

MINUTES/PUBLIC SERVICE COMMITTEE
Thursday, July 3, 1997 - 12:00 Noon

Members present: Hagness, Hafner, Klave.

8. Matter of paving project on 47th Ave.S. from Hwy. 81 to
Columbia Road.

Robert Peterson stated that last fall he was told that drainage of the ditches and reseeding would be finished this spring, that when he called engineering last week, he was informed that they had run out of money on the project. He stated he has 2 1/2 acres with 322 ft. frontage (neighbor has one acre), and ditch needs to be brought up to grade so it drains and to reseed, est. cost \$1500-2000. He submitted pictures of the area. Mark Walker, eng., stated that they knew when did project that funds were short, and included cleaning of ditches to improve drainage, that there is very little grade available from one end to the other. He also stated that seeding was not included in the project; and that certificate of completion hasn't been filed. There was some discussion re. funding, approx. \$2500. The committee directed staff to work with Mr. Peterson to correct the problem, and suggested they contact John Staley of Park District, whether something could be worked out with Park Dist. providing labor and City providing materials. Moved by Klave and Hafner to direct staff to negotiate with Park District and to bring back to committee if cost exceeds \$2500. Motion carried. (comm. only)

1. Request from Wireless North for authorization for the installa-
tion of antennas on water towers.

Richard Buckley, Cellular Realty Advisors, representing Wireless North, stated they were doing installation and placement of all the PCS antenna locations which they are designing between Grand Forks and Fargo to bring in the new digital phone communi-cations. He stated he has talked with Dwight Wurzbacher and Ray LeClerc, with whom they were authorized to negotiate and have come to terms basically on everything, that lease has been prepared and will be sent to the city attorney for review. He stated that the antennas would be placed on the southwest water tower and the Smiley tower - \$7800/per structure year with another \$300/mo. for microwave dishes on the Smiley tower because of temporary situation; all costs incurred, repairs, maintenance would be their responsibility; and if removed any repairs would also be their responsibility. He also stated that handrail would be designed and installed to federal engineering specifications.

Mr. Swanson stated he hasn't been involved in any of the discussions but has no objections to the proposal, but not so sure council shouldn't be making this available for anyone interested; his concern if enter into long term lease agreement with one vendor, may open up to criticism using public structure for private use. Mr. Buckley stated they would use only portion of handrail and would probably be able to place other users up there; not an exclusive use. He stated there would be no interference with City use. Mr. Swanson stated his concern was any form of exclusive use, **MINUTES/PUBLIC SERVICE COMMITTEE**

July 3, 1997 - Page 2

however, City would want indemnification clause, insurance, etc.

Moved by Hafner and Klave to approve the request, pending review of the lease by the city attorney. Motion carried.

2. Matter of change order No. 1 for Proj. 4433, GFAFB watermain,

Robert Gibb & Sons.

Keith Johnson, asst. city engineer, reviewed the change order which adds two fire hydrants to waterline adjacent to the booster station for the purpose of flushing, testing and general access, cost \$8,889.98. He stated that this was originally included in the project, but AFB objected and wouldn't pay costs; however, water department has indicated need for this, esp. after this spring's flood where contractors did lot of operations on that line to supply water in both directions. He reported there are funds in project contingencies. Moved by Klave and Hafner to approve the change order in the amount of \$8,889.98. Motion carried.

3. Matter of change orders for Proj. 4225, paving South Washing-

ton Street:

a) Change Order No. 2, upgrade frontage road and bike path pavement from asphalt to concrete.

Mark Walker, project engineer, reviewed change order which deletes median and colored brick pattern at a deduct of \$27,362.25, which would have been 100% City cost (this was approved at a prior meeting); and upgrading frontage roads at a total cost of \$468,000+, that prior to the flood 100% City responsibility but after flood the DOT has said that would be eligible cost with City share of \$83,947.97. Moved by Hafner

and Klave to approve the change order. Motion carried.

b) Change Order No. 3, storm sewer.

Mr. Walker reviewed the change order and stated that there was a change on frontage road portion and mainline portion of the project, that this adds larger storm sewer system, that they were uncomfortable with original storm sewer design by DOT, felt it was undersized and hired consultant to redesign and this change order includes that redesign, total cost would be 100% City funds \$177,120.15. Mr. Vein stated they were working on State participation. Moved by Hafner and Klave to approve the change order in the total amount of \$177,120.15. Motion carried.

