Rwayne...>

Linda,
Thank you for taking the time to discuss this with me yesterday. Your points are well taken, but I would still like to add my input for the record. I am sorry that I am unable to attend the hearing this evening.
Debbie

Dear Mayor Ness and City staff,

I would like to thank you on behalf of the majority of residents of Morgan Park for taking on the Morgan Park Loop with mill and overlay this year. As anyone who has taken the hazardous drive into the entrances of Morgan Park can attest, this badly needed project will not only save the City money by not having to keep making the band aid fixes to the many, many, many potholes that Morgan Park folks need to drive in and around daily, it will save the residents money. Many have shared the stories of the need for new tires and/or alignments on their vehicles due to this route. Plus, the stress of driving through the entrances has caused some residents to consider driving the ice on the St Louis River as a less hazardous route....just kidding! :) Some visitors have decided to just stay in Morgan Park once they have passed through the potholes rather than taking the hazardous journey back out - and they love it here!

One suggestion that has been made is to consider redesigning the assessments to the nearly 1000 households in Morgan Park for this one project. Since either or both of the entrances, and the main thoroughfare of 88th Avenue West, are used by most residents of Morgan Park on a daily basis, I would propose dividing the assessments to all residents of Morgan Park, rather than the few that happen to have frontage along this route. The residents of Morgan Park have a history of helping out their neighbors, through mowing, shoveling, sharing a friendly smile or a cup of sugar. I personally believe that these folks would like to continue to help out their neighbors by sharing the cost of this project. If it is possible, please let me know if there are families that are just not able to financially pay these assessments. I will do what I can to try to help with the problem.

We are grateful to the many City workers who have braved the elements to make regular repairs to this piece of City streets. Again, many thanks for taking on the Morgan Park Loop.

Sincerely,
Debbie Isabell Nelson
Proud Morgan Park resident
1040 84th Avenue West
Duluth, MN 55808
260-8045



MEMORANDUM

TO: City Council Members

CC: Special Assessment Board

FROM: Cindy Voigt, PE, City Engineer *CV*
730-5071

DATE: March 18, 2011

RE: **Special Assessment Board Public Hearing Minutes
2011 Street Preservation Project No. 0828TR**

Pursuant to Section 61 of the Duluth City Charter, upon completion of the public hearing, the SAB "shall transmit to the council the plans, specifications and estimates filed with it and shall report to the council its findings as to the necessity of the proposed public improvement and its recommendation therefore, and its recommendations as to the assessment, if any, of the cost thereof."

Attached are the minutes of the public hearing for the project and an e-mail from a resident that is not being assessed, but wanted included in the minutes because they were unable to attend the meeting.

Plans and specifications are available for review at the office of the City Engineer.

A public hearing was held in the City Council Chambers, City Hall, on March 17, 2011 with the Special Assessment Board. Comments were heard by the public and there was discussion of the construction process and assessment process. The Special Assessment Board then recommended that project be forwarded to council for consideration on March 28, 2011.

**MINUTES OF THE SPECIAL ASSESSMENT BOARD PUBLIC HEARING
2011 STREET PRESERVATION**

March 17, 2011, 5:00 PM, Council Chambers, City Hall

Note: The recording equipment in the council chambers was not functioning properly during this hearing. These minutes have been prepared from the city engineer's notes.

MEMBERS PRESENT: Cari Pedersen, Acting Public Works & Utilities Director; Cindy Voigt, City Engineer; John Gellatly, City Assessor; Keith Hamre, Community Development Manager.

ALSO PRESENT: Chauncey Bangs, Engineering, Linda Brophy, Assessor's Office

The hearing was opened at 5:00 PM by Keith Hamre, Acting Chair. Following introductions, Cindy Voigt identified the following project locations and limits and explained that the six different road segments will be bid together as one project:

- Arrowhead Road from Kenwood Avenue to Rice Lake Road
- 88th Avenue West "loop" from both entrances on Grand Avenue
- First Street from 10th Avenue East to 21st Avenue East
- Fourth Avenue West from Second Street Alley to Fourth Street
- Swan Lake Road from Basswood Avenue to Arrowhead Road
- Skyline Parkway from Piedmont Avenue to 11th Avenue West

Chauncey Bangs, the Engineering Technician and project inspector for the project went over the work proposed for each of the areas, describing what type of work is proposed for each street.

Following Chauncey's presentation, Cindy explained that assessments have not been proposed on the Skyline Parkway portion of the project, as essentially all property there is city- or state-owned.

Estimated construction cost is \$4.3 million. If bids come in over budget some portions of the project will be moved to future years. Additionally, if funding comes through for the proposed Riverside reconstruction project, this project may be delayed.

There are two different types of construction involved: mill and overlay and reconditioning. Curb ramps will be replaced where needed, manholes will be adjusted, and on Swan Lake Road some of the driveway culverts will be replaced.

