

CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY

CITY COUNCIL MINUTES

NOVEMBER 7, 2011

1. **Call to Order/Pledge of Allegiance:** The regular City Council Meeting was called to order by Mayor Jerry Tveit at 6:00 pm.
2. **Roll Call:** Present were Mayor Jerry Tveit, Council members, Jeff Sandoval, Tim Brown, Steve Kane and Chris McClish. Also present were City Attorney Scott Lepak (Barna, Guzy and Steffen), City Planner Nate Sparks (Northwest Associated Consultants.) Police Chief Jeff Harapat, Assistant Public Works Director Eric Peterson, Finance Director Darcy Mulvihill, City Administrator Matt Hysten and City Clerk Barb Held.
3. **Adopt Agenda:** Add 8c. Liquor Store: Hire two Liquor Store Part Time Employees. MOTION BY SANDOVAL SECOND BROWN TO ADOPT THE NOVEMBER 7, 2011 CITY COUNCIL AGENDA AS AMENDED. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY KANE BROWN SECOND McCLISH TO APPROVE THE NOVEMBER 7, 2011, CITY COUNCIL CONSENT AGENDA-G AS FOLLOWS:
 - a. Approve the City Council Minutes of October 17, 2011.
 - b. Approve the Special City Council Minutes of October 27, 2011
 - c. Receive and File the URRWMO Meeting Minutes of September 13, 2011 and October 27, 2011.
 - d. Receive and File the EDA Minutes of November 1, 2011
 - e. Approve the Final Pay Estimate for the 2011 Seal Coating to Person Bros., Inc. of Hanover MN for \$28,369.85.
 - f. Approve the Final Pay Estimate and Final Compensating Change Order for the 230th Lane NW and Ivywood Street NW Improvement to Kuechle Underground of Kimball MN for \$9,766.19.
 - g. Approve the Payment of Claims for \$262,153.83.Motion carried 5-0.
5. **Meeting Open to the Public:** William Gardner, 5304-238th Avenue NW. was on the website today reading the report regarding dangerous dogs. Any dog can be very dangerous if you come on their property but why wait so long after my wife got bit to take any action. Take a close look at this ordinance. Which dogs causes the most bites, poodles. Animals can be scared and you need to realize that is their nature.
6. **Petitions, Requests, Applications:**
 - a. **Dalzen: Dangerous Dog Declaration-Public Hearing:** Jennifer and Edward Dalzen owner of an English Mastiff (possibly a Presa Canario) named Buddy who is the subject of a dangerous dog declaration, requested a hearing pursuant to Minn. Stat. Sec. 347.541. A police

report was provided to the City Council supporting the declaration. City Attorney read out loud the initial statement of the findings of Fact which noted all the recorded documentation.

Mayor Tveit opened the hearing at 6:14 pm. Jennifer Dalzen showed a picture of Buddy with her grandchild to the City Council. Jennifer also stated Buddy is in the fence or house 24/7. He does not do anything to anyone unless he is provoked or someone comes in our yard. We put up signs by the apartment building stating do not put your hands on the fence. The cable guy came in our house aggressively. I backed up and my dog is very aggressive and protective. Connexus Energy guy never knocked on the door or knock too soft and went into the fenced yard and that is why he got bit. Edward Dalzen said the Connexus guy took off the bolt on the gate to get in. City Attorney passed out a picture of the bite wounds. Edward Dalzen stated even the police officer said he probably didn't need to go to the hospital by ambulance. Daughter in law, Heather Hinkel came up to speak. If provoked he will be aggressive, she said. Jennifer said he (Buddy) never goes out of our yard. What do you expect when someone comes in our yard? Why didn't the electric guy call us and we could have put the dog in the house. The report referencing the child, his mother was holding him and our dogs were outside. The kids that play on the swing set by the apartment complex torment the dogs. The mother said you have beautiful dogs. The kid put his hand down by the fence and the dog pulled the kid's arm into the fence, his jacket was ripped and caused a small scratch. Edward stated you invade our dog's area; yeah they are going to react, just like the other guy said. We provided the little boy's parents with paperwork showing our dogs had their rabies shots.

