

WAITE PARK CITY COUNCIL REGULAR MEETING**APRIL 13, 2020****1. CALL TO ORDER**

A meeting of the Waite Park City Council was held via teleconference on Monday, April 13, 2020, beginning at 6:49 PM.

MEMBERS PRESENT

Members on the call were Mayor Miller, Councilmembers Linquist, Schmitt, Schulz, and Theisen

CITY REPRESENTATIVES PRESENT

City Representatives on the call were City Administrator Johnson, Chief of Police Benrud, Public Works Director Schluenz, Planning & Community Development Director Jon Noerenberg, City Attorney Storm, and SEH Engineer Wotzka

OTHERS PRESENT

None

2. PLEDGE OF ALLEGIANCE**3. COUNCIL AGENDA**

Member Schulz moved to approve the Council Agenda, seconded by Member Theisen.

Ayes: Members Linquist, Miller, Schmitt, Schulz and Theisen

Nays: None

Abstain: None

Absent: None

Motion passed unanimously.

4. CONSENT AGENDA

- 4.A. Approve 2-18-20 City Council Meeting Minutes
- 4.B. Approve 3-9-20 City Council Meeting Minutes
- 4.C. Approve 3-20-20 City Council Emergency Meeting Minutes
- 4.D. Approve 2020 Property-Casualty Insurance
- 4.E. Approve CO#1 10th Ave Trail Improvements
- 4.F. Approve CSAH 138/28th Ave Roundabout Agreement
- 4.G. Approve Resolution Approving State of MN JPA with the City on Behalf of its City Attorney & Police Department (**RESOLUTION NO. 041320-01**)
- 4.H. Approve Appointing Jim Skudlarek to PW Seasonal Worker Position
- 4.I. Approve Resolution Regarding Accepting a Donation to the City (**RESOLUTION NO. 041320-02**)
- 4. J. Approve Revised Phased Retirement Agreement

Member Linquist requested to pull Item F. Approve CSAH 138/28th Ave Roundabout Agreement.

Member Theisen moved to approve the Consent Agenda, excluding Item F. Approve CSAH 138/28th Ave Roundabout Agreement, seconded by Member Schmitt.

Ayes: Members Linquist, Miller, Schmitt, Schulz and Theisen

Nays: None

Abstain: None

Absent: None

Motion passed unanimously.

Member Linquist stated the City has to buy right-of-way and wondered what those costs are. City Engineer Terry Wotzka explained that the cost of the right-of-way would be \$32,001.00.

Member Linquist moved to approve Item F. Approve CSAH 138/28th Ave Roundabout Agreement, seconded by Member Schulz.

4. CONSENT AGENDA (Cont.)

Ayes: Members Linquist, Miller, Schmitt, Schulz and Theisen
 Nays: None
 Abstain: None
 Absent: None
 Motion passed unanimously

5. REGULAR AGENDA ITEMS

5.A. CONSIDER 2020 STREET IMPROVEMENTS TABULATION OF BIDS

City Engineer Terry Wotzka explained the Bid Opening was conducted at City Hall on Tuesday, March 10, 2020. The bids were for: Section A (2nd Street North), Section B (Graniteview Road), and Section C (Parkway Drive Bus Bay). There was also a bid for Alternate 1 – Section C (Bus Bay Turnout with Concrete Pavement). The low bid was submitted by Larson Excavating Contractors, Inc. for Sections A, B, and C, plus Alternate 1 in the amount of \$1,737,911.72. In comparison, the Engineer's estimate was \$2,128,203.00.

Finance Director Keith Lindberg explained since the bid opening on March 10th, discussions with City Staff regarding the financing of various Sections of this project have changed. Section B (Graniteview Road) and Section C (Parkway Drive Bus Bay) are planned to be paid by sales tax proceeds. With the present temporary closure of retail businesses due to COVID-19, and the uncertain level of future sales tax revenue, Staff is recommending that Sections B and C be delayed until clarity of the sales tax revenue stream is achieved. This may mean a couple month delay in the Bus Bay, and most likely a delay until next year for Graniteview Road, if they proceed at all. Staff is recommending continuing with Section A due to the complexity of the project.

City Engineer Wotzka stated he has spoken to Jeff Larson, owner of Larson Excavating and the low bidder, about this situation. Mr. Larson understands the City's situation and is willing to delay Sections B and C, or eliminate them all together if necessary, with the condition that if they go forward, that Larson Excavating be allowed to recover any increased costs due to the delay. This seems like a reasonable request.

Based on this, City Engineer Wotzka and City Staff are recommending award of the full project (all three Sections) and Alternate 1 to the Bus Bay Section of the project to Larson Excavating in the amount of \$1,737,911.72.

