



SPECIAL COUNCIL MEETING AGENDA

AFTON CITY COUNCIL CHAMBERS

3033 St. Croix Trail South

Thursday, June 30, 2016

At 3:30 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA – June 30, 2016 Special Council Meeting**
- 4. CITY COUNCIL BUSINESS**
 - A. Merrick, Inc. Minnesota Lawful Gambling Premises Permit Application at 3121 St. Croix Trail – **Resolution 2016-27**
 - B. Award Bid for the Wastewater Treatment System Project – **Resolution 2016-28**
- 5. ADJOURN**

A quorum of the City Council or Other Commissions may be present to receive information at, but not limited to, any of the following meetings: Planning Commission; the Public Works Committee; Parks Committee; Design Review and Heritage Preservation Commission; Lower St. Croix Cable Commission; LSCWMO; MSCWMO; I-94 Corridor Coalition and the 5-City Mayor's Alliance.

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date June 30, 2016

Council Action Memo

To: Mayor Bend and Members of the City Council
From: Ron Moore, City Administrator
Date: June 23, 2016
Re: Merrick, Inc. Application for Lawful Gambling Premises Permit at 3121 St. Croix Trail –
Resolution 2016-27

Attached is an application from Merrick, Inc. for a Minnesota Lawful Gambling Premises Permit to conduct lawful gambling (pull-tabs) at the Lumberyard Pub at 3121 St. Croix Trail. Merrick, Inc. is licensed by the State to conduct lawful gambling. Also attached is the City's ordinance regarding lawful gambling. The ordinance requires that any organization licensed to conduct lawful gambling within the City of Afton shall donate ten percent of its net profits from the conduct of lawful gambling each month to the City, to be held in the City's Special Charitable Gambling Fund and used for lawful purposes as defined by Minnesota Statutes Section 349.12, Subd. 25. A resolution approving the lawful gambling premises permit is attached for the Council's consideration.

COUNCIL ACTION REQUESTED:

Motion regarding the adoption of resolution 2016-27 approving the application by Merrick, Inc. for a Minnesota Lawful Gambling Premises Permit at 3121 St. Croix Trail.

RESOLUTION 2016-27

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION OF THE CITY OF AFTON, MINNESOTA, APPROVING THE APPLICATION OF MERRICK, INC. FOR A LAWFUL GAMBLING PREMISES PERMIT AT 3121 ST. CROIX TRAIL

WHEREAS, Merrick, Inc. has applied for a lawful gambling premises permit at 3121 St. Croix Trail; and

WHEREAS, the premises permit application requires the applicant to obtain the approval of the City within which the premises are located; and

WHEREAS, the Afton City Code, Section 8-86 requires that any organization licensed to conduct lawful gambling within the City of Afton shall donate ten percent of its net profits from lawful gambling to the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Afton, Minnesota, Washington County, Minnesota, does hereby approve the application by Merrick, Inc. for a lawful gambling premises permit at 3121 St. Croix Trail, subject to the requirements of State Statutes regarding lawful gambling and the City's lawful gambling ordinance, including the requirement that ten percent of the net profits from lawful gambling be donated to the City.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 30TH DAY OF JUNE, 2016.

SIGNED:

Richard Bend, Mayor

ATTEST:

Ronald J. Moose, City Administrator

Motion by:
Second by:
Palmquist:
Richter:
Ross:
Nelson:
Bend:

ACKNOWLEDGMENT BY LOCAL UNIT OF GOVERNMENT: APPROVAL BY RESOLUTION

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
City Name: _____	County Name: _____
Date Approved by City Council: _____	Date Approved by County Board: _____
Resolution Number: _____ (If none, attach meeting minutes.)	Resolution Number: _____ (If none, attach meeting minutes.)
Signature of City Personnel: _____	Signature of County Personnel: _____
Title: _____ Date Signed: _____	Title: _____ Date Signed: _____
<p>Local unit of government must sign.</p>	<p>TOWNSHIP NAME: _____</p> <p>Complete below only if required by the county. On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date Signed: _____</p>