The Special Assessment Board has set the assessment rate for 2011 for this type of work at \$15.75 per front foot. This rate is based upon a 28-foot equivalent residential mill and overlay regardless of thickness, so property owners on wider streets and streets that receive a thicker pavement section (needed for truck traffic) won't pay more. The city picks up the additional costs, and also costs for grading and gravel on the reconditioning work.

The policy for assessing mill and overlay projects is that front footage of adjacent property is used to calculate the special assessments. Residents of major arterial streets pay the same rate of assessment as residents of less-used side streets.

Chauncey Bangs discussed construction topics related to the project. He explained that with the exception of Swan Lake Road, where culverts will be replaced, driveways will not be disturbed. He said the streets in

question will be posted "No Parking" before work gets underway, and described the mill and overlay and reconditioning processes. He explained how long residents could expect to be inconvenienced by the work, and also explained how residents could get out in case of an emergency, that emergency services would be maintained, and that local traffic would be allowed. He also added that garbage haulers and mail carriers would still have access to the streets during construction. Chauncey and Cindy both indicated that the city will try to send construction notification letters to each area prior to the contractor starting in an area, but that curb ramp work may start months in advance of the milling and paving work.

Cindy Voigt then went over the proposed project schedule. The Council will be presented with a resolution ordering in the project at the March 28 meeting. If the Council approves the project, the city would advertise the project and would receive and open bids sometime in April, 2011. Council would have to approve the low bid and award the project in May, and construction could begin in May and would be completed in September.

Keith Hamre then called for public comments, reminding anyone wishing to speak state their name and address for the minutes that would be submitted to Council.

Fourth Ave. West-No speakers

First Street-No speakers

Arrowhead Road-Initially nobody came to speak, but after the Swan Lake Speakers had spoken, two speakers made comments. The first speaker was Jeff Hirschoft representing the Vineyard Church on 1533 Arrowhead Road. He wanted to make sure that users of the church would be able to access the property. Chauncey responded that we would provide temporary ramps onto the driveway. The second speaker was Barbara Brooks of 1530 Arrowhead Road. She had several comments and Cindy discussed with her personally after the meeting was concluded. Her main comments were that since 1964 she not been assessed for the prior road work project, for example when the road was widened in the 1960's. Her other comment was why were the residents being assessed if the road was a county road.

88th Ave. West-Cindy Sundby of 1321 93rd Ave. did not think it was fair that we assess for the fronting property only.

Swan Lake Road-Fours speakers spoke. The first speaker was Malati "Molly" Pemmaraju, from 712 Cedar Gate Circle. She had two main comments. One was why was the cost for the road not paid for out of money the city received in tax collections, and the second was why we assess only for fronting property on the project when other people in the neighborhood also need to use the street. She was strongly opposed to this method of assessment, and wanted to know how and by whom the method was determined and felt that she had no input on the process. Keith Hamre explained that we only receive about 25% of the tax collections and that it is not large enough to fund streets. He also explained that the Special Assessment Board makes the policy, and at the time (a few years ago) this policy was forwarded to Council. If the Council had objections to the policy as presented, they could have provided feedback. Cindy also mentioned that Duluth is not different than other cities in the state regarding how assessments are done by front feet and on the cost share the city assesses on these types of project. She mentioned that in fact we assess for a lower share than most cities.

The second speaker was David Vukelich, 816 Maple Bend Drive. He wanted to know if lots that didn't front Swan Lake, and didn't have driveways on that side could be deferred. Cindy commented that we assess based on frontage, if you were on a corner and had double lots, in theory you could have an assessment on 3 sides. John Hoven, 715 Swan Lake Road wanted to know if there were other streets that should be considered ahead of this project. Bob Berg, 2005 Swan Lake Road was concerned about the speed and number of vehicles that use Swan Lake to get to the mall and wanted to know the status of the proposed Joshua Avenue.

Keith Hamre asked if the city had any response to the public comments. Cindy commented that we addressed them as each of the speakers concluded.

Keith Hamre asked for a motion to recommend that the project be approved and forwarded to council. John Gellatly made the motion, Cari Pedersen seconded the motion, and the motion passed 4-0 with all voting in favor with no discussion on the motion.

Keith Hamre asked for a motion to conclude the public hearing. John Gellatly made the motion, Cari Pedersen seconded the motion, and the motion passed 4-0 with all voting in favor with no discussion on the motion. The hearing concluded at approximately 5:40 with staff answering questions until approximately 6:15.

Keith Hamre reminded everyone that the next meeting on the matter would be at city council on Monday March 28, 2011 and encouraged anyone that wanted to speak on the matter to attend and sign up to speak.

Respectfully submitted,

Cindy Voigt, City Engineer for
Keith Hamre, Acting Chair
Special Assessment Board

Jeanne Horn, Secretary
Special Assessment Board