

**STREETS AND SANITATION COMMITTEE
MEETING MINUTES**

May 23, 2011
6:30 p.m.

MEMBERS PRESENT

Dave Soeldner
Jason Sladky
Jim Brey
Allan Schema
Alex Olson

STAFF PRESENT

Val Mellon
Greg Minikel
Sonja Birr
Mike Huck
Juliana Ruenzel

OTHERS

Terry Fox, Attorney
Jean Stahl, 1336 N. 8th St
Leroy Stahl, 1336 N. 8th St
Glenn Fuerbringer, 1445 N. 8th St
Cary Klager, 1507 N. 8th St
Debby Klager, 1507 N. 8th St
Craig Schaefer, 1423 N. 23rd St
Kathy Ruppelt, 717 Magnolia Ave
Robert Ruppelt, 719 Magnolia Ave
Gary Kennedy, County Highway

Approval of the Minutes from 5/09/11

A. Olson made a motion to approve the minutes from the May 9, 2011 meeting. J. Brey seconded the motion. Motion carried unanimously, no further discussion.

Discussion and possible action of resurfacing of North 8th Street

D. Soeldner reported that after a thorough search of the files the most recent document found were from 1988 which indicated that N. 8th Street (North of Waldo) is under the County's jurisdiction. G. Kennedy, County Highway Dept, was present for the discussions.

G. Minikel reminded everyone that at one time (1977) it was the City's jurisdiction. He was unaware of the 1988 jurisdictional transfer back to the County. According to those documents, the reason for the change back to County Jurisdiction was that the County would get more highway aides from the State if the road was under their jurisdiction.

Juliana Ruenzel, City Attorney, said that she didn't find any documentation in her files relating to any transfers that were made between the County and the City.

D. Soeldner requested that the discussion from this point forward consist of how to move forward and our options. The project was bid and recently awarded to Vinton Construction.

G. Kennedy suggested drafting a Resolution to transfer back to the City. He explained that the City receives more in Transportation Aids than the County does and the City has already been maintaining this stretch for several years. D. Soeldner was not in favor of this approach as it is unfair to the property owners.

V. Mellon urged moving forward with road reconstruction as soon as possible and said the bid prices received from Vinton were low and she is unsure of future bid prices. She is concerned as the maintenance patches are not solid and will constantly be needing repairs. Some of the major longitudinal cracks are located in the wheel paths and are really opening up.

G. Kennedy said they don't have money available in this year's budget and the County can not assess.

J. Sladky asked what it would cost for Vinton to release the City from the contract. V. Mellon explained that according to Jim Maples, there is approximately \$5,000 in administrative costs and they also have signed contracts with sub-contractors and suppliers. There is no guarantee that the sub-contractors would release Vinton from their contracts. However, she will contact Jim Maples and find out how much they would charge the City to un-award the project.

Alex Olson wanted to know why we didn't know this was County jurisdiction. J. Brey explained that we assumed it was City owned as the City maintained this street. G. Minikel said the City has been plowing and patching since 1988 when he first started with the City. G. Kennedy said that they currently have a good relationship with the City and maintaining roads and there are a number of streets that the County maintains for the City.

G. Kennedy informed the Committee that if the County paved N. 8th Street, the City would be billed anything outside of 30 feet, which would be assessed to the property owners.

A. Schema is not in favor of assessing and feels everyone should pay in property taxes.

J. Brey explained that discussions took place at the Board of Public Works Meeting and the Committee realized that assessments can not be delayed a year according to City Ordinance. The truck route discount was also reviewed. G. Minikel said that he is unsure as to how and why the discount is 15%.

J. Sladky made a motion for a formal request to allow the City the ability to get out of the Contract with Vinton Construction at a cost not to exceed \$10,000. A. Olson seconded the motion.

J. Brey said that the road needs to be repaired. G. Minikel said that we could apply for joint STP Urban funding and reconstruct the street in concrete.

Juliana said that backing out of the contract will require Council action.

G. Kennedy said he doesn't want to see the project go away, but doesn't have funding. He also informed the Committee that the County doesn't pay for parking lanes which are on both sides of N. 8th Street.

Motion carried unanimously.

A property owner expressed her disappointment that the City didn't investigate the jurisdiction of this street prior to bidding the project and sending out special assessment notice letters to all of the property owners.

The City will have to re-visit the jurisdiction issue soon to determine if this should be switched back to the City, as we have been maintaining and plowing.

No further discussion.

