

Roseville Public Works, Environment and Transportation Commission Meeting Minutes

Tuesday, July 27, 2021, at 6:30 p.m.
City Council Chambers, 2660 Civic Center Drive
Roseville, Minnesota 55113

1. Introduction / Roll Call

Chair Wozniak called the meeting to order at approximately 6:30 p.m. and at his request, Public Works Director Marc Culver called the roll.

Present: Chair Joe Wozniak; Vice Chair Bryant Ficek; and Members Michael Joyce, Jarrod Cicha, Nancy Misra, and Shane Spencer

Absent: Youth Member Jana Lynch (Excused)

Staff Present: Public Works Director Marc Culver; and City Engineer/Assistant Public Works Director Jesse Freihammer

2. Public Comments

3. Approval of June 22, 2021 Meeting Minutes

Comments and corrections to draft minutes had been submitted by PWETC commissioners prior to tonight's meeting and those revisions incorporated into the draft presented in meeting materials.

It was indicated changes were sent to Mr. Culver.

Motion

Member Joyce moved, Member Misra seconded, approval of the June 22, 2021 meeting minutes as amended.

Ayes: 6

Nays: 0

Motion carried.

4. Communication Items

City Engineer Jesse Freihammer provided a brief review and update on projects and maintenance activities listed in the staff report dated July 27, 2021.

Member Spencer inquired if the Enclave development should be on the spreadsheet.

Mr. Freihammer indicated he would check with the Community Development Department. He reviewed the project progress with the Commission.

Public Works Director Culver updated the Commission on Council actions pertaining to the PWETC.

Chair Wozniak wondered if there were any other impacts on City staff with the drought besides not mowing as much.

Mr. Culver indicated there really were not any other impacts besides the City requesting water conservation of the residents. He noted there have not been any mandates for water restrictions at this point.

Chair Wozniak updated the Commission on curbside organics through the County.

5. Pathway Master Plan Amendment Public Hearing

Mr. Culver explained as a part of the Comprehensive Plan update in 2018, the PWETC and Council updated the Pathway Master Plan. The current version of the plan was adopted by the City Council in October 2018. Since that time, numerous pathways have been added and some new pathways have been discussed as being added that are not currently in the plan. The PWETC is asked to hold a public hearing and provide a recommendation to the City Council on the proposed Pathway Master Plan Amendments.

Mr. Culver and Mr. Freihammer presented the proposed changes to the Pathway Master Plan.

Member Misra asked which pathways will connect to Snelling Avenue.

Mr. Culver reviewed the different pathway connections onto Snelling Avenue.

Vice Chair Ficek asked regarding trails being added, did the trails need to be on the list or does staff take opportunities as they come up.

Mr. Culver explained they do, just like with the transportation plan, staff has a list of transportation improvements being worked on and working towards and that are planned for. That does not mean that if opportunities arise to make transportation improvements, add a new street somewhere, that if it is not in the transportation plan staff can't add it. The same thing occurs with the Pathway Master Plan. When new development or redevelopment comes in staff can have them put in sidewalks and pathways adjacent to their development to either fill in a gap or create a new segment, whether or not that is in the Pathway Master Plan or not. The purpose of the Pathway Master Plan is it is a planning document and allows staff to focus energy on the pathways that are in there and to give priority or preference to the

ones in there and plan for that, eventually, but it does not preclude staff from putting them in other areas.

Member Spencer indicated he had a couple comments around the proposed Tamarack pathway. He asked if there was anything else considered besides running it, reading the comments from the residents and the little dirt pathway that people are expected to use, was there any consideration given to Wagner Way, the alleyway connector north of there. Continuing that to allow for people to access behind their houses and then connecting Tamarack Park into something like that or is it just the pathway was going to go down the dirt path that exists because that was what was convenient. He thought that was where the City saw most of the resistance from the residents.

Mr. Culver explained there is a green line on the top of the map that shows the private alley, which is in a public right-of-way, but it is a narrower right-of-way corridor and right now it is only wide enough for the alley itself, which is providing the vehicular access to those homes back there. He reviewed this is the point that connects the neighborhood and gives reasonable access to the Tamarack pathway from that neighborhood.

Vice Chair Ficek was curious if the City did not put a path in that area would the dirt path remain or does the City have to do something else.

