

Special Meeting

April 27, 2016

7:00 p.m.

With due call and notice thereof, the April 27, 2016 Special Council Meeting of the City of Eden Valley was called to order by Mayor Bengtson at 7:00 p.m. in the Civic Center meeting room. Present were Mayor Bengtson, Councilors Bradshaw and Thielen, and Clerk Haag. Absent: Councilors Sheets & Kern. Also present Police Chief Junker, Brian Peterka and Laurie Schultz. Mayor Bengtson presided.

The purpose of the special meeting was to discuss the Compliance Officer/Zoning Administrator position and the Hwy 22 Main Street Project.

RFP's had been advertised and Brian Peterka was the only one that had responded to the RFP with a letter of interest, but noting there were too many grey areas that needed to be sorted out prior to giving a final cost projection as an independent contractor, and that he would welcome meeting with the hiring committee to discuss the specific responsibilities and costs. Mayor Bengtson acknowledged it was a grey area for the Council as well, since the Compliance Officer position is a newly created position, with a Rental Code that is new as well. Peterka explained he has done construction work, is familiar with codes related to buildings, and has knowledge of the legal system, and feels he would be able to perform the services. He was concerned about landlord/tenant issues and did not want to get caught in the middle of issues that are not related to the Rental Code, but are more of a civil matter. Methods on how to handle those situations, as well as other aspects of the position were discussed. Councilor Thielen questioned if there would be any conflict since Peterka also serves as part-time Police Officer for the City and Chief Junker did not think that would pose an issue, but suggested contacting the City Attorney to confirm. The Zoning Administrator position was discussed and Peterka had talked to Clerk Haag regarding concerns there and felt he could handle that as well. Peterka reported he was aware the City Council had budgeted approximately \$10,000 for the position, but based on the amount of rental units, plus his cost for liability insurance, and the initial amount of time that would be required to get everything inspected and set-up he did not think that would cover his costs. He thought he may be willing to take a hit on the expenses the first year and see where he's at after that. Councilor Bradshaw questioned what amount he thought would cover the costs. Peterka was concerned about potential costs he would have if more than 2 inspections would be required on some units or if there were legal issues and time spent in court involved. After discussion, it was suggested the contract be structured with \$10,000 annual fee, plus \$35/hr. for court time, with a 2 hr. minimum court time paid. That fee structure was agreeable to Peterka and he said he would be willing to accept the position May 1st. A contract will be drafted for approval by the Council once it has been reviewed by the LMCIT. The Council requested Peterka notify them if he had any issues with the position that were problematic so they can address any concerns as soon as possible.

City Engineer Kent Louwagie, Public Works Director Rademacher, Jeremy Kuechle of Kuechle Underground, and Jeff Hesse of Creative Curb were present to discuss the Hwy 22 Main Street Project.

Jeremy Kuechle acknowledged the project is not closed out yet and he was present to try to explain their side of the story, as he was not sure the Council was aware of everything, and

would like to get everything settled as much as the Council. He reported Creative Curb and Knife River had already donated a lot of time and money on questionable concrete areas on the project, with punch list items remaining, but they feel they are finished donating and are asking the City to cover the estimated \$8,000 - \$10,000 concrete work remaining in the punch list items. He explained the concrete poured had passed all tests according to MNDOT and contract standards and believed the concrete issues were due to being poured so late in the season and not having the proper "cure" time. He did not think they should be responsible for fixing any more than they had already done. Councilor Sheets arrived at the meeting at 7:55 p.m. Mayor Bengtson explained the Council's concern regarding the quality of the concrete, with pitting and blemish, and using taxpayer money to pay for a product that wasn't up to expectations. Kuechle explained pouring the concrete so late in the season was due to delays out of their control, which included waiting for MNDOT's approval on plans, plus waiting for issues related to removal of the contamination that was discovered. He noted it was not the Contractors' fault, the Sub-Contractors fault, the Engineer's fault, or the City's fault, it was out of everyone's control. He explained there had been a meeting toward the end of the season where MNDOT had required the concrete be poured, even though the Contractor and Sub-contractor had not wanted to pour it because of the cold weather, but MNDOT would not agree to the delay and required it be poured, blanketed and heated according to MNDOT standards. Kuechle and Hesse reported they are aware of other projects that have experienced issues as well and some MNDOT officials are even questioning the MNDOT standards, as they may be hurting the curing process more than helping it. Councilor Thielen questioned areas in the concrete where corners have broken off and areas where there are crack issues. Hesse reported that is not related to the curing process and those areas would be covered under the warranty. Kuechle once again asked the Council to consider paying the cost of remaining concrete curing issues, noting again he would like to get the project complete, free up his bonding, and end the negative publicity that has resulted from an issue that is really no one's fault. He also noted the total Project is under budget, suggesting the Council should have money left. Councilor Sheets questioned delays caused by the four weeks when the weather was good, but no work was going on. Kuechle explained the concrete curing issues were related to work in 2013, and the 2014 delays were due to construction scheduling between the general contractor and subcontractors. Mayor Bengtson questioned if a more definite dollar amount could be provided concerning the remaining work, rather than an estimate of \$8000-\$10000, and Hesse said he could provide that. Councilor Thielen questioned the estimated dollar amount Creative Curb and Knife River have spent to date on replacement work, and Hesse estimated \$20,000 to \$25,000 has been spent on concrete, removals and restoration. Mayor Bengtson requested a walk-through of the project to review the remaining punch list items be scheduled before the regular Council meeting on May 4th, as well as a definite dollar amount on what the remaining concrete work would run to help the Council make a decision on whether or not they will cost share on the work, and those present thought that could be arranged. The Council thanked Kuechle and Hesse for attending the meeting and expressed their desire to close out the project as soon as possible as well.

Discussion on Project costs was held, with Louwagie reporting the initial street project portion was under budget but the City had added some water and sewer utility work to the project. In addition, the City was not reimbursed for any costs related to contamination issues, as had been budgeted. Council requested City Engineer Louwagie provide a summary of project costs to date at the next regular Council meeting if possible. Louwagie had requested an estimate to from Creative Curb for concrete replacement on the sidewalks where Xcel Energy has now replaced their light poles, but the estimate was deemed to be excessive, and alternate bids will be obtained once it is determined if Arvig can re-locate some of their phone peds as well.

As there was no further business, the meeting was adjourned on a motion by Thielen, seconded by Bengtson.

Attest:

Mona Haag, Clerk/Treasurer

Brent Bengtson, Mayor