Mayor Miller agreed that seemed like a reasonable plan. Mayor Miller expressed that Graniteview was an expensive project and that the City has been working on 2nd Street agreements for a long time, so if financially able, he would like to see that one completed.

Member Theisen agreed that too many promises have been made with 2nd Street and the road is in very poor condition.

Member Schmitt agreed with Member Theisen. Member Schmitt stated that the City committed to doing this project, so the City needs to finish it.

Member Schulz stated he was in total agreement delaying Graniteview and looking at the Bus Bay later, while moving forward with 2nd Street is necessary.

Member Linquist asked if Larson was the low bid for Section A or all the Sections together.

Engineer Wotzka explained that all the Sections were bid as one project so, it didn't matter if Larson was lower in Section A, it was based on the total.

Mayor Miller and Member Theisen both agreed that Larson's condition was very reasonable.

Member Linquist stated that the City sent a letter to a property owner about getting an alleyway finished and Member Linquist thought that this was going to be addressed this year. Mayor Miller stated that isn't a part of the currently discussed projects. Member Theisen agreed that issue wasn't a part of this agenda item.

Member Theisen moved to approve awarding Section A, rejecting Section B and delaying Section C, seconded by Member Schulz.

City Engineer Wotzka explained that the entire bid needs to be approved with the understanding that Section B and C will be delayed.

Mayor Miller asked City Attorney Paul Storm what liability falls on the City if the bid gets approved and then the contractor isn't going to hold the City to doing all three of the projects. City Engineer Wotzka stated this was completely a "handshake" deal and comes down to trusting someone or not. If the City

5.A. CONSIDER 2020 STREET IMPROVEMENTS TABLUATION OF BIDS (Cont.)

doesn't trust Larson, then the City should reject all of the bids, which would in turn put all of the projects in jeopardy of not getting completed as they would have to rebid the project. Finance Director Lindberg asked if Larson was willing to put these agreements in writing. Engineer Wotzka stated he could ask Larson to put them in writing, so Council could approve the bids with contingencies that the verbal agreements get put into writing. City Attorney Storm agreed that he would prefer to have something in writing.

Member Linqvist asked if the City doesn't do Graniteview this year, but in 2021 is the bid still good. City Engineer Wotzka stated yes, if the costs do not increase.

Ayes: None

Nays: Members Linqvist, Miller, Schmitt, Schulz and Theisen

Abstain: None

Absent: None

Motion failed.

Member Theisen moved to approve the bid as presented to Larson for the total of \$1,737,911.72, with the City Attorney putting together an agreement for the delays in project Sections B and C, seconded by Member Schulz.

Ayes: Members Linqvist, Miller, Schmitt, Schulz and Theisen

Nays: None

Abstain: None

Absent: None

Motion passed unanimously.

5.B. CONSIDER PURCHASE AGREEMENT WITH MARTIN MARIETTA TO PURCHASE 517 17TH AVE SOUTH

The City owns the property located at 517 17th Avenue South in Waite Park. The City purchased this property as part of the 17th Avenue South road project when it needed property for right-of-way. The City has held on to the remaining property to fulfill potential needs for the amphitheater site. The City Council has discussed whether the property will be needed as part of the operations of the amphitheater. General direction from the City Council was to pursue options to sell the property provided the use of the property would remain the same. As part of this discussion, Martin Marietta has expressed an interest in purchasing the site from the City of Waite Park and continuing the use of the property. Martin Marietta is willing to purchase the property for the appraised value.

Member Schulz moved to approve the purchase agreement selling the property located at 517 17th Avenue South, Waite Park, MN to Martin Marietta, seconded by Member Linqvist.

Ayes: Members Linqvist, Miller, Schmitt, and Schulz

Nays: Theisen

Abstain: None

Absent: None

Motion passed 4-1.

5.C. CONSIDER RESOLUTION EXTENDING LOCAL EMERGENCY DECLARATION

The City Council approved Resolution 032020-01 extending the Mayor's Emergency Declaration at the March 20, 2020 Council Meeting. In this motion, the Resolution was in effect for 30 days. Given the continued need to respond to COVID-19 impacts for our community, Staff is recommending that the City Council consider the enclosed resolution that will extend the Local Emergency Declaration. This Resolution is proposed to remain in effect until 1) the City Council takes action to terminate the Local Emergency Declaration, or 2) the termination of a Peacetime Emergency by Governor Walz. This resolution also continues the Emergency Personal Planning Policy which will remain in effect as long as the Local Emergency Declaration is in effect.

Member Schulz stated he would like to see the declaration end May 4th. Mayor Miller disagreed, because if the Governor extends the Stay At Home Order again the Council will have to keep extending the declaration.

Member Linqvist stated he wanted to make sure that the City is following the Emergency Procedures. City Administrator Johnson confirmed the City is following all procedures.

