

## **PUBLIC WORKS/SAFETY COMMITTEE MEETING**

Tuesday, January 2, 2018

Present: Mayor Caron and Council Members Buhler, Danforth, Lalim & Weyh

Also Present: Council Members Albertson, Roby, Solum, Thorson & Vilhauer, Shane Waterman, Attorney Vince Foley, Kristen Bobzien, Colin Paulsen, Ken Bucholz, Matt Roby & others

### **Approval of the Agenda.**

Mayor Caron proposed to move agenda item 7 to the beginning of the agenda. Motion was made by Buhler and seconded by Weyh to approve the agenda as amended; all voted in favor and motion carried.

### **Consideration of Memorandum of Understanding for financing construction of improvements to 26th Street E in the US 212 ROW.**

Mayor Caron explained that staff and a committee of council members entered into mediation with the property owners and their attorneys to come to a consensus on the terms of financing construction of the improvements to 26<sup>th</sup> Street East. Attorney Vince Foley reviewed the terms in the Memorandum of Understanding. It is proposed that the City will contribute 100% of the construction costs in the Highway 212 Right-of-Way, not to exceed \$100,000. The property owners (CO-HO, Inc. and Glacial Lakes Capital, LLC) will finance the balance of the construction in the right-of-way and the improvements outside of the right-of-way. After discussion, motion was made by Lalim and seconded by Danforth to recommend moving forward with the financial terms in the Memorandum of Understanding; all voted in favor and motion carried.

### **Discussion of potential assessments and sidewalk accessibility for the 3<sup>rd</sup> Avenue Reconstruction Project.**

City Engineer Shane Waterman outlined a potential assessment project for improvements to 3<sup>rd</sup> Avenue SW, and seeks council direction on the scope of the project. The main goal is to restore the road surface, but staff questions if there should be an assessment project for either the sidewalk or the curb & gutter. Currently there is a small portion of sidewalk on the south side only. There is curb & gutter along the entire south side, but several gaps in the curb & gutter on the north side.

Staff proposes to contact the property owners, giving them a choice to opt out of installing the curb & gutter, and only the property owners who elect to have the curb & gutter installed would be assessed the costs. Several council members voiced their concern about doing only some of the curb & gutter, and felt that it should all be installed, or leave it as is. If all property owners who do not currently have curb & gutter agreed to have it installed, the assessments would be for those properties only, and not the ones who currently have curb & gutter.

There is not adequate right-of-way on either side of the street to build the sidewalk, so the city would have to acquire right-of-way. This could make many of the properties non-compliant for setbacks. It was discussed possibly securing easements instead of acquiring right-of-way, but either option could shorten the driveway parking area, making it illegal to park in driveways if the vehicle was over the sidewalk. Because of these constraints, staff recommends pursuing the project without sidewalk. Assistant City Engineer Colin Paulsen had conducted research to see if the city is legally able to do this project without bringing the sidewalks up to ADA compliance, and reported that the feasibility issues with this situation are sufficient to exclude the sidewalk from the project.

After discussion, motion was made by Danforth and seconded by Lalim to recommend seeking resident approval of the curb & gutter, but do not install any of it if not all property owners are in favor of it, and to exclude any work on sidewalks for this project; all voted in favor and motion carried.

**Discussion of potential assessment project for the 25<sup>th</sup> Street SW Improvements.**

Shane Waterman explained that staff has received numerous complaints of dust, and a poor road surface on 25<sup>th</sup> Street SW. This is currently a rural section with a gravel surface. Staff requests authorization to begin the assessment process with a petition circulated to the property owners. The design would feature a 28' rural section with a thicker asphalt surface for the first 450 feet or so, because of truck traffic to the Sioux Valley Coop Plant. Some of the properties have Waivers of Right to Protest. Motion was made by Lalim and seconded by Danforth to recommend initiating the assessment process by circulating the petition; all voted in favor and motion carried.

**Discussion of potential assessment project for the 21<sup>st</sup> Street SW Improvements.**

Shane Waterman reviewed the potential assessment project for a segment of 21<sup>st</sup> Street just south of Highway 212. Staff has received several complaints from people further to the south about the dust and unimproved surface of this segment. This project was previously attempted as an assessment, but it did not go through; however, one of the properties has now changed ownership. The proposed design would feature curb & gutter on both sides of the street, to match the street section at the south end of the project. Shane advised that this is a collector street and that this one block has never been improved, so even if the petition process fails, the council might still want to move ahead with the project for the greater public good. Motion was made by Lalim and seconded by Danforth to recommend moving forward with the assessment process by circulating the petition; all voted in favor and motion carried.

**Discussion of potential assessment project for the Wheel Inn Alley Improvements.**

Shane Waterman explained that this project was attempted previously and the petition had enough signatures; however no one showed up at the public hearing to speak either for or against the project, so the council was hesitant to approve it. Staff proposes to re-submit the petition and to encourage the participants to attend the public hearing. Motion was made by Buhler and seconded by Weyh to recommend proceeding with the petition process; all voted in favor and motion carried.

**Discussion of Kemp Avenue One-Way Conversion.**

As time was running short and there was not adequate time to discuss this item, it was decided to put this on the next Public Works Committee agenda. Motion was made by Lalim and seconded by Danforth to table this item; all voted in favor and motion carried.

**Approval of volunteers for Ice Arena Committee.**

Mayor Caron requests approval of a list of volunteers for the Ice Arena Committee. If they are officially certified as volunteers by the council, they would be covered by Workers Compensation Insurance if something should happen to them while performing their duty as committee members. Motion was made by Danforth and seconded by Weyh to approve the list of volunteers; all voted in favor and motion carried.

**Old Business**

None

**New Business**

None

**Executive Session Pursuant to SDCL §1-25-2**

None held

Motion made by Danforth and seconded by Buhler to adjourn meeting at approximately 6:55 p.m.; all voted in favor and motion carried.

Respectfully submitted,  
Lori Marscheider