Mr. Culver explained it is clearly in violation of City Code and he struggles with it a little bit. City Code is very clear in that any vehicular access that is frequent enough to cause rutting, which clearly there is rutting on that pathway, and erosion, then it must be paved. There cannot be a vehicular access to a property that is used frequently enough to have those issues and not pave them. He indicated this is clearly a defined route and per City Code the City should require that this access be paved and the benefiting properties would pay for it and would become a private access.

Mr. Culver explained the other complication to that is in 2017 the City actually vacated a portion of the right-of-way that connected the East/West portion of Wagner Street to the properties. He indicated that is all private property and is not right-of-way anymore. That vacation occurred at the request by petition of the property owners who had sheds and were storing their boats and other material in the right-of-way. There is really no legal public access between Wagner Street and the homes along South McCarron's.

Vice Chair Ficek asked if the residents could theoretically block off the road so it would not be accessible by the public because this is a private road for the residents.

Mr. Culver indicated that could potentially happen, but it is still in a public right-of-way.

Member Joyce asked if the pathway could be used or is it needed for a fire lane.

Mr. Culver explained it is not needed for a fire lane. From the City's perspective, there is appropriate and ample access to these properties via South McCarrons.

Chair Wozniak indicated he would like to start off by considering the pathways that have received the fewest comments with the Commission considering these pathways based on the comments submitted and presented. He would like to set aside Tamarack as a separate consideration.

Chair Wozniak opened the public hearing at 7:39 p.m. for Marion, Eustis, Lydia, Snelling, and Fairview Pathway Masterplan Segments.

No one wished to address the Commission regarding these pathway segment proposals.

Chair Wozniak closed the public hearing at 7:41 p.m. on the five proposed segments.

Vice Chair Ficek indicated these pathways are not imminent and there is no construction planned for them, but they are lines on paper which put it out there for people to see that this is where the City would like the pathways. He thought there was a lot of detail to be explored. That in combination with the Commission not hearing any opposition to them, he would like to make a motion.

Motion

Member Ficek moved, Member Cicha seconded, to recommend the City Council amend the Pathway Masterplan to include the Marion, Eustis, Lydia, Snelling, and Fairview segments with comments on the five segments submitted by the public.

Chair Wozniak indicated there was at least one comment submitted online in opposition to the Eustis segment as well as some opposition for the Lydia segment.

Ayes: 6

Nays: 0

Motion carried.

Chair Wozniak opened the public hearing at 7:46 p.m. for the Tamarack Pathway Masterplan Segment.

Mr. Matt Anderson, Anderson Law Group, indicated he was representing several residents along South McCarrons Boulevard. He explained he was going to keep his comments to the legal aspect of this item and would allow the residents to also speak on this as well. He thought the Commission should know the implications. This is a street. It has been referred to as a right-of-way corridor, but this is a street

and the map shows it as a street, Ramsey County map shows it as a street and the proposal has it as a street. This matters because it defines the authority of Roseville and what the City can do with it. Every other pathway being proposed is along the side of the street. This is turning a street into a pathway, no longer for vehicle, pedestrian only. A City in Minnesota cannot do that. He indicated he wanted to address a couple of things that would happen if the Commission votes to approve this amendment. He was not sure that this can be a private ally either. This is a street, so what happens next, there might need to be negotiations, more conversations but was not sure if that was something of concern today. There was the discussion of the Wagner return which has been vacated, he noted that Wagner return is unaffected with this proposal, same thing for the pathway that is being proposed, it would run parallel to the road and then down. Wagner return vacated area is unaffected by the path that is currently driven and also unaffected by the path that is being proposed. If a fence were to be put up it would not affect anything the City would have to do, it would be a private neighbor dispute from there. The other thing he wanted to highlight is utilities run up the path and people have to use that path to get to the different properties, including emergency vehicles. The discussion today, started with a historic draught in Minnesota and the City is talking about paving through a wetland, and one of the healthiest wetlands in the Capital Region Watershed District. There is wildlife, vegetation, and plants there. This is not the type of area or the time to be cutting through a wetland with an asphalt path. He thought the Watershed District needed to be consulted on this before anything is done.

Mr. Shawn Emery, 302 S. McCarrons Boulevard, explained he uses the roadway behind his backyard a few times a year and his neighbors to the east, Dave and Lisa Boom use it often because their house in front has many steps leading up to it and there is no way to get up to their house other than to come up the steps or from the back of the house. He explained the situation that the homeowners have with using the back roadway and some obstacles that are there. He indicated if the point is to get people to go to Tamarack Park, the street in the back of the homes is walkable. He reviewed a way through the area to get to the park. He did not think this made sense, as a pathway, going over a driveway. If looking for creative solutions, a perfect solution would be a boardwalk from the west end of Wagner that could skirt up to Tamarack Park.

