

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on May 6, 2019 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

1. Call to Order

Mayor Hansen called the meeting to order at 7:00 P.M.

2. Roll Call

Members Present: Councilmembers Nelson, Wendling, Delfs, Goodboe-Bisschoff and Mayor Hansen

Members Absent: None

Staff Present: Police Chief Ebeltoft; Public Works Director Randall; Attorney Thames; Engineer Gravel; Parks and Recreation Director Rygwall; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Paddy Jones, Ham Lake
Devon Kovri, Spring Lake Park High School Student
Violet Mostek, Spring Lake Park High School Student
John Stone, 1332 9th Avenue South, St. Paul
Lori Salo and Wayne, 8068 Garfield Street NE
Christine Jones and Ron Geir, 8081 Garfield Street NE
Marianne and Dean Sweeney, 7705 Lakeview Lane NE
Terry and Jerri Mc Mahon, 8073 Garfield Street NE
Gary and Bev Poland, 8085 Garfield Street NE
Don Napier, 7703 Lakeview Lane NE
Mike Hodet, 8082 Garfield Street NE

3. Pledge of Allegiance

4. Additions or Corrections to Agenda

Administrator Buchholtz requested a Right of Way Application from Telcom Construction be added as Item 6G. He requested that a Cooperative Agreement Regarding Public Safety Related to the 2019 3M Open be added as Item 6H. He requested that a Mayor's Proclamation – Spring Lake Park High School Band Day – October 27, 2019 be added as Item 6I.

5. Discussion From The Floor

Devon Kovri and Violet Mostek reported that the Spring Lake Park High School band is planning a trip to Cuba in April 2020. They reported on the growth that the High School band program has had in the past few years and stated that the program will continue to get larger in the upcoming school year. They encouraged the City Council and the residents of Spring Lake Park to help them with their fundraiser on October 27, 2019 to raise funds for their trip.

Mayor Hansen read a proclamation proclaiming October 27, 2019, as Spring Lake Park High School Band Day.

Lori Salo, 8068 Garfield Street NE, reported that she lives across the street from the Garfield Pond. She expressed her concern with the results of the soil testing from the Garfield Pond. She stated that she has noticed an oil-like substance in her pond, which is not formally named, and would like the soil and water tested as run-off from the Garfield Pond goes into her pond. She stated that the pond has an odor at times.

Public Works Randall stated that soil testing could be scheduled at the same time that samples are collected at the Garfield Pond. The consensus of the Council was to test the soil of the second pond.

Resident Bob stated that he is concerned that the ponds have never been cleaned out and the flooding that occurs needs to be addressed. He stated that he is in favor of testing the second pond.

Resident Wayne, 8068 Garfield Street NE, stated that he witnessed the oil-like substance in the second pond. He stated that he would like to see scheduled maintenance of the ponds to prevent back ups and clean up at the steel mesh areas on a regular basis.

Mr. Randall reported that the Public Works Department cleans out the mesh areas of the pond twice a year and watch for any additional clean out that is needed. He stated that if residents notice any type of oil or petroleum looking substances in the pond, they should call the Fire Department and have them look at the substance.

Dean Sweeney, 7705 Lakeview Lane NE, expressed his concerns with the lack of pre-design plans, specs of the project and any of the engineering of the project. He provided an informational diagram to the Council for them to consider with the project.

Administrator Buchholtz and Councilmember Nelson both explained to the residents that the only work that has been authorized on the project at this time is soil testing. Administrator Buchholtz stated that the open house that was held was to communicate project information to receive feedback from the residents. He explained that the City Council would be approving authorization to prepare the plans for the project later in the Council meeting.

Mayor Hansen reported that the project will take time and it will be needed for the Engineering staff to develop a plan and is certain that they will take into consideration all 414 of the resident's comments and concerns. She stated that residents will be informed and there will be other open houses for the residents.

Councilmember Delfs stated that the project needs careful planning as the project is being funded with grant money in a specific amount and any money that is spent over the grant amount would come from residents and everyone in the community. He agreed that the project needs to be completed but it needs to be put together carefully.

Councilmember Goodboe-Bisschoff inquired about the trees that will be affected with the pond project especially those of the residents. Administrator Buchholtz reported that some of the trees are in the easement which would allow the City to remove those trees if required by the project. He stated that there are several trees within the wooded area that are dead and need to be removed. He stated that trees which need to be removed will be identified during the survey process and the City will preserve as many trees as possible.