Discussion and possible action regarding communication to eliminate sidewalk on the north side of Park Street from Water Street to the West
Attorney Terry Fox and Craig Schaefer were present. G. Minikel reported that patrons are currently parking over the sidewalk. The owners requested asphalt be put in place of concrete for a portion of their parking lot, which is City right-of-way. G. Minikel is concerned with another issue, angle parking on both sides of the street which would only allow a one-way entrance into the parking lot and would force exiting over private property.

Terry Fox said that they are looking to do some excavation at the back of the building to accommodate a smoking area. The parking lot will need to be paved and a wall will be landscaped with stone to separate property with Harrington Parkside Chapel.

Discussion about vacating the street took place. This will not be an option as another property owner is involved and he may not be willing to negotiate the sale of the south half of the street Right-of-Way. This would also require an easement to access the river.

J. Sladky suggested straight parking on south side and no parking against the building. This would eliminate parking over the sidewalk.

Attorney Fox said that they would lose approximately 10 parking spots which would bring about more congestion. Currently, there are no pavement markings to indicate parking stalls. Customers are parking as close to the building as possible eliminating the sidewalk. This may cause more of a liability concern.

Mike Huck reminded the Committee of the sidewalk Ordinance which requires keeping city sidewalks clear. If this remains sidewalk, this will give the City the ability of enforcing this Ordinance.

A. Schema feels that if parking is needed against the building, this should be up to the owners.

J. Sladky made a motion to eliminate the sidewalk and allow parking across it. A. Schema seconded the motion.

J. Ruenzel said that the sidewalk was not built for cars to park on and questioned if this will be maintained as a road or should it be abandoned. We will need to determine how we will classify. If it is classified as sidewalk, the City will have a liability, we can't just leave and not maintain.

Attorney Fox questioned if a side letter would be feasible explaining who will maintain and repair. Tower Tavern will take on the liability and insurance. The City will retain the inspectional jurisdiction to allow repairs to take place.

It was discussed and decided that it would be best to grant an easement to allow Tower Tavern to maintain from the building to the curblin. J. Sladky rescinded his previous motion.

J. Brey made a motion to instruct the City Attorney to put together an easement from building to the curblin. A. Schema seconded the motion.

J. Brey explained that every situation is different and the Committee needs to take that into consideration.

Motion carried unanimously, no further discussion.

Discussion and possible action regarding the funding of Broadway Bridge

G. Minikel explained the cost estimate that was given in the AECOM Slope Study Report that was completed prior to the current failure of the slope. He is estimating the total construction project to cost \$280,000-\$320,000. There is currently \$120,000 available that was rolled over from the 2010 budget for this project. G. Minikel also suggested using \$150,000 from the USH 151 (DOT) project that was recently put on hold. The mini-sewer budget line (\$25,000) could also be further looked at. The total amount available for the project is approximately \$295,000. Any project costs above this amount may need to be taken from the reserves. A. Schema recommended possibly using some of the money that was allocated for the North 8th Street project, since the Committee already decided to cancel that project for this year.

J. Brey made a Motion to recommend moving forward with the emergency repairs and leaving the funding issue to the Finance Committee. J. Sladky seconded the motion.

G. Minikel said the DOT USH 151 project is on hold, when the project moves forward we will have to re-budget at that time.

Motion carried unanimously, no further discussion.

Discussion and possible action regarding Request to install an 8" curb against the back of sidewalk at Dr. Bero's office on South 21st Street

G. Minikel reported that Seiler Construction was in to request installing an 8" curb to match the existing wall by the request of Dr. Bero on S. 21st Street. G. Minikel recommends having Dr. Bero sign a Sidewalk Privilege Agreement because it is in the city right-of-way.

V. Mellon explained that there is no trip hazard or sign restriction. G. Minikel said the work will be done before the next Board of Public Works meeting. This is why Greg brought to this Committee for approval.

G. Minikel said there are other existing structures (steps) in the right-of-way. D. Soeldner recommends issuing a sidewalk privilege agreement for new structures in the City right-of-way. G. Minikel said a 5' strip along the entire frontage would include all obstructions within the Right-of-Way.

A. Olson made a motion to include the entire frontage in the legal description for the Sidewalk Privilege Agreement. J. Sladky seconded the motion.

Discussion and possible action for River Rendevous Special Events
Request barricades and if the City should charge for this event

V. Mellon said the cost is approximately \$500 to set up detour route due to closure of Maritime Drive for this event. Norma Bishop is not opposed to paying this charge. This is not a charity event; it benefits the downtown businesses and Maritime Museum and V. Mellon wanted to know the direction of the Committee on whether or not to bill for this event.

A. Olson made a motion to charge cost for this event. A. Schema seconded the motion.

Motion carried, no further discussion.

Meeting adjourned at 7:39 p.m.



Valerie Mellon, P.E.
Director of Public Works
and City Engineer