

Pursuant to due call and notice thereof, a City Council meeting was duly held at City Hall on the 3rd day of December 2007 at 6:30 pm.

THE FOLLOWING MEMBERS WERE PRESENT:

John Grutsch Mayor, Hugh Knox, Al Ernst, Terry Pflipsen – Councilors
Jodi Austing-Traut Clerk/Administrator
Absent: None

Truth in Taxation

In September the council voted to set the preliminary levy at \$670,000. The levy can be lowered at this time, but not raised. Final levy certification must occur on or before December 27th. The minimum levy suggested by staff is \$650,000 to cover debt service and general operating expenses.

The repayment schedule on the Chinook Avenue/1st Street Reconstruction Bonds requires a \$48,300/year average tax levy to make the bond payments.

The meeting was called to order by Mayor Grutsch and the Pledge of Allegiance was said.

PUBLIC ACCESS FORUM

Dan Zimmerman, Avon Lakers Baseball Team requested to be on the agenda because of a recent situation that occurred which was discussed at our last meeting – the pitching mound that has been erected within the state right of way of CSAH 9. Mr. Zimmermann apologized that the Lakers Team had not gone through the proper channels to get approval for the improvements. Mr. Zimmerman requested permission from the council to prepare a proposal to present to the parks board to help determine where to appropriately place the mound. Dan Zimmerman will act as the contact person for the Lakers Team and will communicate with the Parks Board and the City Council. Mr. Zimmerman requested a copy of the staff report for his review and he will offer comment at the next city council meeting. Mr. Zimmerman assured the council that the mound will be removed after spring thaw. Mr. Zimmerman mentioned that the Lions Club is interested in assisting the Lakers Team in building a larger shed at the ball field site. Once a larger shed is built, the Lakers plan to get a mower and do the mowing of the field themselves. Mr. Zimmerman stated that there are 4 teams that use the field, the Albany School District, Legion, and Babe Ruth Program use the field in addition to the Lakers Team. This amounts to about 40-60 games/practices per year. The Lakers would like to plant some ivy, shrubs and place some paving stones near the dugouts as well. They will make their request with the Parks Board.

CONSENT AGENDA

1. Council Minutes of 11/05
2. Planning Commission Minutes of 11/20
3. Claims Register and Monthly Expenditures/Revenues
4. Capital Expenditures, Legal Fees, Engineering Fees Detailed Reports
5. Approve PC Recommendation to appoint Eric Larson to PC Seat Vacated by Bob Pogatschnik
6. Resolution Authorizing Clerk to Execute Grant Agreement with MN DPS
7. Ordinance Rezoning PID 42.26242.000 from Agriculture to R1
8. Ordinance Rezoning PID 42.26239.000 from Agriculture to R1
9. Ordinance Rezoning PID 42.26243.000 from Agriculture to R1
10. Ordinance Rezoning PID 42.26249.505 from R1 to Park
11. Ordinance Rezoning PID 42.26226.002 from Agriculture to C2 (highway commercial)
12. Ordinance Rezoning PID 42.26255.000 from Agriculture to C2 (highway commercial)
13. Ordinance Rezoning PID 42.26250.500 from Agriculture to R1
14. ~~Pay Application #2 to Knife River for Chinook Ave/1st Street in the amount of \$217,093.65~~
15. ~~Pay Application #1 to Preferred Controls for Lift Station 7 Work \$27,977.50~~
16. ~~Pay Application #5 to Larson Excavating for Waters Edge III \$29,476.76~~
17. ~~Pay Application #4 to Nodland Construction for Avon Estates \$984,459.25~~

Motion Al Ernst to approve consent agenda items 1 – 13 (with Couri MacArthur’s billing included), second Hugh Knox and carried unanimously.

Dean/Zwilling Request

On November 15th, John, Ray, Randy and Jodi met with Susan Dean and Sandra Zwilling as well as their Engineers (Bonestroo) and Bob Coborn of Good Shepherd to discuss potential development of the Dean/Zwilling property. The property is located northeast of town. Good Shepherd is considering purchasing 12 of the 53 or so developable acres of the Dean/Zwilling property to develop their senior housing campus. The development would include a church and about 65-70 assisted living units. The request

