

Pursuant to due call and notice thereof, an Avon City Council meeting was duly held at City Hall on the 4th day of March, 2013 at 7:00 pm.

THE FOLLOWING MEMBERS WERE PRESENT:

John Grutsch - Mayor, Hugh Knox, Kurt Marthaler, Jim Stang, Jeff Manthe – Councilors

Jim Thares - City Clerk/Administrator

Absent: None

CALL MEETING TO ORDER:

Pledge of Allegiance

PUBLIC ACCESS FORUM: No one came forward

CONSENT AGENDA:

1. Council Minutes of February 4th, 2013
2. Claims Register
3. Capital Expenditures, Legal Fees, Engineering Fees, Detailed Reports
4. Consider Revised Fee Schedule (adding Econ. Dev. Admin. Charges)
5. Consider Approval of Charitable Gambling Permit for Avon Fire and Rescue (June 14 and 15, 2013)
6. Consider Approval of Charitable Gambling Permit for Avon Lions Club (Quick Mart)

Motion by Councilor Marthaler to adopt the consent agenda as presented. Second by Councilor Stang. Motion passed unanimously.

OTHER MINUTES:

Planning Commission Meeting Minutes of February 19th, 2013

COUNCIL BUSINESS:

Discussion of Lift Station Pumps with Randy Jenniges, S.E.H.

Mr. Jenniges provided a summary of the lift station pump resolution status with the vendor WW Goetch and Hydromatic Pump, the manufacturer of the faulty pumps. He reviewed the City's requests contained in the December 3, 2012 letter to the two entities. He believes that Hydromatic is reviewing the request and is trying to figure out how to reach a settlement via a warranty. Mr. Jenniges urged the Council to be patient and wait a little bit longer for an answer back before considering legal action against the two entities. Councilors asked that this be put back on the agenda in April.

Consider Request by Chris Denn to extend 4th Street

Chris Denn introduced himself and his wife Cheryl and provided the background of their offer to purchase a small parcel of land that is partially in the City and also in the Township. They are asking to have 4th Street extended to allow them to access an ingress-egress easement over another piece of land to get to their prospective parcel. Mayor Grutsch explained that the City does not build roads; developers usually do that. Discussion regarding the area on the identified map as 4th Street and that it may possibly be City right of way dedicated from an old plat. Jeff Meyer, 405 Chinook Avenue SW, Avon, spoke at the meeting and said he owns the property that has the easement on it and he believes it is a limited easement that only allows passage over his property. Mayor Grutsch expressed that it would be best if Mr. Denn talked to the neighboring property owners to see how they feel about a new road along the side of their yards.

Consider Participation in MN-DOT Grant Application for Local Noise Barrier Project

Mayor Grutsch noted the MN-DOT letter regarding the proposed noise barrier along I-94. Councilor Manthe offered background information about noise barrier and the Stratford neighborhood concerns and efforts. It has been under discussion for several months and MN-DOT has suddenly come forward with a potential grant offering. The local cost would be 10 percent or about \$135,000 out of an estimated \$1,350,000 project. Dana

Weber, 924 Hamlet Drive South, Avon, spoke as a representative of the Stratford Homeowner's Association saying their group is excited to learn more about the barrier and how much it can dissipate noise in the area as well as the ongoing maintenance responsibilities. She noted that 29 properties were identified on the illustration as having benefit from the barrier. Councilors discussed whether the barrier is made of wood or concrete and the visual image of it. Councilor Stang asked if the local share of the project could be assessed to the benefiting properties? Clerk Thares responded that he believed it could be and he would research that. Jeff Meyer suggested that our local State representative, Jeff Howe, be contacted to gain his support in this effort. **Motion by Councilor Stang, second by Councilor Knox, to authorize the City to act as a financial conduit for the local share of the projects costs. Motion passed unanimously.**

Waters Edge Phase Three - Tax Forfeited Properties

Councilors reviewed the Waters Edge Tax Forfeited properties auction pricing sheet from Stearns County. Mayor Grutsch summarized the sheet indicating the existing assessments and the penalties and late fees saying the total is at \$36,614.82 per lot. Clerk Thares explained the priority use of the sales proceeds in the following order: 1) environmental clean up costs, which in this situation should be none, 2) County administrative costs, 3) assessment payments, and 4) available proceeds left after the assessments to the governmental taxing jurisdictions per the following formula City - 40 percent, County - 40 percent and school district - 20 percent. Questions were raised on why the two outlots are included on the list since they were not supposed to be in private ownership, are not buildable and are basically wetlands that are impractical for recreational or hunting purposes? Randy Jenniges recalled that these two lots were part of a PUD. Councilor Knox remembers not seeing any approval documentation at Council meetings for the outlots where they would be dedicated to the City. He felt that they were kind of in limbo and questioned who would want to own them other than the City. Councilors asked Clerk Thares to inquire with the County staff if the City could purchase these two outlots for a minimal price. **Motion by Councilor Knox to ask Stearns County to sell the two outlots to the City for a minimum value. Second by Councilor Stang. Motion approved unanimously.**

Mayor Grutsch and Councilors continued discussing the County's proposed lot pricing on the forfeited lots at the upcoming auction. Clerk Thares told the Mayor and Councilors that they can wait until the April 1st meeting if they need more time to decide on an acceptable pricing level. **Councilor Manthe motioned to table the City's concurrence on the auction pricing until the April 1st Council meeting. Second by Councilor Marthaler. Motion passed unanimously.**