6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – April 15, 2019
- B. Mayor's Proclamation – Municipal Clerks Week – May 5-11, 2019
- C. Mayor's Proclamation - National Police Week -May 12-18, 2019
- D. Sign Permit
- E. Contractor's Licenses
- F. Correspondence
- G. Right of Way Application – Telcom Construction
- H. Cooperative Agreement Regarding Public Safety Related To The 2019 3M Open
- I. Mayor's Proclamation – Spring Lake Park High School Band Day – October 27, 2019

MOTION BY COUNCILMEMBER WENDLING TO APPROVE THE CONSENT AGENDA. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. Public Works Report

Public Works Director Randall reported that the Public Works Department has been collecting garbage and recycling in the parks; sweeping all the parks and cleaning along the fence lines and removing trees in Sanburnol Park. He reported that the Department plowed snow one time in April.

Mr. Randall reported that the hydrant flushing has been completed and the street sweeping of all the streets was completed in four days. He reported that the Department has been repairing street signs and patching pot holes.

Mr. Randall reported that Well No. 5 is up and running. He reported that water sampling has been taken and submitted for testing and the results will be available in a few months.

Mr. Randall reported that he attended a Hy-Vee project meeting; a meeting with Anoka County regarding the Osborne Road project and attended the bid opening for the Osborne Road Trail project.

8. Ordinances And/Or ResolutionsA. Resolution 19-08 Authorizing City to Enter into Tenth Rider Agreement with the Board of Water Commissioners of The City of St. Paul

Administrator Buchholtz reported that the City is working on the reconstruction of Phase II of the Osborne Road Trail Reconstruction project. He stated that this project will reconstruct the segment of the Osborne Road Trail between CSAH 35 (Old Central) and State Trunk Highway 65. He reported that in reviewing their records, St. Paul Regional Water Services did not have a rider on file which authorized the trail to be located on the easement. He stated that the provided agreement will permit the placement of the trail on the easement after its reconstruction.

Administrator Buchholtz stated that staff recommends approval of Resolution 19-08 and the Tenth Rider to the St. Paul Waterworks Agreement.

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE RESOLUTION 19-08 AUTHORIZING CITY TO ENTER INTO TENTH RIDER AGREEMENT WITH THE BOARD OF WATER COMMISSIONERS OF THE CITY OF ST. PAUL. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 19-09 Authorizing Mayor and Administrator, Clerk-Treasurer To Enter Into MnDOT Cooperative Construction Agreement

Administrator Buchholtz reported that the City is seeking approval from the City Council to approve entering into a Cooperative Construction Agreement with the Minnesota Department of Transportation for the improvements to Highway 65 for the Hy-Vee project.

Administrator Buchholtz reported that the agreement stated that the City will perform bituminous and concrete surfacing, concrete-curb and gutter, ADA improvements and signal revisions construction along and adjacent to Trunk Highway 65 from 100 feet south of 81st Avenue NE to 500 feet north of 81st Avenue and on 81st Avenue from 260 feet west of Trunk Highway 65 to County State Aid Highway 35, pursuant to prepared plans.

Administrator Buchholtz reported that there is a pass-through cost to the agreement. He stated that the City is responsible to pay MnDOT \$56,937 for a signal cabinet with controller and video detection cameras. He stated that this cost will be passed-through to Hy-Vee, pursuant to the existing Development Agreement and the proposed Certification and Indemnification Agreement.

Administrator Buchholtz reported that the work outlined in the agreement will be completed by Hy-Vee and its contractors. He stated that state law marked the approval process simpler by having the City be a party to the Cooperative Construction agreement.

Administrator Buchholtz stated that staff recommends approval of the MnDOT Cooperative Construction Agreement.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE RESOLUTION 19-09 AUTHORIZING MAYOR AND ADMINISTRATOR, CLERK-TREASURER TO ENTER INTO MNDOT COOPERATIVE CONSTRUCTION AGREEMENT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

9. New Business

A. Approval of Hy-Vee Certification and Indemnification Agreement

Administrator Buchholtz reported that the City is seeking approval from the City Council to assign the majority of responsibilities from the MnDOT Cooperative Construction Agreement from the City to Hy-Vee.

