

MINUTES/PUBLIC SERVICE COMMITTEE
Monday, February 10, 1997 - 7:00 p.m.

Members present: Hagness, Beyer, Hafner, Klave.

5. Matter of approving concept reports for Proj. 4225.2, paving

S. Washington Street from 34th Ave.S. to 40th Ave.S.

Lynn Brilz, KBM, Inc., reported that they have worked extensively with the City's engineering department on this report, submitted draft copies to the Dept. of Transportation and they have responded with comments, have held public hearing and documentation from the hearing and response to the NDDOT's comments are included in this report. He stated they are looking for approval from the committee to send the report to the Dept. of Transportation which they will use in developing plans for the project and report reviewed by Federal Hwy. Administration.

Al Grasser, asst. city engineer, reported that they have made some revisions in the concept in the last week or so on the drainage portion of the project, that they are looking at sizing the pipes south of 32nd Avenue S. and that capacities are there to take that water from South Washington, and in addition, may need as area develops to tie another line into the south end drainway along 40th Ave.S. He stated they haven't done extensive analysis of that and probably don't need to do that right away but will have to do additional analysis. He also stated that they have in this concept report reserved the right as the city to size the trunk storm sewer system. He reported that the City has allocated money under Federal Aid Urban Program for this section of South Washington Street from south of 34th Avenue South; that monies for section north of 34th Ave.S. the City competes for on state-wide basis. He also noted that the City has committed itself to the project through grant applications.

He stated that they have allocated City's funds and if City didn't go through with the project, they would chop those off and not sure when have chance to get those back; and that they have also capped the project so if overrun the project, City would be responsible for that. He stated that State makes rules and not always easy to work around.

Committee questioned whether anything in the process that should be discussed with the legislative committee. Mr. Vein stated that most of the things City has problem with are not controlled legislatively, but administrative policies of the

DOT. Mr. Vein stated the League of Cities has city engineers/public works directors organization, which has invited the commissioner in and has talked to him re. number of issues, and will have another meeting with him to go over specifics with smaller group, but didn't think it would go very far. Mr. Grasser stated unless they micro-manage would be difficult for legislature to do any- thing; that DOT should put their policies in writing so they follow the same rules for everybody through the process.

Hafner questioned what State's reasons for not allowing larger

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drainage system in the S. Wash. project; Mr. Vein stated they feel system they designed is logical, and their designer feels system not under designed. Hagness stated that State saying if you want to design to that capacity, City pay costs of overage. Klave stated that when City has design looked at by independent firms who agree that this is not adequately designed, his concern is that City has to sign hold harmless with State that they take no responsibility, so it doesn't matter what they give us for a design. Mr. Grasser stated that Mr. Swanson wrote letter just last week to some of our representatives addressing some of that liability issue, that it probably won't go very far but he's starting to make the issue known. Mr. Grasser stated that State added some additional items that staff hadn't see before re- garding the local political subdivision insuring the State as well in the event of lawsuit, and Mr. Swanson not sure whether NDIRF will even allow City to carry State on a rider, insurance carrier may not allow - not sure but potential there. He stated City has signed agreements contingent upon approval of the city attorney and city engineer, but city attorney won't be able to sign off on it until hear from the insurance carrier. He didn't know if anyone has contacted State Insurance Commissioner. Beyer stated this should be brought to attention of legislators; and asked how small cities/towns would be able to afford insurance on anything they get federal funding on. Mr. Vein stated this happening with all State agencies, and wording not agreed upon.

Moved by Hafner and Klave to approve concept report and authorize proper City officials to sign the documents.

Mark Lambrecht, CPS, Ltd., stated he had question re. drainage - that the people who live just east of Washington viewed

Washington as a dike that protects them from overland water coming from south and west, and their question is if grade of S. Washington lowered, what does that mean in relation to the overland water. Lynn Brillz stated they never looked at S. Wash. St. as being a dam, but they are looking at having the main line somewhat higher than the adj. ground so won't be natural flow through situation and that will be somewhat controlled by inlet flow. He stated that as development continues in that area there is the intent of extending the storm sewer to the southend drainway.

Klave questioned what City getting from DOT, when funding project with federal dollars and the amount of time that city staff and outside consultants have had to put into project to develop it, only being told how to do project. Mr. Vein stated that project 80% federal, 10% state and 10% city. Mr. Grasser reported that the State will no longer be doing surveying, but will be bidding out surveying which will become part of the project cost.

Upon call for the question, the motion carried.

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Hagness stated that to follow up on concern he is hearing from the committee re. handling of these projects, suggested putting this on future agenda for discussion and invite Council Member Carpenter, who is president of the ND League of Cities and see if they are willing to tackle it.