William Gardner, 5803-238th Avenue NW, asked to see the pictures that were passed out to the council. Gardner said thank you. I agree we need a dangerous dog ordinance. I have seen poodles, Chihuahua's and cats that have given bigger bites. Now that I have seen the pictures, I don't consider this a dangerous dog. If you consider this a dangerous dog, I think anyone that goes to someone's house and has been bitten by any animal could be labeled dangerous. I hope common sense takes place here and put a lot of consideration into this decision. I believe Mr. McClish can understand dogs are territorial. Animals will protect their owners. With no more public comments, Mayor Tveit closed the public hearing at 6:28 pm.

Lepak stated the Council must make a finding of facts and a conclusion on this case. Sandoval asked are there any signs posted dangerous dog. Jennifer said they did have a sign. Sandoval said I realize kids can antagonize dogs. Brown asked why the dogs are not licensed. Jennifer said I work from 9-5 in Minneapolis. I want to get them licensed but I am the only one that has a license to drive. Kane said was there a sign by the gate and was it locked. No there is not a sign by that gate. Edward said I put the sign up in one area by the apartments and the gate had a bolt through it. McClish asked if the City could make arrangements for mailing licenses to them. Hylen said with proper documentation and payment, yes we could. Tveit said maybe some type of different privacy fence should be put up. Jennifer said when they were puppies everyone came over to play with them. Gerald said they are not sure who's fence it is by the apartments. If it is the apartment's fence, it is a poor fence because one of our dogs likes to dig, so I put in more post. Tveit said I do have dogs too. I believe the owners are responsible for their dogs. Gerald said the veterinary paperwork shows they have rabies shots.

Tveit said there were three occasions; little boy, Connexus Energy employee, and the guy from the cable company. The veterinary paperwork states this dog needs to be muzzled when it comes into their clinic. Brown said this is a difficult decision. Lepak said the options tonight are either declare the dog dangerous or not. MOTION BY TVEIT NOT TO DECLARE BUDDY A DANGEROUS DOG. Motion failed for a lack of a second. MOTION BY TVEIT SECOND MCCLISH TO DECLARE THIS DOG “BUDDY” A DANGEROUS DOG. McClish said I do have a dog and you have to take extra steps when a utility company comes there. McClish also said more precautions should be taken such as put them in a kennel. Motion carried 5-0. Lepak said based on your determination you need to determine the finding of facts. Lepak then read the finding of facts aloud. Tveit asked what the process is for the dog owner now. Lepak said there are strict guidelines in the ordinance they need to follow and I believe they need to be done within 14 days. MOTION BY MCCLISH SECOND KANE TO ACCEPT THE FINDING OF FACTS THE CITY ATTORNEY READ A LOUD TO THE CITY COUNCIL. Motion carried 5-0.

b. Delinquent Utilities and Miscellaneous Invoices: This public hearing is for property owners to contest their delinquent utility or miscellaneous invoices that are subject to certification.

Mayor Tveit opened the Public Hearing at 6:55 pm. We have received acknowledgement that Mr. Voytilla is here contesting his proposed assessment. Mr. Voytilla had a leak and work was completed to fix the curb stop. Hylen gave the background of what happened and how it was repaired. Tim Cook, Don Voytilla’s attorney handed out a packet to the City Council. This packet was briefly explained by Mr. Cook. The timeline was presented by Mr. Cook along with stating that Classic Construction while trying to fix the water line hit the sewer line. Voytilla was told by a city employee it would cost about \$3,500 and take about four hours. It lasted for twelve hours and over a \$12,000 bill. Should the homeowner pay \$12,000 for a contractor’s negligence? Classic broke down the bill and it looks like they did not know how to break down the bill. I am not sure why they (Classis Construction) were called in when their letterhead says concrete and masonry. Classic Construction hitting the sewer line caused the majority of the problem. Classic Construction should be responsible. We are asking for good faith and to come to some resolution. Let’s split it three ways. Voytilla said initially he heard the curb stop was shut off and water was still leaking. Hylen stated as per our City Ordinance, it is the responsibility of the homeowner to maintain the curb stop and line from the curb stop into the house. Hylen reported we looked through the file, the two employees that were there reported they could not get the valve off. Keith Komorous 3691-232nd Avenue NW, thought what was done could have been done a lot quicker. I have been in construction all my life that was a joke. Right after the sewer line was taken out, the contractor said looks like this family is going to get a free driveway. Voytilla said he was told by the city employee that the curb stop was shut off and then told different later. Mr. Cook thanked the City Council for their time. Tveit asked what is the next step in the process. Lepak said the Council is to apply unpaid charges to the tax role. On this specific action, there are three different options. Certify the whole amount, say the homeowner is right and not place this amount on the resolution and come to some agreement or third is to pull it off the resolution and take it to civil court. Tveit closed the public hearing at 7:25 pm. McClish asked Hylen how was the sewer line damaged. Hylen then asked Assistant Public Works Director Eric Peterson to explain. Peterson said he was told that the sewer line was