ACKNOWLEDGMENT AND OATH

<ol style="list-style-type: none"> 1. I hereby consent that local law enforcement officers, the Board or its agents, and the commissioners of revenue or public safety and their agents may enter and inspect the premises. 2. The Board and its agents, and the commissioners of revenue and public safety and their agents, are authorized to inspect the bank records of the gambling account whenever necessary to fulfill requirements of current gambling rules and law. 3. I have read this application and all information submitted to the Board is true, accurate, and complete. 4. All required information has been fully disclosed. 5. I am the chief executive officer of the organization. 	<ol style="list-style-type: none"> 6. I assume full responsibility for the fair and lawful operation of all activities to be conducted. 7. I will familiarize myself with the laws of Minnesota governing lawful gambling and rules of the Board and agree, if licensed, to abide by those laws and rules, including amendments to them. 8. Any changes in application information will be submitted to the Board no later than ten days after the change has taken effect. 9. I understand that failure to provide required information or providing false or misleading information may result in the denial or revocation of the license. 10. I understand the fee is non-refundable regardless of license approval/denial.
<p>_____ Signature of Chief Executive Officer (designee may not sign)</p>	<p>_____ Date</p>

<p>Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application. Your organization's name and address will be public</p>	<p>information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information;</p>	<p>Minnesota's Department of Public Safety, Attorney General, Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.</p>
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AFTON CODE

(5) The present place of business of the applicant.

(6) The places of residence of the applicant for the five years just passed.

(7) Written permission from the landowner that the applicant may use private property within the city to conduct his business.

(Code 1982, § 803.103; Res. No. 1996-36, 10-15-96)

Sec. 8-84. Possession; display.

All licenses issued under this division shall be carried by the licensee and such licensee shall whenever requested show such license to any officer or citizen who demands to see the same.

(Code 1982, § 803.104)

ARTICLE IV. LAWFUL GAMBLING

DIVISION 1. GENERALLY

Section 8-85. Definitions.

Subd. 1. The terms contained in this Section shall have the meaning as scribed to them by Minnesota Statutes Section 349.11 et seq. and any successor statutes dealing with regulation of lawful charitable gambling.

Subd. 2. Net Profits. Net profits are profits less allowable expenses under the laws and regulations of the State of Minnesota relating to lawful gambling.

Section 8-86. Donation Required.

Any organization licensed to conduct lawful gambling within the City of Afton shall donate ten percent (10%) of its net profits from the conduct of lawful gambling each month to the Special Charitable Gambling Fund. Such donations shall be made within fifteen (15) days at the end of each calendar quarter. For purposes of this Section, a calendar quarter shall be deemed to end at 11:59 p.m. on the last day of March, June, September and December.

Section 8-87. Reports.

All organizations conducting lawful gambling within the City of Afton shall provide the City Administrator with copies of all reports it provides to the Charitable Gambling Board.

Section 8-88. Suspension, Revocation, and Non-renewal of Licenses.

If any organization shall fail to make payments required by this Section or fail to provide the City Administrator with reports as required by this Section, such failure shall be grounds for the City to recommend to the Charitable Gambling Board that the gambling license for such organization to be suspended, revoked or not renewed.

Section 8-89. City of Afton Charitable Gambling Fund.

Subd. 1. There is hereby created a City of Afton Charitable Gambling Fund which shall be held for safe-keeping by the City of Afton in an account separate from any City funds. Such funds shall be designated Afton Charitable Gambling Fund. No expenditures shall be made from such funds except upon resolution by the City Council and then only for "lawful purposes" as defined by Minnesota Statute Section 349.12, Subd. 25.

Subd. 2. Each organization within the City of Afton which is licensed by the State of Minnesota to conduct lawful gambling shall contribute 10% of its net profits as defined by Minnesota Statutes Section 349.12 monthly to the City of Afton Charitable Gambling Fund.