Administrator Buchholtz stated that the "Certification and Indemnification Agreement" essentially stated that the City agrees to execute the MNDOT Cooperative Construction Agreement in exchange for Hy-Vee performing the tasks set forth in the agreement including traffic control; worker safety terms; the guarantee and warranty enforcement and contract transfer obligations, contract construction terms, compliance mandates, city cost and payment by the city, insurance, non-discrimination, state audits, and Minnesota Government Data Practices. He stated that the agreement states that Hy-Vee will pay all costs (which is consistent with the original development agreement) and indemnifies the City and the City Engineer.

MOTION MADE BY MAYOR HANSEN TO APPROVE HY-VEE CERTIFICATION AND INDEMNIFICATION AGREEMENT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Authorize Preparation of Plans and Bidding – Garfield Pond Improvement Project

Engineer Gravel reported that at on March 18, 2019, the City Council approved a Cost Share Agreement with the Rice Creek Watershed District (RCWD) for a stormwater management project at the Garfield Pond on 81st Avenue. He stated that a neighborhood open house for the project was held on April 29, 2019.

Mr. Gravel reported that the proposed project includes expanding and partially dredging the pond, construction of an infiltration shelf (tentatively planned for along 81st Avenue between the sidewalk and the pond), and a large diameter storm pipe between the pond and Spring Lake.

Mr. Gravel reported that the project should now proceed to a design phase. He reported that the initial steps in the design phase will include:

- Communicate with the residents in the area.
- Complete a detailed topographic survey.
- Sample pond sediment (in process).
- Wetland delineation

He reported that once the initial steps are completed, the actual preparation of construction plans can begin.

Mr. Gravel stated that if the City would like to begin the design phase for the project, staff would request the City Council order preparation of plans and specifications and authorize bidding for the Garfield Pond Improvement Project. He stated that it is anticipated that the design phase will take five to six months. He stated that bids for the work could be received and presented to the Council for approval this Fall.

Mr. Gravel stated that there will be more meetings and open houses with the residents and if all plans go smoothly, construction could start to take place over the winter. He reminded the residents that design project is a slow process and there are many approvals from various organizations that will need happen before any work can start on the project. He stated that all resident comments will be factored in before any decisions are made.

MOTION MADE BY MAYOR HANSEN TO AUTHORIZE PREPARATION OF PLANS AND BIDDING FOR GARFIELD POND IMPROVEMENT PROJECT. ROLL CALL VOTE: ALL AYES.

C. Award Bid for 2019 Osborne Road Trail Improvements Project

Engineer Gravel reported that bids were opened for the 2019 Osborne Road Trail Improvements Project on April 30, 2019. He reported that eight bids were received. The following summarizes the results of the Bids received:

	<u>Contractor</u>	<u>Total Base Bid</u>
Low	Aslakson's Services, Inc.	\$46,485.24
#2	Sunram Construction, Inc.	\$49,568.00
#3	Bituminous Roadways, Inc.	\$52,204.50
#4	Omann Contracting Companies, Inc.	\$54,994.00
#5	Park Construction Company	\$61,147.70
#6	Allied Blacktop Company	\$61,874.50

#7	North Valley, Inc.	\$62,061.00
#8	G. Urban Companies, Inc.	\$88,633.00

Mr. Gravel reported that the low Bidder on the Project was Aslakson's Services, Inc. with a Total Base Amount of \$46,485.24. He stated that this compares to the Engineer's Opinion of Probable Costs of \$50,000.00. He reported that the bids have been reviewed and found to be in order.

Mr. Gravel stated that if the City Council wishes to award the Project to the low Bidder, then Asklakson's Services, Inc. should be awarded the project on the Total Base Bid Amount of \$46,485.24

Mayor Hansen inquired on how familiar Mr. Gravel is with the contractor. Mr. Gravel stated that he was not familiar with the contractor but the submitted bid met all the requirements.

Councilmember Nelson inquired what type of warranty is included. Mr. Gravel stated that the bond guarantees two years.

Councilmember Goodboe-Bisschoff inquired what other cities have used the low Bidder contractor. Mr. Gravel stated he was not aware of any other cities. He stated that the contractor met all qualifications and there will be meetings with the contractors during the project.

Councilmember Goodboe-Bisschoff suggested that the City views other cities streets to see how well the road have held up in two years' time.