broken when the bank slide in. Tveit said my understanding the water came from the waterline and not the sewer. In the picture, there would not be that much sewer coming into the hole, it was water. Sandoval asked why was this contractor called. Peterson stated they do water/sewer installation. I believe they did the County Market (City Centre) development. McClish would like to see the full assessment charged and Brown agreed. MOTION BY McCLISH SECOND BROWN TO GO WITH THE 26 YEAR ASSESSMENT FOR DON VOYTILLA FOR THE FULL AMOUNT. All three options were explained again. Motion failed. 0-5. MOTION BY SANDOVAL TO GO WITH OPTION THREE. Motion failed for the lack of a second. Mr. Cook said the City still always has the option to back after the contractor. Don't lose sight that the employees said the curb stop was shut off and it wasn't. Tveit said I believe we need to be consistent with the curb stop repairs. If that means we change our policy, I don't know but we need to decide. MOTION BY SANDOVAL SECOND KANE TO ADOPT RESOLUTION 2011-33 A RESOLUTION AUTHORIZING AND DIRECTING CERTIFICATION OF MUNICIPAL UTILITY SERVICES, MAINTENANCE OF PRIVATE PROPERTY AND REPAIR OF LEAK AS A LIEN UPON PREMISES KEEPING EXHIBIT A AND B AS IS AND EXHIBIT C WOULD BE \$4,000 ASSESSMENT FOR ONE YEAR. Kane said I hear two different stories and I am airing on the side of the homeowner. Tveit said I am not opposed to doing this but I want to make sure all of our residents are treated equally. Brown said I would have gone with 50%. Kane said we don't know how a judge is going to rule on this. So, that is why I feel this is the best way. Motion carried 3-2. Tveit and McClish voting nay.

c. Amcon-Public Works/Police Facility: Awarding the remaining Contracts for

Construction: Todd Christopherson of Amcon provided a report that provided a updated Bid Tabulation and updated Project Budget. We previously met with and presented this information to City Council on 10/27/2011 and Council awarded five contracts at that meeting. The bids came in very well and competitive. In addition, Council accepted Alternate A-2 at that meeting and rejected all other alternates.

As shown on the attached Bid Tabulation, there remain a few contracts that are not yet awarded after the 11/7 Council meeting. These contracts and their status are listed below:

- a. C-03 Asphalt Paving to be re-bid as noted above
- b. C-04 Landscaping and Irrigation low bidder has stated they will withdraw bid
- c. C-23 Fabric Covered Structures award on hold pending final County agreement on salt
- d. C-25 Signs No bids received – Amcon will solicit proposals
- e. C-29 Fencing and Gates Value Engineering and possible re-bid

With the Council and EDA approvals anticipated on November 7, we plan to have a preconstruction meeting on November 8 with the Contractors and others. We hope to mobilize and start construction on site on or about November 9 as planned. Amcon is recommending that the City Council take action on Based upon the information included therein, we are recommending that the City Council take action on the following items:

1. Award the following contracts for construction (can be one action item):

- a. C-08 Steel Erection Maxx Steel Erectors
- b. C-09 Windows – Fiberglass Shaw/Stewart Lumber Co
- c. C-10 Carpentry, Gen Const Gopher State Contractors
- d. C-11 Arch. Woodwork, Cabinets, Tops Southern Minnesota Woodcraft