(Ord. 2005-6, 4/19/05)

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date June 30, 2016

Council Action Memo

To: Mayor Bend and Members of the City Council
From: Ron Moorese, City Administrator
Date: June 23, 2016
Re: Award of Bid for the Large Subsurface Sewage Treatment System - **Resolution 2016-28**

On February 2, 2016, the City received three bids for the construction of the large subsurface sewage treatment system to serve the downtown area. The low bid was received from Ellingson Drainage, Inc. in the base bid amount of \$1,826,724.00, and a total bid amount (including Alternate No. 1, replacing cost item No.9) of \$1,831,949. The base bid amount was under the Engineer's estimate by 3.9%.

Because of the uncertainty and extended timeframe of the Minnesota Pollution Control Agency's (MPCA) certification of the treatment system plans due to the Section 106 review process, the low bidder, Ellingson, was asked to extend the expiration date of their bid to June 30. The City is working with the MPCA to complete the MPCA's certification of the project plans by June 30. The certification of the project plans by June 30 is necessary to ensure the project is eligible for the funding that is available in the 2016 funding cycle. Attached is the bid tabulation and a resolution awarding the bid to the low bidder - Ellingson Drainage, Inc.

COUNCIL ACTION REQUESTED:

Motion regarding the adoption of resolution 2016-28 awarding the bid for the wastewater treatment system project to Ellingson in the total low bid amount of \$1,831,949.

RESOLUTION 2016-28

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

**RESOLUTION ACCEPTING BIDS, AND AWARDING A CONSTRUCTION CONTRACT
FOR THE LARGE SUBSURFACE SEWAGE TREATMENT SYSTEM**

WHEREAS, pursuant to an advertisement for bids for the construction of the Large Subsurface Sewage Treatment System, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

<u>Contractor</u>	<u>Amount of bid</u>
Ellingson Drainage, Inc.	\$1,831,949.00
Dave Hulstein Excavating, Inc.	\$1,930,390.00
Staab Construction Corporation	\$2,234,991.00
Engineer's Opinion of Cost	\$1,902,811.25

WHEREAS, it appears that Ellingson Drainage, Inc. is the lowest responsible bidder;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Afton approves as follows:

1. The Mayor and City Administrator are hereby authorized and directed to enter into a contract with Ellingson Drainage, Inc., in the name of the City of Afton for the construction of the Large Subsurface Sewage Treatment System according to the plans and specifications approved by the City Council and on file in the office of the City Clerk.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the Bid Bonds made with their bids, except that the deposits of the successful bidder and the next two lowest bidders shall be retained until a contract has been signed.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 30th DAY OF JUNE, 2016.

SIGNED:

Richard Bend, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

Motion by:
Second by:
Palmquist:
Richter:
Ross:
Nelson:
Bend:

Bid Tabulation
City of Afton
Large Subsurface Sewage Treatment System
Afton, Minnesota
Bid Opening: February 2, 2016 10:00 AM



Responsive partner.
 Exceptional outcomes.