MOTION MADE BY COUNCILMEMBER NELSON TO AWARD 2019 OSBORNE ROAD TRAIL IMPROVEMENTS PROJECT BID TO ASLAKSON'S SERVICES, INC. WITH A TOTAL BASE BID AMOUNT OF \$46,485.24. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

D. Authorization to Purchase 2019 Pickup Truck – Public Works

Public Works Director Randall reported that he is seeking authorization to purchase a new 2019 Chevrolet 2500 4x4 extended cab pickup truck for the Public Works Department. He stated that the new vehicle will replace one of the 2009 Chevrolet pickup trucks that is very rusty and has a lot of miles. He stated that his goal is to try to purchase a new truck every year or every other year to help keep the cost of maintenance and repairs to a minimum.

Mr. Randall stated that he received a price quote from Ranger Chevrolet in Hibbing. He stated that the prices are from the state contract. The quoted price is as follows:

1	-	2019 Chevrolet 2500HD 4x4 Extended Cab Pickup	\$30,349.00
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He stated that the funds will come from the Utilities Renewal and Replacement fund. He stated that the old pick up truck will go to the state auction, where the City has had very good luck at selling vehicles.

MOTION MADE BY COUNCILMEMBER WENDLING TO AUTHORIZE PURCHASE OF 2019 CHEVROLET PICK UP TRUCK IN THE AMOUNT OF \$30,349.00. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

E. Approval of Special Event Permit to Blue Sun Soda Shop for 2019 MN Soda Festival

Administrator Buchholtz reported that the City of Spring Lake Park received a special event permit application from Blue Sun Soda Shop for the "Minnesota Soda Festival" which will be held on Saturday, August 3, 2019, from 10 AM to 7 PM at 1625 County Highway 10 NE.

Administrator Buchholtz reported that admission to the soda festival is free. He stated that attendees will pay \$.25 per ticket to use toward the purchase of soda samples. He stated that the applicant will not be serving alcohol and food will be provided using food truck vendors. He stated that the applicant will be bringing in portable toilets as well as trash and recycling containers. He stated that the event will conclude by 7:00 PM, which is well within the time set forth under the City's noise ordinance. He reported that the applicant has contracted with Guardian Tactical Solutions to provide security for the event.

Administrator Buchholtz reported that with the sale of Pov's on 65, parking will be available at the Spring Lake Park District Service Center lot at 1415 81st Avenue NE and a shuttle bus will be available to transport attendees to and from the festival. He stated that the applicant is proposing the closure of 83rd Avenue NE for the event to accommodate the food trucks.

Administrator Buchholtz stated that staff has reviewed the special event permit and provided comments. He stated that staff recommends approval of the special use permit, subject to the conditions provided to the applicant by staff.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE SPECIAL USE PERMIT TO BLUE SUN SODA SHOP FOR 2019 MN SODA FESTIVAL. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. Engineer's Report

Engineer Gravel reported that the Arthur Street (Well 5) Water Treatment Plant is back running again. He reported that the site utility work is substantially complete on the Hy-Vee project. He stated that the parking lot grading is being completed. He stated that Hy-Vee has prepared separate construction plan sets for 81st Avenue/Highway 65 and for CSAH 35 (Central Avenue).

11. Attorney's Report

Attorney Thames reported that the 2019 Seal Coat Project contracts are ready to be executed.

12. ReportsA. Beyond the Yellow Ribbon Report

Councilmember Nelson provided an update on the monthly pork chop dinner. He reported that the "Hotrods for Hero's" car show will be held on July 13, 2019 at the Kraus-Hartig VFW. He stated that there will vendors, bands and food available for purchase.

13. OtherA. Administrator Reports

Administrator Buchholtz reported that the field audit with the City auditors is complete and the year end transfer statements will be available for the May 20, 2019, City Council meeting.

Administrator Buchholtz reported that he attended the City, County, School District Officials meeting and learned that the fiber optic project will be taking place soon but there will not any cost to the cities. He reported that Century Link is extracting themselves from the cable business. He stated that a settlement agreement needs to be approved or else Century Link will be violation of the franchise ordinance. He stated that there will be an amendment to the agreement for approval soon.

Administrator Buchholtz reported that he attended the Metro Cities meeting and was elected to their Board of Directors.

14. Adjourn

MOTION BY COUNCILMEMBER WENDLING TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting was adjourned at 8:35 P.M.

Attest:


Daniel R. Buchholtz, Administrator, Clerk/Treasurer


Cindy Hansen, Mayor