- e. C-12 Flat Roofing McDowell Company
- f. C-13 HM Doors, Hardware Straughan Company
- g. C-14 Overhead Door Overhead Door Company
- h. C-15 Specialty Doors – Detention Stronghold Industries
- i. C-16 Glass and Glazing Heartland Glass
- j. C-17 Drywall Metal Stud Framing M Reinert Drywall
- k. C-18 Flooring (Carpet and VCT) Multiple Concepts Interiors
- l. C-19 Ceramic and Quarry Tile Grazzini Brothers & Company
- m. C-20 Painting and Coatings Steinbrecher Painting
- n. C-21 Acoustic Ceilings Acoustics Associates
- o. C-22 Miscellaneous Specialties (See detailed descriptions and costs attached)
 - a. Bartley Sales
 - b. Construction Supply
 - c. Newline Products
 - d. Mid America Business Systems
 - e. Minncor
- p. C-24 Lockers Olympus Lockers and Storage Products
- q. C-26 Mechanical St. Cloud Refrigeration
- r. C-27 Electrical Electrical Solutions
- s. C-28 Overhead Crane Systems Alltech Engineering Corp
- t. C-30 Low Voltage Systems Brothers Fire Protection
- u. C-31 Window Treatments Custom Expressions

The amount of each contract awarded shall be the total of the base bid plus the bid amounts for the respective contractor for the alternate A-2, which was previously accepted by Council. The contract amounts are shown on the bid tabulation forms.

2. Reject all bids previously received for Contract C-03 and authorize Consultants and Staff to re-bid this contract subject to additional information that will be included with bid documents clarifying specifications for aggregate base and paint for striping.

MOTION BY KANE SECOND SANDOVAL TO AWARD THE 25 CONTRACTS A-U AS PREVIOUSLY NOTED WITH THE BIDS AMOUNT AS SHOWN ON THE BID TABULATION. Motion carried 5-0.

MOTION BY BROWN SECOND McCLISH TO REJECT ALL BIDS PREVIOUSLY RECEIVED FOR CONTRACT C-03. Motion carried 5-0.

MOTION BY SANDOVAL SECOND AUTHORIZE CONSULTANTS AND STAFF TO RE-BID THIS CONTRACT SUBJECT TO ADDITIONAL INFORMATION THAT WILL BE INCLUDED WITH BID DOCUMENTS CLARIFYING SPECIFICATIONS FOR AGGREGATE BASE AND PAINT FOR STRIPING. Motion carried 5-0.

d. **Hirsch: Minor Subdivision/Variance:** The Hirsch and Welsh Families have made an application for a Minor Subdivision and Variance to adjust the lot line between their properties

located at 633 237th Ave NW and 655 237th Ave NW. The variance is required because both properties are below the minimum lot sizes in the A-2, Rural Estate Agriculture Zoning District. The Planning Commission held a public hearing on October 19, 2011 and recommended approval of the request. MOTION BY BROWN SECOND SANDOVAL TO ADOPT RESOLUTION 2011-34 A RESOLUTION APPROVING A MINOR SUBDIVISION WITH A VARIANCE FOR A LOT LINE ADJUSTMENT BETWEEN THE PROPERTIES AT 633-237th AND 655-237th AVENUE NW. Motion carried 5-0.

e. Public Works/Public Safety Facility: Conditional Use Permit for Outdoor Storage in I-1 Light Industrial District: The City of St. Francis has made an application for a Conditional Use Permit to allow for outdoor storage in the I-1, Light Industrial District. This will allow for the police impound lot and then accessory outdoor storage for the Public Works Department. The Planning Commission found that the proposed outdoor storage was consistent with the CUP Review Criteria and recommended approval after holding a public hearing on October 19, 2011. MOTION BY KANE SECOND BROWN A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE CITY OF ST. FRANCIS FOR ACCESSORY OUTDOOR STORAGE IN THE I-1 DISTRICT ON LOT 1, BLOCK 1 SOUTH HIGHWAY 47 INDUSTRIAL PARK 2ND ADDITION. Motion carried 5-0.