Item No.	Item Description	Unit	Estimated Contract Quantity	Engineers Estimate		Ellingson Drainage, Inc.		Dave Hulstein Excavating, Inc.		Staab Construction Corporation	
				Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
Part 1. Mobilization, Site Preparation, and Sediment Control											
1.	Mobilization and Demobilization	Lump Sum	1	\$35,000.00	35,000.00	\$30,000.00	\$30,000.00	\$150,000.00	\$150,000.00	\$50,000.00	\$50,000.00
2.	Monitoring Well Abandonment	Each	1	\$1,750.00	1,750.00	\$1,400.00	\$1,400.00	\$6,000.00	\$6,000.00	\$2,300.00	\$2,300.00
3.	Silt Fence	Lineal Foot	895	\$2.75	2,461.25	\$4.50	\$4,027.50	\$2.00	\$1,790.00	\$2.00	\$1,790.00
4.	Rock Construction Entrance	Each	1	\$2,000.00	2,000.00	\$1,250.00	\$1,250.00	\$5,000.00	\$5,000.00	\$1,910.00	\$1,910.00
Part 2. Wastewater Treatment System											
5.	Gravel Access Road	Lump Sum	1	\$15,000.00	15,000.00	\$14,600.00	\$14,600.00	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00
6.	Gravel Drive Improvements	Cubic Yard	65	\$60.00	3,900.00	\$47.00	\$3,055.00	\$50.00	\$3,250.00	\$50.00	\$3,250.00
7.	Protection Bollard	Each	21	\$200.00	4,200.00	\$250.00	\$5,250.00	\$500.00	\$10,500.00	\$500.00	\$10,500.00
8.	Woven Wire Fence	Lineal Foot	1,150	\$16.00	18,400.00	\$8.75	\$10,062.50	\$15.00	\$17,250.00	\$10.00	\$11,500.00
9.	Woven Wire Fence Improvements	Lineal Foot	583	\$20.00	11,660.00	\$13.00	\$7,579.00	\$14.50	\$8,453.50	\$23.00	\$13,409.00
10.	Control Building: Structure	Lump Sum	1	\$52,500.00	52,500.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$41,941.00	\$41,941.00
11.	Control Building: Equipment and Furnishings	Lump Sum	1	\$6,000.00	6,000.00	\$5,300.00	\$5,300.00	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00
12.	Treatment Area Piping	Lump Sum	1	\$75,000.00	75,000.00	\$96,000.00	\$96,000.00	\$55,000.00	\$55,000.00	\$115,000.00	\$115,000.00
13.	3-Way Splitter Valve, Actuator, Basin, and Related Components	Lump Sum	1	\$22,500.00	22,500.00	\$18,400.00	\$18,400.00	\$20,000.00	\$20,000.00	\$16,000.00	\$16,000.00
14.	Flow Splitter Valve - NO BID per Addendum No. 1	Lump Sum	1	\$0.00	0.00	\$0.00	\$0.00	\$2,000.00	\$2,000.00	\$0.00	\$0.00
15.	Influent Flowmeter	Lump Sum	1	\$12,500.00	12,500.00	\$11,400.00	\$11,400.00	\$15,000.00	\$15,000.00	\$11,000.00	\$11,000.00
16.	Control System Equipment	Lump Sum	1	\$75,000.00	75,000.00	\$61,350.00	\$61,350.00	\$75,000.00	\$75,000.00	\$65,000.00	\$65,000.00
17.	Septic Tank #1	Lump Sum	1	\$90,000.00	90,000.00	\$80,650.00	\$80,650.00	\$74,200.00	\$74,200.00	\$82,000.00	\$82,000.00
18.	Septic Tank #2	Lump Sum	1	\$90,000.00	90,000.00	\$76,250.00	\$76,250.00	\$70,700.00	\$70,700.00	\$80,000.00	\$80,000.00
19.	Septic Tank #3	Lump Sum	1	\$90,000.00	90,000.00	\$94,150.00	\$94,150.00	\$92,700.00	\$92,700.00	\$102,000.00	\$102,000.00
20.	Recirculation Tank	Lump Sum	1	\$150,000.00	150,000.00	\$134,225.00	\$134,225.00	\$137,500.00	\$137,500.00	\$145,000.00	\$145,000.00
21.	Equalization Tank	Lump Sum	1	\$100,000.00	100,000.00	\$90,500.00	\$90,500.00	\$86,500.00	\$86,500.00	\$92,000.00	\$92,000.00
22.	Denitrification Unit	Each	2	\$56,700.00	113,400.00	\$51,350.00	\$102,700.00	\$52,000.00	\$104,000.00	\$57,500.00	\$115,000.00
23.	Aerobic Treatment Unit	Lump Sum	1	\$70,000.00	70,000.00	\$75,000.00	\$75,000.00	\$74,000.00	\$74,000.00	\$70,000.00	\$70,000.00
24.	Dose Tank	Lump Sum	1	\$80,000.00	80,000.00	\$76,325.00	\$76,325.00	\$75,000.00	\$75,000.00	\$72,000.00	\$72,000.00

