

Pursuant to due call and notice thereof, an Avon City Council meeting was duly held at City Hall on the 5th day of November, 2012 at 7:00 pm.

THE FOLLOWING MEMBERS WERE PRESENT:

John Grutsch - Mayor, Hugh Knox, Margie Evens, Kurt Marthaler, Jim Stang – Councilors

Jim Thares - City Clerk/Administrator

Absent: None

CALL MEETING TO ORDER:

Pledge of Allegiance

PUBLIC ACCESS FORUM:

John Mizeur, 111 Barracuda Avenue South, spoke about his concerns regarding the new drainage ditch in the front yard of his property. He said his main concern is the size of the ditch as a safety issue and also from a visual appearance. He would like to have his property drained the same way that the north half of the block is now, with a covered storm sewer pipe. Mayor Grutsch asked Randy Jenniges, City Engineer, to speak about the issue. Randy J. said that the recent street project work included cleaning out the old ditch along Barracuda. He continued by saying that the Mizeur property is the low point in the block and there needed to be either a storm drainpipe or a cleaned out ditch to accommodate drainage. He further said that cost was a factor in the way it was completed and to convert this half of the block into piped drainage with appropriate inlets would be \$4,300 as per a quote from Lange Trenching. Mr. Mizeur repeated that he would like the drainage in his yard to be handled like the other properties to the north, with underground pipe. Councilors discussed the options and asked Randy J. to clarify the storm drainage patterns and capacity of the updated system. Randy J. then reviewed the street improvement project budget saying that the overall costs came in as expected.

Councilor Stang raised the idea of assessing the improvements to this ditch. Randy J. said that time would be an issue and now would be the most opportune time to make changes to the ditch rather than later this fall. Councilor Marthaler motioned to approve the ditch conversion work at the quoted price of \$4,300, seconded by Councilor Stang. Motion approved 4-1 with Mayor Grutsch voting no.

Jeff Bartz, 1027 Hamlet Drive South, asked about a possible rain garden at Dana Weber's property located at 924 Hamlet Drive South. He is curious if there is a cost to him or the City taxpayers for the rain garden. Randy J. explained that it would not be an extra expense for the entire street project nor would it fall on Mr. Bartz or the Webers to grade/create the rain garden. He said the plantings for the rain garden would be the responsibility of the property owner(s). The rain garden is needed as the end point of a swale that is being created to move water off the Weber's driveway, post completion of the street project. Randy J. offered to follow up with Mr. Bartz after the meeting on this item.

CONSENT AGENDA:

1. Council Minutes of October 1st, 2012
2. Claims Register
3. Capital Expenditures, Legal Fees, Engineering Fees, Detailed Reports
4. Application to Conduct Excluded Bingo – Avon Women of Today

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 October 16th, 2012. Councilor Stang asked if the Church driveway was shown on the expansion plans. Mayor Grutsch and staff said yes that it was shown, but was not presented as a work component to be completed. Mayor Grutsch said he was concerned about the drainage. Ray Schmidt, Public Works Director, and Randy J. both indicated that about 80 percent of the drainage will flow

west into the County Road 9 ditch with 10 percent draining to the Church's grassy property and 10 percent will flow east toward Barracuda. The two Planning Commission Members said they were unaware of the road connection to Barracuda being part of the Church's discussions during the initial presentation. Mayor Grutsch said City staff looked at the ordinances and learned that we do not have a road access permit process in place. Randy J. mentioned that road access permits in cities similar in size to Avon are rare. Councilors discussed the review and approval process for the Church's project. Mayor Grutsch said he would like to have staff create a process so that all future road accesses are reviewed and approved by the Planning Commission. Planning Commission members in attendance agreed with this. Clerk Thares stated that staff could add language to the ordinance requiring review and approval of street accesses. Councilor Evens motioned to require future street accesses to receive City approval via a permit. Seconded by Councilor Stang. Motion approved unanimously.

COUNCIL BUSINESS:

Street Reconstruction Project Update and Consider Contractor Change Order #2

City Engineer, Randy J. reviewed Contractor Change Order #2 regarding the drainage pipe in the north half of the block along Barracuda. The total cost for the Change Order is \$5,102.00.

Consider Contractor Payment Request #4 to Tri-City Paving, Inc.

Randy J. reviewed the Pay Request noting retainage amounts of 5 percent of the pay request. The total amount being requested is \$290,989.18. He also told the Council that the project is essentially completed except for some minor grading, seeding and reinstalling signs. He estimated that a final payment will be requested by the contractor in December for approximately \$10,000.

Consider Approval of Braun Intertec Material Testing Invoice

The Braun Intertec invoice for material testing in the amount of \$2,551.00 was reviewed by Randy J.

Motion by Councilor Knox to approve Contractor Change Order #2 in the amount of \$5,102.00, Contractor Payment Request #4 in the amount of \$290,989.18 and the Braun Intertec Material Testing invoice in the amount of \$2,551.00. Seconded by Councilor Evens. Motion approved unanimously.