5.C. CONSIDER RESOLUTION EXTENDING LOCAL EMERGENCY DECLARATION (Cont.)

Member Theisen moved to approve the Resolution authorizing the extension of the Local Emergency Declaration as presented, seconded by Member Schmitt.

Ayes: Members Linquist, Miller, Schmitt, and Theisen

Nays: Schulz

Abstain: None

Absent: None

Motion passed 4-1. (RESOLUTION NO. 041320-03)

5.D. REQUEST FOR EASEMENT TO MARY MICK REV. LIVING TRUST TO FACILITATE INSTALLATION OF EMERGENCY SIREN

The City of Waite Park desires to update and upgrade aspects of the City's emergency warning infrastructure by installing new emergency sirens. These sirens will improve the City's ability to effectively communicate with the community to promote public safety. The identified preferred location for one of those sirens requires consent from two property owners affected by the preferred location.

One property relevant to the proposed emergency siren is owned by the Mary C. Mick Revocable Living Trust ("Mick Property") and used by Terry Mick and Mary C. Mick as a private residence. A permanent easement is required from the Mick Property for the purpose of running an underground power line from an electrical access located on the Mick Property to the proposed site of the siren. Discussions with Design Electric, Inc., contracted to install the siren, have indicated that a temporary construction easement from the Mick Property is not required or contemplated because the method for installation of the power line will occur within the proposed permanent easement and from a separate easement adjacent to the Mick Property. The Trustee, Mary C. Mick, is agreeable to permitting the easement ("Mick Easement").

The second relevant property is owned by Stearns County ("County"). A permanent easement and a temporary construction easement are required from the County for the purpose of erecting the emergency siren ("County Easements"). The County is agreeable to granting the County Easements, provided that the City first secures the Mick Easement. The County has its next meeting scheduled for April 21, 2020. Securing the Mick Easement before the County Meeting will facilitate installation of the new siren in time for the upcoming storm season.

Preliminary discussions between the City, Design Electric, Inc., the County, and the Micks have made all the parties aware of the necessity for the easements and the sequencing of the easements required to execute the siren installation plan. Easement documents were drafted and provided to Terry and Mary Mick for their review. An attorney for the County will complete documents for the County Easement. Discussions between the Micks and the County have occurred which contributed to the decision by the Micks to allow the Mick Easement.

City Staff is recommending that the Mick easement be approved and signed by the City. The parties are in agreement to the need and value of the emergency siren.

Member Theisen moved to approve the Mick easement as presented, seconded by Member Schmitt.

Member Linquist questioned if this was a budgeted item. Administrator Johnson confirmed that it was.

Member Linquist questioned if some budgeted items should be deferred until the COVID-19 impacts are better known. Administrator Johnson stated the siren is from the 2019 budget. Administrator Johnson also clarified on the capital purchases question that department heads are holding off on any unnecessary purchases, unless it is a life safety item.

Ayes: Members Linquist, Miller, Schmitt, Schulz and Theisen

Nays: None

Abstain: None

Absent: None

Motion passed unanimously.

6. COUNCIL/MAYOR

6.A. REVIEW AND APPROVE BILLS

Member Linquist questioned an invoice from Lenny's for work on squad cars. Administrator Johnson stated she would have to talk to Chief of Police Benrud to get the details.

6.A. REVIEW AND APPROVE BILLS (Cont.)

Member Linqvist also questioned an invoice from Oertel for special consulting services for the AMP. Administrator Johnson stated she would have to go back and look at it. Member Linqvist stated he wouldn't approve that one until he knows what that means. City Administrator Johnson explained these have already been paid. Member Theisen explained there are always tweaks and modifications if they have to change something. City Administrator Johnson explained that bills the City has coming in are items that were already in the budget. Member Linqvist questioned if that would come in as a change order then. Administrator Johnson explained services don't come in as change orders.

Member Theisen moved to approve the 3-1-2020 to 3-27-2020 bills as presented, seconded by Member Schulz.

- Ayes: Members Miller, Schmitt, Schulz and Theisen
- Nays: Linqvist
- Abstain: None
- Absent: None
- Motion passed 4-1

Mayor Miller stated that Waite Park has many Foster Grandparents that are always recognized during the month of April. National Service Recognition Day was April 7, 2020. The Foster Grandparents that serve Waite Park include Bonnie Dockendorf, Mary Schwinghammer, David Lesley and Mary Schill.

6.B. PUBLIC INPUT SUMMARY

No public input was given.


7. ADMINISTRATOR UPDATE

City Administrator Johnson stated that the yard waste site will be open. Also, West Central Sanitation has delayed the large item pick up.


City Administrator Johnson is uncertain when the next meeting will be.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 7:30 PM.



 Richard E. Miller
 Mayor



 Shaunna Johnson
 City Administrator