Bid Tabulation
City of Afton
Large Subsurface Sewage Treatment System
Afton, Minnesota
Bid Opening: February 2, 2016 10:00 AM



Responsive partner.
 Exceptional outcomes.

Item No.	Item Description	Unit	Estimated Contract Quantity	Engineers Estimate		Ellingson Drainage, Inc.		Dave Hulstein Excavating, Inc.		Staab Construction Corporation	
				Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
Part 2. Wastewater Treatment System (continued)											
25.	Fine-Bubble Diffusion Aerator	Each	2	\$20,000.00	40,000.00	\$19,400.00	\$38,800.00	\$18,000.00	\$36,000.00	\$17,500.00	\$35,000.00
26.	Gravel Filter	Lump Sum	1	\$300,000.00	300,000.00	\$349,000.00	\$349,000.00	\$243,600.00	\$243,600.00	\$550,400.00	\$550,400.00
27.	Gravel Filter Water Balance Test	Lump Sum	1	\$20,000.00	20,000.00	\$25,600.00	\$25,600.00	\$30,000.00	\$30,000.00	\$5,000.00	\$5,000.00
28.	Absorption Bed System	Lump Sum	1	\$200,000.00	200,000.00	\$162,650.00	\$162,650.00	\$142,400.00	\$142,400.00	\$250,000.00	\$250,000.00
29.	Chemical Feed Equipment	Lump Sum	1	\$15,000.00	15,000.00	\$8,730.00	\$8,730.00	\$15,000.00	\$15,000.00	\$11,000.00	\$11,000.00
Part 3. Electrical											
30.	Electrical Service Allowance	Lump Sum	1	\$15,000.00	15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
31.	Electrical Work	Lump Sum	1	\$100,000.00	100,000.00	\$110,000.00	\$110,000.00	\$180,000.00	\$180,000.00	\$170,000.00	\$170,000.00
32.	Back Up Diesel Powered Generator	Lump Sum	1	\$60,000.00	60,000.00	\$45,350.00	\$45,350.00	\$54,000.00	\$54,000.00	\$50,000.00	\$50,000.00
Part 4. Site Restoration											
33.	Wastewater Treatment System Site Restoration	Lump Sum	1	\$30,000.00	30,000.00	\$27,120.00	\$27,120.00	\$40,000.00	\$40,000.00	\$18,000.00	\$18,000.00
Total	Part 1. Mobilization, Site Preparation, and Sediment Control	-----	-----	-----	41,211.25	-----	\$36,677.50	-----	\$162,790.00	-----	\$56,000.00
Total	Part 2. Wastewater Treatment System	-----	-----	-----	1,655,060.00	-----	\$1,592,576.50	-----	\$1,451,053.50	-----	\$1,922,000.00
Total	Part 3. Electrical	-----	-----	-----	175,000.00	-----	\$170,350.00	-----	\$249,000.00	-----	\$235,000.00
Total	Part 4. Site Restoration	-----	-----	-----	30,000.00	-----	\$27,120.00	-----	\$40,000.00	-----	\$18,000.00
Total Base Bid:					\$1,901,271.25	\$1,826,724.00		\$1,902,843.50		\$2,231,000.00	
% of Estimate:						-3.9%		0.1%		17.3%	
Alternate No. 1:											
34.	High Tensile Wire Fence (Replaces Item No. 9)	Lineal Foot	2,400	\$5.50	\$13,200	\$5.35	\$12,840	\$15.00	\$36,000	\$7.25	\$17,400