2013 Budget Overview

Clerk Thares provided an overview of the 2013 Budget indicating that this handout is similar to the format presented at the September Council meeting with exceptions being the inclusion of the full amount projected from Tax Increment Financing, the \$379,000 in interfund transfers and allocations of departmental capital purchases, estimated at \$43,000, moved into the Capital Outlay line item.

Consider Investment Policy and Retaining Investment Advisor

Mayor Grutsch reminded Council that this was an item that was reviewed by Council at the August Council meeting. He said that a follow up meeting with Wells Fargo made him more comfortable with this process. Clerk Thares reviewed the potential boost in investment returns by trying to achieve slightly higher yields. Councilor Knox moved, seconded by Councilor Marthaler, to adopt the proposed City of Avon Investment Policy. Motion approved unanimously.

Motion by Councilor Stang to appoint Wells Fargo, N.A. as the City's Investment Advisor. Seconded by Councilor Marthaler. Motion approved unanimously.

Emergency Response Exercise

Councilor Knox, also serving as the City's Emergency Response Coordinator, presented a proposed Emergency Response Exercise information packet. This table-top exercise, scheduled for a two hour block over lunch time on January 31, 2013, will include participants such as the Mayor and City Councilors as available, all City Department heads with subordinates as available, Planning Commissioners as available and community partners such as ISD 745 staff and local church leaders. He said that he would follow up in the future with more materials for all to review. Councilor Stang recommended that an objective should also be to clarify a message

for future communication to the public on how people can best help themselves and possibly check on neighbors as well as where they can go for shelter and assistance in Avon. Councilor Knox also said that the goal would be to have interested volunteers certified through training that the County offers.

Update of Housing Study and AgStar Grant

Clerk Thares informed the Council that the AgStar Grant was approved in the amount of \$4,450.00. He reported that Community Partners Research, Inc., which provided the low quote of \$8,900.00, was informed of their selection and they have sent a contract to the City for signatures. They are expected to start the multi-family study in the near future.

Set Time for Election Canvassing Meeting

Mayor Grutsch pointed out that the City is required to have the election canvassing meeting between November 9th through the 16th. Mayor Grutsch asked the Councilors if they were okay with an early morning meeting and which date worked best. Councilors agreed that early morning was fine. Clerk Thares said he had a conflict on the 13th in the morning. Mayor Grutsch suggested Wednesday November 14th at 6:30 a.m. All Councilors agreed that this time works fine.

Avon Estate Update

Clerk Thares gave a brief update on the large lot sale. The prospective buyers have had some hitches come up and they will be contacting City staff in the next few days to discuss their issues. Clerk Thares also said that the City received the tax statements and it is clear that the valuation was adjusted downward resulting in a much smaller tax bill due for 2012. Mayor Grutsch stated that the small central park improvements were going to be positive and would start next spring. He asked Ray S. if he had anything to add. Corey Nellis, Police Chief, said he has a concern about the County road patching work next to the Avon Estates entrance. He continued saying it is extremely rough and is a safety hazard. Clerk Thares said he had received a call from a resident expressing concerns as well. Mayor Grutsch asked Clerk Thares to follow up with the County Engineer on this.

Issues By Staff - Public Works

Ray said that his written report covered his items well. He added his concerns about possible snow removal issues on Avon Avenue South this coming winter. He will be contacting the County to review these issues and possible solutions.

Police Department

Chief Nellis, reported that the Department has hired Brendan Mooney as a new part-time officer to fill a vacant position. He provided an update on the rock throwing spree. It seems to have to come to a halt in Avon and the other affected communities. He said there is still a reward offered for this case by Tri-County Crime Stoppers. Mayor Grutsch suggested increasing the amount to help solve the case.

Water/Wastewater

Jon Forsell, Water/Wastewater Director, reported that on November 14th, the new Flygt pump will be installed in the lift station near Budde Trucking. He also mentioned that the three broken hydrants in Avon Estates have been repaired. He said the settling issues in the clarifier at the treatment plant are improving. They are still monitoring this though.

OTHER

Mayor Grutsch reported the results of the Stearns County Municipal League Meeting held on October 16th in Paynesville. He said the County and Legislative candidates spoke at the meeting. He also mentioned the size and scope of the early May storm damage greatly impacted the City of Albany. So far this year, due to the storm, they have issued permits for improvements valued at over \$13,000,000.

Clerk Thares said that the Janine Hirt family is preparing to sell the family home at 701 Windsor Way and they are asking the City to consider accepting a partial payoff of the deferred assessments at the time of the closing

with the buyer agreeing to assume the balance of the assessments. The amount that they would like to have assumed is up to \$3,000. Council discussed this and said that they would leave the details to be negotiated by Clerk Thares. Motion by Councilor Evens to allow the partial payoff of the deferred assessments with details on amount, period of time and interest for the assumed assessments to be negotiated by Clerk Thares. Seconded by Councilor Stang. Motion approved unanimously.

COUNCIL ISSUES - None

Motion to Adjourn the meeting by Councilor Evens, second by Councilor Marthaler. Motion approved.
Meeting adjourned at 8:34 p.m.

Respectfully Submitted
Jim Thares
City Clerk/Administrator