

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

**PROCEEDINGS OF THE AFTON CITY COUNCIL
CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA**

APPROVED City Council Special Meeting Minutes
June 30, 2016
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
3:30 P.M.

1. THE MEETING WAS CALLED TO ORDER at 3:30 P.M. by Mayor Bend.

2. ROLL CALL: Council Members Nelson, Ross, Palmquist and Mayor Bend. Absent: Richter. **Quorum Present.**

ALSO PRESENT: City Attorney Fritz Knaak, City Engineers Diane Hankee and Todd Hubmer, City Administrator Ron Moose and City Clerk Kim Swanson Linner.

3. APPROVAL OF AGENDA –

A. Agenda for the Special City Council Meeting of June 30, 2016 –

Motion/Second: Palmquist/Ross. To approve the agenda of the June 30, 2016 Special City Council Meeting as presented. Motion carried 5-0-0.

4. CITY COUNCIL BUSINESS –

A. Merrick, Inc. Minnesota Lawful Gambling Premises Permit Application at 3121 St. Croix Trail –

Resolution 2016-27 – Administrator Moose reviewed an application by 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. The City's ordinance regarding lawful gambling 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 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. The Lumberyard Pub has indicated its desire to donate all other net proceeds to two local non-profit organizations: River Valley Riders and Afton Historical Museum.

Motion/Second: Bend/Palmquist. To authorize Merrick, Inc. to conduct lawful gambling (pull tabs) according to Minnesota Lawful Gambling Premises Permit at 3121 St. Croix Trail per Resolution 2016-27 as amended, to add a second "Be it further resolved" statement for the Lumberyard's desire to donate to local non-profit organizations. ROLL CALL: Ayes: Nelson, Bend, Palmquist. Abstain: Ross (Due to being President of one of the organizations that were cited to receive donations from the Lumberyard Pub.) Motion carried 3-0-1.

B. Wastewater Treatment System Project Bid Award – Resolution 2016-28 – Administrator Moose

explained that 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%. He explained that 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. He noted the City has been working with the MPCA to complete their certification of the project plans by June 30, as certification is necessary to ensure the project is eligible for the funding that is available in the 2016 funding cycle.

Council discussion centered on whether the contractor could be expected to maintain a "not to exceed" amount. Engineer Hubmer indicated that if costs go over 5% of the bid, they must be documented and would be approved

57 through a change order. Hubmer also commented that the date for Substantial Completion may need to slide, due to
58 a starting date based on certification by the MPCA. He said any changes in dates would also be documented by
59 Change Order.

60 Attorney Knaak advised that the Council could adopt the contract as is, with any changes to costs and dates due
61 to the 106 Process to be documented by Change Order, and that the City has informed the contractor that they have
62 been given a ceiling on costs.

63 Council amended the resolution to include the statement: "The City expects that the contractor will not expend
64 funds until the City has issued a 'Notice to Proceed,' as referred to in the contract language."
65

66 **Motion/Second: Palmquist/Nelson. To award the bid for the Wastewater Treatment System Project to**
67 **Ellingson, per Resolution 2016-28 as amended, for the total low bid amount of \$1,831,949. ROLL CALL: All**
68 **Ayes. Motion carried 4-0-0.**

69
70 Mayor Bend commented that the City will continue to respect the Tribes' requests to keep the Effigy Mound as
71 a sacred religious site and not to advertise its location.
72

73 **11. ADJOURN –**

74
75 **Motion/Second: Palmquist/Nelson. To adjourn the meeting at 4:14 P.M. Motion carried 4-0-0.**
76

77 Respectfully submitted by:
78
79

80 _____
81 Kim Swanson Linner, City Clerk

82
83 **Approved by Council (on July 19, 2016) as (check one): Presented: X Amended: _____**
84

85 **Signed by Mayor Richard Bend _____ Date _____**
86