4. Matter of easement for Proj. 4625, sanitary sewer, and Proj.

4626, watermain to Longview Fibre Co.

Copies of a communication re. the R/W acquisition for temporary construction easement and permanent utility easement for sanitary sewer and watermain projects to serve Longview Fibre were presented to the committee. Mr. LeClerc reported that there were special conditions attached to the easement documents which the property owner has requested and which have been submitted to Mr. Swanson for review and comment. He stated that the basic substance of the

MINUTES/PUBLIC SERVICE COMMITTEE

July 3, 1997 - Page 3

document is that the consideration fee for the easements, crop damage, etc. is \$10,000 and over and above that is the requirement that the City place \$50,000 in an escrow account to be used if there are trespass violations on the project, that in the past Mr. Bateman has experienced lot of contractors wandering past the limits of the easement, and City considering fencing off easement area. Mr. Swanson stated this is extremely unusual agreement, has comments on the drafting of the document and the reasonableness of it, some concerns re. using bank as escrow agent without detailed escrow agreement, cash deposit, interest paid to City, no notification provision to the City re. violations, no ability to correct violation, etc. and more critical, does City want to do this. It was stated that Longview wants the project. Committee asked if he and Ray could review and bring back and Mr. Swanson stated he could have comments done on Tuesday and council could give committee authorization to act.

Moved by Klave and Hafner to direct city attorney and acting

city planner to work out terms of the agreement between the landowners and City and to bring back to committee with power to act. Motion carried.

Klave excused.

5. Matter of agreement for design and installation of utilities

in City R/W between James Senske and City for Proj. 4595, watermain on North 44th Street and 20th Avenue North.

Mr. Walker reported that Mr. Senske asked for permission to install sewer and water utilities, he will hire contractor with City doing design work and construction inspection. Moved by Hafner and Hagness to authorize entering into agreement with developer for private installation of the utilities according to City's specifications. Motion carried.

6. Matter of creating special assessment district for Project 4657, sanitary sewer in Johnson's 4th Addition.

Mr. Walker reported they had received request from developer for City to install sewer, costs to be special assessed and that project includes future special assessment district for an area that will be benefitted by this project and which is currently outside the city limits. Committee questioned payment of the 50% up-front monies and to include provision for this, and if it doesn't apply could be deleted Monday night.

Moved by Hafner and Hagness that we adopt a resolution creating the assessment district, approving the engineer's report, including est. of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specs., that we declare intent to sell bonds to finance these improvements, and further that the project be subject to the payment of the 50% up-front monies requirement. Motion carried.

MINUTES/PUBLIC SERVICE COMMITTEE

July 3, 1997 - Page 4

7. Matter of agreement for design engineering services between CPS and City for Proj. 4657, sanitary sewer; Proj. 4658, watermain; Proj. 4659, storm sewer, and Proj. 4660, paving in

Johnson's 4th Addition.

Mr. Walker presented agreement (pending city attorney's review) to hire CPS in an amount to be determined based on

upper limit max. fee of 5.5% of project construction cost. Moved by Hafner and Hagness to approve agreement, pending review by the city attorney. Motion carried.

9. Report on Flood Repair Requirements.

Hazel Fetters-Sletten, water superintendent, presented copies of listing of the damaged equipment at water treatment plant, that they have been working with Flood Restoration Committee and was presented for committee's information; no cost figures included and she stated they are working on figures with FEMA. She also stated that there are certain amount of repairs that have to be done to keep operational and are also evaluating sludge plant (because of future dike alignment) and working with State to make sure we comply with their regulations. She noted that they have incorporated some items in CIP into some of the improvements they are making (some of the equipment damaged had been included in the CIP), and there will be a FEMA portion. Info. only.

9. Various items:

a) Hafner questioned status of City property on Mill Road, that he has had inquiry re. that property, and if someone interested what is process. It was also noted that police department using that property for impounding of vehicles, etc.; that police department needed location because former lot was on the property sold to Acme, and committee asked whether there was another location available for the impound lot. Committee asked if this property is for sale, and Mr. Vein stated he will talk with Mr. Schmisek re. this matter.

b) Hafner asked whether city paying tower rental, and questioned use of water towers for City's antennas. Mr. Vein stated he would check with John Thompson on this matter.

Moved by Hafner and Klave to adjourn; meeting adjourned at 1:05 p.m.

Alice Fontaine
City Clerk

Dated: 7/03/97