Chair Wozniak asked for clarification on what this pathway would look like on Western and the cul-de-sac. He wondered if the road would be narrowed with a pathway on one side of the street.

Mr. Culver thought currently it would be an on-street pathway connection. That would be highlighted as how to connect to Tamarack Park.

Mr. Dave Boom, 300 S. McCarrons Boulevard, reviewed the history of his home and when it was purchased. He indicated the roadway was used for when they moved in and it is currently used to carry in groceries, home improvement projects

and as he is getting older the 38 steps going to his house is getting more daunting. The back way in is a real relief to his family. He indicated he loves the trailways in the City and the oddities in Tamarack Park. He explained his family feels in a really tough spot now, either losing access do to this being converted into some parkway or losing access because the City might choose to throw it back at them. He noted they are looking for some relief and consideration. He wanted to appeal to them to consider some ways to present relief to them and the neighbors. He needed to speak up because his house is at the top of the hill and is pre-existing and it has come to people's attention. He felt this was an unexpected necessity, even though it has been in the works for a few years, to deal with something that has been there for decades. He thanked the Commission for playing their roles and did excellent work for the City.

Mr. Anderson indicated there were several late emails and a letter from him that were not a part of the agenda packet. He wanted to make sure that those were forwarded to the Commission and City Council.

Mr. Culver thought some of the members received them late Monday and even this morning but would make sure the Commission gets them as well as the City Council.

Chair Wozniak closed the public hearing at 8:09 p.m.

Chair Wozniak asked for comments and thoughts on the proposal.

Member Joyce indicated there is a new development that is not on the map, and this was brought up and in place before the new development, which is east of this.

Mr. Freihammer indicated the new development is the Enclave. He showed the new pathway being built in the development going up Marion Street.

Member Joyce thought the City should consider what the demographics are of the new development and if there would need to be a flat, paved, ADA surface by it for the new residents and how can the new residents access Tamarack. He wondered if it is feasible for them to go up to Wagner return and come back down Western. He wondered if that has been factored into any of the planning.

Mr. Freihammer indicated this was not factored in, but he did not think that just because of this new development the City would add or change anything.

Mr. Culver explained in response to a couple of things that came up at the public hearing, as far as funding is concerned, the City was using park renewal funds for this. Park renewal funds are intended to improve access to parks and a park function. He knew there is an ardent desire from the Parks Department to provide an increased access to Tamarack. There were a couple of comments about

Tamarack being a hidden park and not many people use it which he thought was why the City wants to increase access to it, to get more people to this park.

Mr. Freihammer explained the segment on the east side of Tamarack, the City used that same funding source to build that first pathway segment from off of Farrington Street into the playground area.

Mr. Culver explained Mr. Anderson did bring up a couple of comments about the fact that based on State Statutes, the City cannot turn a street into a pathway. He explained staff has asked the City Attorney to explore that and they are digging into that and do not agree with that but wanted to check a few other things. He noted he was hoping to get an answer before the meeting, but he has not gotten any information yet regarding this.

Mr. Culver explained the particular Statute that Mr. Anderson references is a Statute that provides Council powers for local improvements and the first subdivision, which Mr. Anderson references, is that the “Council or Municipality shall have the power to make the following improvements to acquire, open and widen any street and to improve the same by constructing, reconstructing and maintaining sidewalks, pavement, gutters, curbs and vehicle parking strips of any material or by grading, graveling, oiling or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections of sewer, water or similar means to curb lines.” He explained he has not read the entire statute. He thought that currently City staff does not agree with that position and are trying to confirm it with the City Attorney. He stated certainly the Commission’s recommendation, if recommended that this section be amended into the Pathway Masterplan, staff will bring the final opinion from the City Attorney to the City Council for a final decision. He noted that while this is a street right-of-way, there is not an improved street there. He thought that was a part of the equation of this as well. Also, this is not the only access to these properties.

Mr. Culver indicated as far as the wetland impacts; the City does have to get a permit from Capital Region Watershed District in order to construct this.

Mr. Freihammer noted the City has a permit from Capital Region Watershed District that has been extended because the City has not decided to construct it.

Chair Wozniak asked Mr. Culver to touch on the parks policy allowing people to access property using pathways.