2. Matter of proposed ordinance relating to yards (height limitation of a wall, fence or hedge).

Bev Collings, Code Enf. Officer, reported that there was some concern re. people putting fences in their front yards, obstructing view of traffic. She stated there are restrictions on corner lots, but not front yards; and that this is mostly in older sections of town where driveway on property line. They had complaint from resident whose neighbor built fence to the side-walks and she has concern for pedestrians when backing out of driveway. Council Member Sande stated that this proposed ordinance addresses her concerns. Mrs. Collings stated this will have to go to Planning & Zoning Comm.

Moved by Beyer and Hafner to approve proposed ordinance and refer to Planning and Zoning. Motion carried.

1. Matter of review of moving permit application procedures.

Mrs. Collings reported she has received ordinance draft from Mr. Swanson, that ordinance calls for one notice to be published rather than two, and though it's not written into the ordinance they will contact, as matter of policy, every property owner within 200 feet. It was also noted that the land to which building is proposed to be moved will be posted. Moved by Klave and Hafner to approve proposed ordinance and to introduce for first reading. Motion carried.

3. Matter of creating special assessment districts:

Al Grasser, asst. city engineer, reviewed the following projects with the committee:

a) Proj. 4578, Dist. 544, overlay in Medvue Addn.

Mr. Grasser reported there is City's share on this project to overlay asphalt streets in Medvue 2nd Addition and in Kuster's Addition (project cost \$205,914, less 50% City's share, plus 28% assessment cost, for total to be assessed of \$131,785) There was some discussion re. 28% assessment cost (8% eng., 8% adm., 5% contingencies, 6-7% interim financing).

Moved by Hafner and Beyer *to adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements*. Motion carried.

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b) Proj. 4461, Dist. 370, sanitary sewer on S. 42nd St.

Mr. Grasser reported this project has to do with Aurora, that there is large area of tapping fees which will be recouped when development occurs (maybe later this summer). Moved by Beyer and Klave (*same motion as in a) above. Motion carried.

c) Proj. 4462, Dist. 247, watermain on S. 42nd St.

Mr. Grasser reported this is similar but goes all the way to DeMers so does pick up larger area in the city limits, but rest will be tapping fees. Moved by Beyer and Hafner (*same motion). Motion carried.

d) Proj. 4557, Dist. 551, paving in Rivers Edge and Anderson's Subdivision.

Mr. Grasser reported that developers have installed sewer and water which would count for up-front money; street will be concrete. Moved by Beyer and Hafner (* same motion). Motion carried.

e) Proj. 4561, Dist. 545, paving in Garden View Estates 1st Addn.

Mr. Grasser reported this project located at 34th and 11th Ave.S. Moved by Beyer and Klave (*same motion). Motion carried.

f) Proj. 4440, Dist. 386, southend drainway, Phase 1A

Mr. Grasser reported this project has huge district and majority is tapping area, project limits 32nd Ave.S. to the north, I-29 to the west and 62nd Ave.S. to the south (project cost \$10,2788,847 which includes \$9,996,629 in tapping fees). He stated that area being assessed is property along Belmont Road, property in Rivers Edge, Country View and some in Shadyridge.

Moved by Beyer and Klave (*same motion). Motion carried.

Mr. Grasser reported that because of the long time frame and large dollar amounts, there is an explanation of assessment/tapping fee assumptions attached. He stated they looked at total cost of doing entire project, then calculated over entire bene- fitting area and came up with cost per sq. ft. and if inside city limits get that as an assessment and if outside will get in the future as a tapping fee; and will recalculate tapping fees after every bid so keep cost up to date. He stated there may be areas in the future that will go in that are outside the tapping area and his recommendation is to charge them the same fee unit cost in the adjacent areas. Moved by Beyer and Klave to include this in the assessment/tapping fee assumptions. Motion carried.

g) Proj. 4425.3, Dist. 544, S. Wash. St. frontage road

Mr. Grasser reported this will be to pick up the additional costs of the frontage roads (difference from asphalt to concrete) (est. cost \$536,440) Mr. Grasser stated this is protestable and

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if protested out, will have to decide whether to let go as asphalt or City pick up additional cost. Moved by Beyer and Hafner (*same motion). Motion carried.

h) Proj. 4603, Dist. 251, watermain on 11th Avenue S.

Mr. Grasser reported that this is to run the water from 40th to 42nd St. and assessing to adj. property owners (est. cost \$42,462); there is City's share on this project for oversizing of pipe. He noted that this will serve the Aurora. Moved by Klave and Hafner (*same motion). Motion carried.

i) Proj. 4517, Dist, 546, paving in Birkholz' 5th Addn.

Mr. Grasser reported they have had request from developer to install paving on 24th Ave.S. and S. 40th St., and it is staff's recommendation to extend limits of paving on 24th all the way to 42nd St. and on 29th all the way to 42nd. (est. cost \$553,900. Moved by Beyer and Klave (*same motion). Motion carried.

j) Proj. 4620, Dist. 384, storm sewer on 24th Ave.S.