Consider Adjusting City Contribution to Employee Group Health Insurance Premium

Clerk Thares explained that the staff made a proposal to consider using the budgeted but unspent portion of the group health insurance benefits to raise the City contribution toward the employee premium from \$600 to \$700 per month. He explained that standard practice is to budget for the full amount even though there are several individuals who do not participate in the offered group health insurance and several more where the premium is actually smaller than the City contribution, thereby leaving a savings amount of several thousand dollars. If the City increases its monthly contribution, there would still be unspent funds for this portion of the budget for 2013 in the amount of \$9,921. Councilor Stang asked what the situation would be like in 2014? Clerk Thares said that with all the changes in health insurance occurring in 2013, that this increase was proposed only for 2013. **Motion by Councilor Manthe to increase the City's contribution toward the employee group health insurance premium from \$600 to \$700 per month for the year 2013 only. Second by Councilor Stang. Motion passed unanimously.**

Avon Estates Update

Clerk Thares updated the Council on the recently sold lots as well as a report from Matt Imdieke on a prospect who would like to look at lots that are not currently served with electricity from Xcel. Mayor Grutsch reviewed the servicing proposal from Xcel and noted the \$10,000 pricetag for 5 additional lots or \$15,000 for 9 more lots. Councilors discussed the Xcel fee and feel it would be up to the prospect to cover these extra costs and they could then receive the rebate payment as each powered lot gets sold/developed in the future. Jon Forsell, Utilities Director, explained where he is flushing the water lines and said it would not be an issue to extend the area of

electrical service opening up more lots for development. **Motion by Councilor Stang to authorize City officials to continue to discuss the purchase of the new powered lots if that is the prospective buyer's preference. Second by Councilor Marthaler. Motion passed unanimously.**

Mayor Grutsch pointed out that Matt Imdieke's six month contract is nearing the end date and said he believes that Matt is putting forth a good effort to sell the lots. **Motion by Councilor Knox to extend the real estate listing agreement with Matt for another six months. Second by Councilor Marthaler. Motion passed unanimously.**

Public Works Report – Ray Schmidt, Public Works Director, told the Council about the training that Nate Brenner will be attending in St. Cloud. Jon Forsell, Utilities Director Supervisor, mentioned that he would also be attending the same conference in St. Cloud for his required training hours. Ray told the Council that they have been busy with snow removal the past month. Mayor Grutsch noted that the Avon Lions offered to pay for one of the new flags that were recently put in Ochotto Park and Lake Wobegon Park.

Police Department Report – Officer Casey Jansky gave the report in Chief Nellis' absence. He said they are having some issues with winter storm parking rule compliance and are recommending that violators be towed for the rest of this year due to poor follow through on paying tickets. Ray noted that for the rest of the winter vehicles left on mainstreet during a snow event will be towed. Mayor Grutsch and Councilors agreed that was acceptable and would get people to comply with the ordinance. Clerk Thares was directed to check the ordinances for procedural issues. Officer Jansky also noted that the streets are not wide enough in Stratford Addition to allow parking on both sides of the street. Getting emergency vehicles and snow plows through the winding streets has been very tough since the improvement project was completed in October. They would like to propose that parking be allowed only on the side of the street opposite the mailboxes. Councilor Manthe said he would bring this issue to the Homeowners' Association at an upcoming meeting.

Utilities Department - Jon Forsell reviewed his written report. He noted the new water meter reading equipment has been purchased and staff will be trained in on this on March 28th. He also reviewed the water tower cleaning and inspection quotes he had received. Jon said this should be able to be completed without shutting down the water tower. **Councilor Knox motioned to approve the quote from Water Tower Clean and Coat, Inc. in the amount of \$2,600. Second by Councilor Manthe. Motion passed unanimously.**

Jon told the Council that the new Chevy truck came in on February 11th. He is very happy with the vehicle. He also presented the two quotes for the needed repairs at the wastewater treatment plant to complete the work on the sand filter unit that has been broken for several years. Councilors discussed the size and scope of the repair project and the "TSS" requirements and the critical nature of the sand filter in meeting these requirements. **Motion by Councilor Knox to accept the quote from Treatment Resources, Inc. in the amount of \$15,895 plus tax to repair the south sand filter. Second by Councilor Marthaler. Motion passed unanimously.**

Other – Mayor Grutsch asked Councilors if they had any questions on the County Attorney's criminal prosecution report? He noted Governor Dayton's proposed Local Government Aid (LGA) formula. He also provided a report on the February 28th Joint Planning Board (JPB for City of Avon and Avon Township) meeting saying that Councilor Marthaler was elected as the new chairperson for 2013. He said the members reviewed a proposal for the Scott Spanier property involving a rezoning and a plat creating a second buildable lot. They also reviewed the Orderly Annexation Agreement language regarding the annexation of the Rausch parcel that is surrounded by the City near Ochotto Lake and took action approving the annexation of it into the City. He also said they discussed the situation about the parcel that Chris Denn brought in front of the City Council earlier in this evening.

Mayor Grutsch also mentioned that the draft of the Housing Market Demand Study is done and has been reviewed by the committee. The report identifies a demand for 58 new general occupancy, market rate rental units along with a recommendation to work with a developer to create 25 to 29 new units. He continued by

saying that the assisted living portion of the study showed a lower demand of only 13 units at this time although that is expected to grow in the future. Mayor Grutsch asked Clerk Thares to provide the executive summary to the Councilors.

Issues By Council – None

Adjournment – **Motion by Councilor Marthaler to adjourn the meeting. Second by Councilor Stang. Motion passed unanimously.**

Meeting adjourned at 9:03 p.m.

Respectfully Submitted
Jim Thares
City Clerk/Administrator