

## EAST BETHEL ROAD COMMISSION MEETING

July 12, 2016

The Road Commission met at 6:30 pm at the East Bethel City Hall for its monthly meeting.

MEMBERS PRESENT: Al Thunberg, Chair      Daniel Nowack      Kathy Paavola  
Dennis Murphy      Bob DeRoche      John Witkowski  
Lori Pierson-Kolodzienski

ALSO PRESENT: Nate Ayshford, Public Works Manager  
Jack Davis, City Administrator  
Ron Koller, City Council Member/Road Commission Liaison

2. Adopt      **Ms. Pierson-Kolodzienski moved and Mr. DeRoche seconded to approve**  
Agenda      **the agenda as presented. Motion carried.**

3. Approve      **Ms. Paavola moved and Ms. Pierson-Kolodzienski seconded to approve**  
6/14/16      **the June 14, 2016 minutes as written. Motion carried.**  
Minutes

4. Roads      Mr. Ayshford reported that no money has been taken out of the Street Capital  
Financial      nor the MSA budgets. The operations budget is at 51% halfway through the  
Information      year. There are not many changes proposed for next year's budget.

5. Request for      The property owners at 447 Cedar Road, Kathryn and Patrick Johnson, have  
Vacating Right-      inquired about the City vacating the road right-of-way along the south side of  
of-Way      their property (Longfellow Drive) and the road right-of-way that bisects their  
adjacent to 447      two properties (Birch Road).  
Cedar Road

The property owners had originally inquired about purchasing the right-of-way. Because the City is not able to sell property, it appears that vacating the property would be the only option and would require splitting the public property equally amongst the adjoining properties.

The request was before the Road Commission in September and October of 2012.

The Johnson's attorney, Steve Thorson, shared that through his research he found that this property was a fee title. He stated that the City could sell the property because it was conveyed prior to 1920 when properties started to be platted. Mr. Thorson stated that by vacating the right-of-ways, the City would receive revenue benefits from selling the land, converting unproductive land to land on the property tax rolls, and the added assessed value when the Johnsons build a new accessory building, and that the City would shed whatever liability it has with respect to these unopened streets.

It was questioned whether the City could sell the vacated right-of-ways to the Johnsons or if an auction would be required. The correct process would have to be verified.

It was asked if the City may have a future use for either of these roads. Mr. Ayshford saw no need for Birch Road, however, Longfellow Drive could possibly be used for municipal sewer and water in the future, stormwater structures and stormwater sediment ponds.

Mr. Thorson said the Johnsons would consider giving the City Preservation of Easement Rights for Birch Road and Longfellow Drive. He questioned the use of Longfellow Drive land for ponding purposes, given the topography of the property.

Chair Thunberg referred to the October 9, 2012 minutes, "At the September 11, 2012 Road Commission meeting, staff was directed to contact the City Attorney for an opinion on the matter. The City Attorney stated that they do not recommend vacating any street or right-of-way unless the City is absolutely sure that it will never need the area for any purpose, such as future street or utility improvements." He stated he is against vacating Longfellow Drive for this reason.

The Johnsons need part of Longfellow Drive that runs along their property to build an accessory building without blocking their view of the lake. Mrs. Johnson said that the largest the accessory building would be is 20' x 40'. In an effort to work with the Johnsons, the commissioners and staff discussed possible building type options and other locations on the Johnson's current property to build an accessory building.

Mr. Thorson said the neighbors have no problems with the roads being vacated. There are two legal processes that are needed: 1) vacation of the property, and 2) sale of the property.

Mr. Nowack said he did not believe he had enough information on this matter. Chair Thunberg said he is okay with vacating Birch Road, but not Longfellow Drive. However, if the City were to vacate Birch Road, the Johnsons would be asked to combine the four (4) lots into one PIN and leave drainage and utility easements.

Mr. Murphy asked why the City needs to keep the proposed portion of Longfellow Drive, since the City owns property south of Longfellow Drive. Discussed selling a portion of Longfellow Drive. The Commissioners concluded that if the City keeps the south side (Lakeshore Drive) up to the lake, the property acquired would be "L" shaped.

Mr. Thorson referred to the Johnsons to see if this would be acceptable and they preferred to go with their original request to ask the City to vacate both Birch Road and Longfellow Drive so that they could build an accessory building.

Chair Thunberg said he believes the Johnsons should have taken building an accessory building into consideration when building their house. He will not recommend vacating Longfellow Drive.

There is no set timeframe for building an accessory building.

**Mr. Thunberg moved and Mr. Nowack seconded to recommend City Council to approve the vacation of the easement right-of-way identified as the unconstructed portion of Birch Road south of Lincoln Drive to Patrick and Kathryn Johnson subject to the following conditions: The owners of 447 Cedar Road shall be responsible for title search and costs to determine the means and process by which the easement right-of-way can be disposed, the City will retain a permanent utility easement on that portion of Birch Road that is proposed for sale, vacation of a width as recommended by the City Engineer, should the utility easement be required for City use, the current or future owners of 447 Cedar Road will provide the City with any necessary temporary construction easements as needed outside the area of the permanent easement, the current owners of 447 Cedar Road will combine the four (4) lots in that portion of Birch Road in their name into one lot, and the City retain that unconstructed portion of Longfellow Drive that has been requested to be vacated and sold to the Johnsons. Motion carried.** This item will be on the July 20<sup>th</sup> City Council Meeting agenda.

6. Bid Results  
for 2016  
Overlay  
Projects

The City Council approved the plans and specifications and authorized solicitation of bids for the 2016 Street Surface Improvement Project at the May 18, 2016 meeting. Bids were opened on June 10, 2016. This project includes overlaying approximately 12,000 lineal feet of City Street and reclaiming and overlaying 6,700 lineal feet of City Street. There were also 2 alternate bids received. The Alternate Bids were as follows:

Alternate Bid No. 1: Overlay the City Hall parking lot.

Alternate Bid No. 2: Reconstruct the Public Works Building parking lot.

The bids are summarized on the attached bid tabulation. Rum River Contracting was the lowest bidder for the Base Bid and Knife River was the lowest bid for the Base Bid and any combination of the Alternate Bids.

The estimated cost of this project was \$794,400. The Streets Capital Improvement Plan has set a budget of \$871,000 to be spent on overlays in 2016. City Council accepted the Base Bid and both alternate bids from Knife River in the amount of \$686,387.58.

Work will begin and be completed during the 2016 construction season.

7. Council  
Report and  
Other Business

City Council liaison, Ron Koller reported:

- The Ponds of Hidden Prairie is working with the City on the road right-of-way issue. The owners want to put in a private road that winds around the pond. This item was tabled.

- Booster Days are Friday, July 15 with a golf tournament, movie in the park, and a water ball challenge with Ham Lake, and Saturday, July 16 with a 5K

run, crafts and vendors, a parade, and dance.

8. Adjourn        **Mr. Murphy moved and Ms. Paavola seconded to adjourn at 7:49 pm.  
Motion carried.**

Respectfully submitted,

Gail Gessner, Recording Secretary  
Submitted 7/18/16