7. Ordinances & Resolution:

a. Resolution 2011-36: Establishing a Joint Fire Services Study Group: The City needs to identify representatives. Tveit stated that he and Mr. Hylan have been in this study group since the beginning. Hylan stated in regards a fire representative is should be kept blank and will be filled in the near future. MOTION BY SANDOVAL SECOND BROW TO ADOPT RESOLUTION 2011-36 A RESOLUTION ESTABLISHING A JOINT FIRE SERVICES STUDY GROUP NAMING MAYOR TVEIT AND CITY ADMINISTRATOR AND A REPRESENTATIVE FROM THE FIRE DEPARTMENT TO BE NAMED LATER. Motion carried 5-0.

b. Ordinance 160, Second Series – Amending the City’s Animal and Zoning Ordinances Regarding Dog Kennels and Maximum numbers of Dogs Allowed (First Reading): Planner Nate Sparks prepared a report stating the City has recently received citizen complaints regarding illegal dog kennels. While handling the complaints it was noticed that there might be a gap between the private kennel and commercial kennel standards. At the June, July, and October Planning Commission meetings, the Commissioners reviewed other area ordinances and researched the issues. The Commission recommends making the standards for private kennels similar to commercial kennels, as a high number of dogs on a single property impacts neighboring properties regardless of the purpose behind the dogs being there. The change requires the Animal Ordinance, definition of kennel in the Zoning Ordinance, and the District Standards for the A-1, A-2, and A-3 Districts all be amended. No changes are proposed to the kennel license section in Chapter 6 of the City Code, at this time. The Planning Commission recommended approval of this ordinance amendment after holding a public hearing on October 19, 2011. A draft copy of the proposed changes were provided in the planner’s memorandum. MOTION BY KANE SECOND McCLISH TO APPROVE THE FIRST READING OF ORDINANCE 160, SECOND SERIES AMENDING THE CITY’S ANIMAL AND ZONING ORDINANCES REGARDING DOG KENNELS AND MAXIMUM

NUMBERS OF DOGS ALLOWED. Tveit asked how was the number of dogs determined. Kane said we did look at other cities. Tveit asked what about 4 in the urban and 5 in the rural. Kane said the planner and the planning commission has put a lot of time into reviewing the ordinance. Roll Call: Ayes: McClish, Kane, Sandoval, Brown and Tveit.
Nays: None.

c. Ordinance 161, Second Series – Adding Section 10-17-4-C Regarding Roofing Materials (First Reading): Planner Nate Sparks reported the Zoning Ordinance currently has detailed information about building materials but is somewhat more vague about visible roofing materials. As part of ongoing maintenance of the code, it was recommended that some general standards be considered. Proposed is an ordinance amendment that would add a general section about exposed roof materials after the building materials section. The Planning Commission held a public hearing on October 19, 2011 and recommended approval of the ordinance amendment. A draft copy of the proposed changes were provided in the planner's memorandum. MOTION BY BROWN SECOND KANE TO APPROVE THE FIRST READING OF ORDINANCE 161, SECOND SERIES ADDING SECTION 10-17-4-C REGARDING ROOFING MATERIAL. Roll Call: Ayes: Sandoval, Kane, Brown, McClish and Tveit. Nays: None.

8. Reports of Consultants & Staff Members:

a. Engineer:

b. Attorney:

c. Staff: Fire Department:

