

MINUTES/PUBLIC SERVICE COMMITTEE
Thursday, May 29, 1997 - 12:00 Noon

Members present: Beyer, Hafner, Klave.

1. Matter of policy for damages on City right of way due to debris
removal.

Al Grasser, asst. city engineer, stated that they were looking for direction from committee and council as to private property damaged during debris removal, whether City is responsible for repair - did have some damage to curb stops when debris dragged off berm. There was some concern expressed by the committee how they would determine when damage occurred, difficult to determine. It was also noted that debris was to be placed on berm area (between sidewalk and curb). Mr. Swanson stated that liability based on negligence issue whether contractor negligent in removal - whether acted with undue care; by City Code property owner responsible. It was noted that curb stops more definable; Joe Kalenze, city plumbing inspector, stated repair cost for curb stops est. at \$450/ea. Committee expressed some concern re. placing more stress on property owners, wouldn't see influx of calls; look at case by case. It was noted that debris removal will probably run through June, that staff time is short as they want est. of street damages now also. Mr. Grasser reported that the City does have a contractor under contract for the city sidewalk program, but that City is going to avoid it's typical sidewalk replacement program unless sidewalk damaged under flood and poses imminent danger to the public, and all, or most, of that cost should be covered by federal funds.

It was moved by Hafner and Klave that the City establish policy to cover cost of repair of curb stops damaged during debris removal and to authorize engineering department to repair those sidewalks determined to be damaged through cleanup and where sidewalk poses imminent danger to the public. Motion carried.

2. Matter of request from Associated Potato, 2001 N. 6th Street,

re. pouring concrete slab in front of storage building
(City
right of way).

Paul Dolan, Associated Potato, distributed copies of drawing showing location and pictures of the area between storage buildings along N. 6th Street they would like to pave and which would be used for loading/unloading of trucks, and

noted that this is not heavily trafficked street, used by several business in the area and was proposed by engineering for street abandonment, however, Planning and Zoning Commission not in favor because fire department wanted street maintained in the winter for access. Mr. Grasser reported that street right of way runs between buildings and buildings extremely close to the right of way. He also noted that there was concrete poured in street R/W which was not to City specs., storm sewer installed which was not installed to City specs., trying to deal with existing situation (waterlines meet specs.), that if utilities put in City R/W need to meet specs.; he recommended vacating R/W through this section of land with easement to allow

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access for maintenance and vehicular traffic and that should be determined by Planning and Zoning.

After further discussion it was moved by Klave and Hafner to refer to Planning and Zoning Commission with recommendation that they give consideration to the vacation of dedicated right of way with public access easement. Motion carried. It was noted that the Planning and Zoning Commission is meeting on June 4 and this perhaps this could be placed on their agenda. (comm. only)

3. Matter of signing areas of bikepaths damaged by flood.

Mr. Grasser reported that flood damaged areas of the bikepaths and that Mr. Swanson recommended that we mark and sign areas not up to normal standards. Mr. Swanson reported that the flood has severely damaged some areas of the bikepaths and recommended to engineering department that in some areas use yellow caution tape, other areas place barricades and put up signs where closed; or to do map showing areas damaged/closed, and to publish the map. After further discussion committee directed engineering staff to work with attorney's office to get notice out - general warning in specific areas, etc.

4. Mr. Grasser reported that they are looking at 3-day advertising period on lot of emergency-type project; Mr. Swanson advised that 3-day period is fine, that Governor waived time requirements and that is still in effect for emergency repairs because of flood damage.

5. Joe Kalenze, city plumbing inspector, reported that when building demolished, one of the requirement is that sewers be disconnected, that these buildings burned down and City ordered the fronts knocked down and now having hard time getting property owners to disconnect because property on wet side of the dike and property useless to everyone, but sewers have to be disconnected. Mr. Swanson stated that City can order capped, City can cap and special assess back to property owners. Mr. Kalenze stated cost approx. \$1,000 per building. Moved by Hafner and Klave to start procedure to notify property owners to cap sewers after debris removal and to authorize engineering to determine schedule for capping of utilities. Motion carried.

6. Mr. Swanson reported that various licenses are being issued by the City and by the State, that their position has been that if a license is denied, that the applicant has the ability to appeal and to come to this committee for recommendation to the council. He reported what he has been using as criteria and that he has been making the calls on whether they get licensed or not. He stated that the criteria is once the background checks are completed, the Attorney General's office where they have questions, contacts him. He stated he is using a five-year time period (to 1991) and if offenses such as property offenses or personal safety offenses

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(theft, burglary, frauds, assaults, terrorizing, harassment, attempted murder or murder) and they have had all of them; that if any of those charges (convictions or plead guilty) occur within the five-year period, he has been denying those licenses; however, are allowing DUI's, narcotic offenses unless coupled with one of these, misdemeanors. He also noted that they are seeing four areas of the country where seeing some interesting things (Texas, California, New Jersey and New York).

Mr. Swanson also informed committee that Officer Don Beck has been charged to do some spot checking of contractors to see if they have their i.d.'s and credentials; and are teamed with Border Patrol, IRS and Worker's Comp.; that they do not arrest first time, but do follow up.

Mr. Swanson stated that he will have complete schedule of hours of State licensing; that we have been asked to assign another

staff person to assist in licensing on site; and State wants us up to speed so that when State leaves, that we have ability to be bridge so still have some of the State licensing on site, will be able to accommodate.

Moved by Hafner and Klave to adjourn; meeting adjourned at 12:50 p.m.

Alice Fontaine, City Clerk

Dated: May 30, 1997.