Mr. Culver reviewed the meeting with the residents that occurred in 2020. He indicated, informally the Parks has an informal policy where, in practice, that if a person wants to access the rear part of their property, that person can call the Parks Department for permission. He noted this would need to be permitted with some provisions.

Member Misra asked why access from the other side of the park is prohibited right now.

Mr. Culver explained on the east side, he did not think it was prohibited but there is a desire to have more of a looped path through this area. He reviewed the access with the Commission. He thought the intent was to provide closer and easier access to Tamarack for those homes in the part of the neighborhood on the west side.

Member Misra asked how big of a trail would there be.

Mr. Culver explained it would be an eight-foot-wide bituminous trail.

Member Cicha asked what steps would need to be taken if the Commission did not recommend this pathway and the City Council was to not adopt that into the plan, Mr. Culver mentioned that right now it is in violation of City Code.

Mr. Culver reviewed the steps that would need to be taken after going through the City Council. He noted because this has been used like this for so long, the City would need to figure out how this would be treated but the way this is being used is clearly in violation of the City Code.

Vice Chair Ficek indicated one comment he saw was emergency services using the back way of the trail and he asked if this were made into a pathway could emergency services still use it.

Mr. Culver indicated it could still be used for emergency vehicles.

Member Misra thought part of this is that there are so many different issues at stake. It is not just a simple trail issue to a park, there is also City right-of-way issues and resident right-of-way concerns, but she thought one of the things is that she is definitely sensitive to the fact that there are residents who have been using this for a long time. On the other hand, this is City park land and to her she would not want to see that wetland area further encroached upon to build a wider road. Access to the park and allowing people to be able to use that facility feels reasonable. She wondered if this part of the plan could be tabled until August for further review.

Member Joyce explained most of the homes were built in the 40's with tuck under garages for access and are steep to access. He thought they were trying to solve a bunch of different problems, and this is a complicated issue. He wondered what the attraction is to the park. He wondered how the City is going to attract people to the park and will there be playground equipment installed and what is the intended use of the park.

Mr. Freihammer indicated there is a playground that was built in 2018 and the ballfield is still there but he was not sure if it is being used.

Chair Wozniak thought this pathway may be the best option for this right-of-way and it grants access to the park. He thought concerns about the wetland are valid but if it became a pathway, he thought this segment would receive a lot more park renewal funds. He thought there would be some tremendous improvements to the vegetation and to the wetland and park itself. He saw a lot of positives happening even though some people would lose access to their houses, and he did not know how to overcome or replace that. He indicated he would support this segment added to the Pathway Masterplan.

Motion

Member Wozniak moved, Member Ficek seconded, to recommend the City Council approval of the Tamarack Pathway segment to the proposed Pathway Master Plan Amendments.

Vice Chair Ficek agreed with what Chair Wozniak stated and what a lot of his questions have been driving towards is that the Commission is not comparing a trail to the existing condition. What the Commission is really looking at is a trail versus something that goes forward with the residents costing them more money, potentially a wider road, more impacts, and more expense to everyone. He explained he was weighing those two future conditions against each other in his decision making. He thought there were lots of issues on this one, but the City is not comparing a trail to the existing condition, the Commission is looking at what would go forward and what that other future condition may be.

Ayes: 5

Nays: 1 (Spencer)

Motion carried.

Member Misra wanted to thank the residents that spoke up and thought they have been very courteous.

Chair Wozniak suggested tabling the City Council Joint Meeting Review item until the August meeting given the time. He asked if members were in agreement with that.

Consensus of the Commission was to table Item 6 (City Council Joint Meeting Review) until the August PWETC meeting.

6. City Council Joint Meeting Review

7. Items for Next Meeting – August 24, 2021

Discussion ensued regarding the August PWETC agenda:

- City Council Joint Meeting Review
- Conversation regarding the Implementation of the Energy Action Plan
- City Campus Tour in the future, possibly September

Chair Wozniak indicated tonight would have been Youth Member Lynch's last meeting because her term is up, and he wondered if the City Council will begin to search for a new student member in August.

Mr. Culver indicated he did not remember the date, but the City Council should be voting on member appointments and at that time the City will start implementation on advertising and searching for Youth Commissioners for the upcoming year.

Chair Wozniak indicated the Commission should talk about how they can join up with other Commissions, such as a task force, for interests related to other Commissions.

The Commission discussed with staff potential future items for discussion.

8. Adjourn

Motion

Member Misra moved, Member Joyce seconded, adjournment of the meeting at approximately 9:09 p.m.

Ayes: 6

Nays: 0

Motion carried.