Mr. Grasser reported that sewer needs to go in before paving and this finishes off that section from 40th to 42nd. Moved by Hafner and Klave (*same motion). Motion carried.

k) Proj. 4526, Dist. 547, paving English Coulee Center

Mr. Grasser reported this is area north of DeMers, EAPC. Moved by Beyer and Hafner (*same motion). Motion carried.

4. Matter of plans and specifications:

a) Proj. 4537, Dist. 548, paving 3700 blk. of 15th Ave.S.

Mr. Grasser reported this is area Michael Hart is developing, extending street; and that he installed underground utilities. It was noted that up-front monies covered by work he has already done. Moved by Beyer and Klave to pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project. Motion carried.

b) Proj. 4577, watermain replacement

Mr. Grasser reported this is second half of watermain replacement - take priority areas (5 breaks per block). Moved by Beyer and Klave to approve plans and specifications for this construction and that the city auditor be directed to advertise for bids on the project. Motion carried.

c) Proj. 4225.3, Dist. 544, paving S. Wash. St. frontage roads from Hammerling to 24th Ave.S.

Mr. Grasser explained that reason they are approving frontage road portion of the project is for special assessment (these are DOT plans and they don't normally ask us to

approve). Moved by Hafner and Klave to pass a resolution approving the plans and specifications for the construction of the frontage roads.

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Motion carried.

6. Matter of authorizing request for flood fighting services.

Mr. Grasser stated they would like to get authorization to start request for services - source of clay; that when Corps comes in they require local entity to provide the clay borrow area, would like to advertise for that; and also look for trucks and equipment. Moved by Beyer and Hafner to approve. Motion carried.

7. Matter of projected Highway Users' expenditures for 1997 and 1998.

Mr. Grasser reviewed the 1997 summary of Highway Users Fund Account: 1997 funds available, \$3,255,000, less 1997 obligated expenditures, \$680,000 = \$2,575,000 available, less standard budgeted expenses of \$634,500 and project specific projected expenses of \$1,500,000 = projected 1997 carry-over of \$1,075,000.

He reviewed the listing of proposed project expenses.

Mr. Grasser also reviewed 1998 summary of Highway Users Fund Account: 1998 funds available, \$3,202,000, less 1998 obligated expenditures of \$715,000 = balance of \$2,305,000, less standard budgeted expenses of \$649,000 and less project specific projected expenses of \$1,725,000 - \$(69,000) projected carry-over. He also reviewed listing of proposed project expenses. He stated they will watch projects as they progress. Information only.

(**Pls. Note:** because of error in figures, this item will be brought back to committee.)

8. Matter of agreements with Nodak and Minnkota to relocate utilities on 24th Ave.S., Proj. 4620.

Mr. Grasser presented agreements to reimburse Nodak (\$29,000) and Minnkota (\$26,400) to relocate underground and overhead power on 24th in order to get roadway into right of way, proposing putting in with storm sewer project, and costs will be included in project cost. Hafner asked to be excused from voting on this matter and it was so moved by Beyer and Klave.

Moved by Beyer and Klave to approve the agreements for relocation of utilities. Motion carried; Hafner excused from voting.

9. Matter of status of Belmont Coulee erosion control.

Mr. Grasser reported that they have had questions from residents re. this coulee east of Belmont Road, that it was his intent to have under contract at this time but may qualify for some federal assistance under their DSR's, but unfortunately the State is tied up with snow removal emergency and this is on hold. He stated it was his recommendation to hold off on the project until they determine whether federal funds available. It was noted that coulee working its way closer and closer to Belmont Road, and Mr. Grasser stated if don't get something started on

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federal level by May or June, maybe set up assessment district and do a project. He explained procedure - regrade inverts and install rip-rap in series, reshape banks and may have to bring in some fill. He stated they wouldn't take project into trees as they help to stabilize the banks. Information only.

10. Matter of modification to the standard three-way agreements.

Mr. Grasser reported that agreement had been revised to include provision for repayment of costs to the sewage department for televising of sewers, that televising is an inspection tool. Mr. Goetz, supt. of wastewater, had requested this change in the agreement so he could recoup his costs - actual cost \$0.45 to \$0.50 ft.

Mr. Grasser stated this had been done previously as part of city procedure at no charge, but now would be billed to developer.

Moved by Hafner and Beyer to approve modifications to the agreement form to include sewer remote video inspection at \$0.50 per ft. as part of the inspection and review fees. Motion carried.

11. Matter of engineering agreement for storm sewer on 42nd St. (from DeMers to 17th Avenue South).

Held.

12. Informational items:

a) Mr. Vein reported that the City has contract with Webster, Foster & Weston for remodeling of Lift Station No. 29, but have problem - need to get some new starters before spring run-off, and are going to take quotes. Information.

b) Mr. Vein reported that they have bid opening on Tuesday at 2:00 p.m. on phase I of the Aurora, and special council meeting on Thursday at 12:30.

Meeting adjourned at 8:25 p.m.

Alice Fontaine
City Clerk

Dated: 02/11/97