being made by the Dean/Zwilling's, is to have the city order and pay for a feasibility study to determine the feasibility and cost of constructing the force main that would be necessary to serve this property and to determine the cost of extending a water pipe to it as well. The city has not, in the recent past, paid for initial feasibility studies to be conducted for developers. The Good Shepherd assisted living units would have the potential to generate about \$30,000 in property taxes. Good Shepherd would like to begin building in 2008. Dennis Marinowski stated that much of the feasibility study has already been done. \$8,700 would cover the cost of a feasibility study of the development area plus looking out a bit to a slightly larger area for future development. Councilor Ernst was concerned about the contiguity of this property to the city in terms of the orderly annexation agreement we have with Avon Township. It was suggested that the developers or their engineer approach the five properties in between the existing city limits and the Dean/Zwilling property. Chief Nellis expressed his concern, from an emergency response perspective, for the idea of "leapfrogging" and having islands of township property between city properties. The development group also requested annexation of the property. They will submit their written petition for annexation within the week.

Motion Hugh Knox to refer the annexation request to the Joint Planning Board and request the Joint Planning Board's approval of the annexation, second Al Ernst and carried unanimously.

Upon approval of annexation, the council will consider the request to order the feasibility study.

Randy Jenniges, City Engineer S.E.H.

Chinook Ave/1st Street Reconstruction

The striping and seeding will be done in the spring.

Pay Application #2 to Knife River for Chinook Ave/1st Street in the amount of \$217,093.65

Water's Edge Phase III

Grading is nearly complete; some seeding has been done as well. Wear course will be placed down in the spring.

Pay Application #5 to Larson Excavating for Waters Edge III \$29,476.76

Avon Estates Trunk and Phase I

Pay Application #4 to Nodland Construction for Avon Estates \$984,459.25

Pay Application #1 to Preferred Controls for Lift Station 7 Work \$27,977.50

About 99% of the site grading is complete. There were a number of change orders related to soil conditions.

Small utilities (electric, gas) are not installed. The city engineers have requested a number of times to have them installed. They will not be installed until next spring. \$35K is being held back from the contractor for substandard asphalt which will be repaired in the spring.

Motion Al Ernst to approve

Pay Application #2 to Knife River for Chinook Ave/1st Street in the amount of \$217,093.65

Pay Application #1 to Preferred Controls for Lift Station 7 Work \$27,977.50

Pay Application #5 to Larson Excavating for Waters Edge III \$29,476.76

Pay Application #4 to Nodland Construction for Avon Estates \$984,459.25

Second Hugh Knox and carried unanimously.

Mapping

The maps city staff is currently using are from 1996 (sewer/water) and 1999 (land use/zoning). Staff request is to utilize some of the remaining bond dollars from the Chinook/1st St project which came in about \$75,000 under bid amount, to have new city maps created showing accurate lot level information as well as location of sewer and water lines, manholes, etc...

Motion Al Ernst to authorize staff to request proposals for mapping services based on items 1-6 of S.E.H.'s proposal, second Terry Pflipsen.

ADMINISTRATIVE

Set Special Meeting to Adopt Final Levy

Motion Terry Pflipsen to hold a special meeting on Tuesday, December 11th at noon at city hall, tentative agenda will be to consider a Resolution Approving Tax Rate, a Resolution Approving Levy, and to consider applicants for appointment to recently vacated council seat, second John Grutsch and carried unanimously.

Xcel Franchise/Underground Powerlines

Motion Al Ernst to review in further detail and discuss at February's council meeting, second Hugh Knox and carried unanimously.

Marquee Policy

Motion Al Ernst to adopt Marquee Policy as presented, second Terry Pflipsen and carried with Grutsch opposed.

Facilities

Motion John Grutsch to table facilities discussion, second Al Ernst and carried unanimously.

Council Seat – No applications received.

Council consensus to extend application period until Friday, December 7th and hold a special meeting on Tuesday, December 11th at 12:00 noon to consider any applications that might be received.

ISSUES BY STAFF

Ray Schmidt: Written Report

Corey Nellis: Written Report

People Service: Written Report

Request approval to sell pumps that have been removed from lift stations. There is value in them and there is no reason to have them sitting around not in use. Council consensus to go ahead.

ISSUES BY COUNCIL

Tax Delinquencies were reviewed

Concern about traffic and danger during Chamber/Business Halloween Trick or Treat.

Concern that Avon Lion's Sign looks like a stop sign from the backside.

ADJOURNMENT

Motion Al Ernst to adjourn at 10:01 second Hugh Knox and carried unanimously.

Respectfully Submitted by,

Jodi Austing-Traut

City Clerk/Administrator