

group and he believes this is being taken too far. He said the speed limit on residential streets is 25 mph and today's cars can withstand crashes of 25 mph easily.

Mr. Tull asked what might happen if Council adopts a policy saying that the City will not replace any mailbox that is damaged by a city truck or vehicle in excess of \$100 and in excess of the AASHTO standards.

Attorney Ternan said the City has had a policy for a long period of time to limit the amount that will be paid for replacement of a mailbox and he does not know of any instance where a homeowner has taken the City to court. He said that limiting the amount to \$100 might be just as successful, if there is no court challenge. Mr. Ternan said he was asked if the City can limit its liability to \$100 and have it legally enforceable and in his opinion it is not likely that can be the case.

Mr. Tull asked whether this is a policy that can be adopted by Council or if it is an administrative policy.

Attorney Ternan said a subject of this nature that sets the amount of reimbursement for citizens, not internal matters within the City, would appear to be a subject for which Council could adopt a policy.

MOTION by Tull, seconded by Karas, Resolved, that the City Council sets as a policy that mailboxes shall be replaced at a cost not to exceed \$100, and that any installation made by the City shall be pursuant to and meet the AASHTO standards then in effect.

Discussion:

Mr. Tull explained that his intention is that the cost will be equal to the cost of the mailbox destroyed, if the cost is less than \$100. Mr. Tull said that in no event would a mailbox be replaced that would violate the AASHTO standards.

Ms. Glass said she feels, if a mailbox is over \$100 in value, the \$100 should be given to the homeowner so the homeowner can replace the mailbox. Ms. Glass said that, by saying the mailbox will not be replaced if it would violate the AASHTO standards, a homeowner who is unfortunate enough to have his mailbox knocked down will not be allowed to use the City money to rebuild the mailbox he wants.

Ms. Glass said she likes the concept of the \$100 limit and the City being able to replace a normal mailbox with a normal mailbox. She indicated, however, that she would hesitate to tell a person who is unfortunate enough to have their mailbox knocked down that not only will the City not replace the mailbox, but the resident will not be allowed to replace it. Ms. Glass said she would like to change the motion by deleting the portion about the installation meeting the AASHTO standards.

It is recorded, Mr. Tull and Mr. Karas agreed to AMEND THE MOTION.

MOTION by Tull, seconded by Karas, Resolved, that the City Council hereby adopts a policy stipulating that any mailbox damaged by a City vehicle shall be replaced with an equivalent mailbox, up to a maximum replacement cost of \$100.

Discussion:

CONTINUED

ADOPTED UNANIMOUSLY 8-9-89  
Mailboxes