Public Works: Hockey/Free Skating Rink Report: Hysten briefed the City Council on Public Works Director, Paul Teicher report regarding modifying the Pilot Project for the rinks. This new project should reduce the operation and maintenance cost, provide a better quality of ice than last year and continue to manage overtime while maintaining the highest quality standard for snow and ice removal on our City streets. The private contractor last year faced many challenges with the temperatures fluctuating as much as they did making it difficult to flood the rink, the vandalism that destroyed the ice in the middle of the season, and the 5th snowiest season on record. This season we have a local youth athletic organization that would like to manage the warming house, provide rink attendants, care for the rinks/facility, and provide snow removal for the facility for a fee. They would also like to provide snack vending with a small portion of the proceeds coming back to the City to cover any additional cost we may incur. Our staff will work with the organization to flood and maintain the ice. Recommendation would be to pay the local youth organization approximately \$4,000, which is less than we paid the private contractor last year and it would be like a fundraiser for them. We hope to see some savings but it may be offset because we may pay more overtime to maintain snow and ice removal on our City streets due to the fact we will be flooding rinks. MOTION BY TVEIT SECOND SANDOVAL ALLOW STAFF TO MOVE FORWARD WITH THE AGREEMENT/PILOT PROJECT BETWEEN THE CITY AND A LOCAL YOUTH ATHLETIC ORGANIZATION. Kane thinks this is a good idea and good solution. Budget wise we probably should cut it but there are so many kids that use it. Tveit agreed with Kane and thinks it would be a travesty to not offer this. Brown agrees it is a good thing to have but if we have to start cutting services, it would be something like this. Motion carried 5-0.

Liquor Store: Hiring Part Time Liquor Store Applicants: Last week the Liquor Store Manager and Assistant Liquor Manager interviewed twelve candidates for the part time clerk

position. Kim Sweets and Sandy Dahlgren were recommended for the position. MOTION BY SANDOVAL SECOND McCLISH TO HIRE KIM SWEETS AND SANDY DAHLGREN AS PART TIME LIQUOR STORE CLERKS. Motion carried 5-0.

Police Dept:

City Administrator Report: There will be a press release going out on our Joint Fire Study Group.

Local Government Officials Meeting: The next meeting is scheduled for Wednesday, November 30, 2011 at Harvest Grill Restaurant at Bunker Hills in Coon Rapids.

Joint 2011 League of MN Cities (LMC)/Metro Cities Regional Meeting: This regional meeting is scheduled for 1:00 pm, November 17, 2011 in Eagan. Please let Barb Held know if you will be able to attend.

9. **Reports from Council Members:** None.

10. **Report from Mayor:** Thanked Brown for attending the Joint Fire Study Group in my absence. Also, I would like to thank McClish for his leadership on the EDA.

11. **Old Business:** McClish stated I am not sure if you are aware that last week at the intersection of Hwy 47 and Pederson Drive there was a pedestrian accident. Chief Harapat gave a brief report on the accident. The pedestrian was on a bike. The reason I brought up, is because of the number of calls I received about this accident. Best solution would be to install stop light to slow the traffic down. Tveit said Bradford and the little town of Dalbo have a speed limit that is lower than ours is. McClish I think we should lobby MnDOT again. Hylen said Representative Daudt would be at the Local Government Officials Meeting; maybe we should approach him there. Kane feels going down to the Capital is a better solution. McClish stated the group that contacted him also contacted different businesses, the school and the media.

12. **New Business:**

a. Park Commission Agenda Item: Authorization for Release of Park Dedication Funds for Equipment: The public works staff has identified some new equipment they would like to install at a few of the parks and warming house to increase resident safety and make the use of the parks more pleasurable experience. The items for consideration are; Warming House flooring (\$5,257.00), Kiosks at Community and Seelye Brook Parks (\$2,612.00), Bike Racks at Community, Seelye Brook and Hidden Ponds Parks (\$2,100.00), Picnic Tables (5) for the area parks (\$3,532.35), Bleachers with a hitch and wheel kit to allow it to be transported were needed (\$12,000.00), and Lights along the path between 229th Avenue NW and Community Park along Hwy 47 and additional lighting in Community Park (\$9,955.00). Earlier this summer the Lions Club of St. Francis generously donated \$1,400.00 to the City to put towards our parks. Staff is recommending the funds to put towards the warming house flooring. The intent is to order the equipment with spring installation except for the flooring. Staff would like to order this immediately and have installed before the skating season begins. Kane in regards to the items listed the flooring in the warming house and the lights I see as needed but not necessarily the other items. Kane said there is not any new money coming into the Park Dedication fund. Tveit asked if we could talk to the metal class at the high school to build bike racks. Kane said I am not sure if they have pipe-bending equipment. Tveit check with the local schools to see what they

could make out of this list of equipment. MOTION BY KANE SECOND McCLISH AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO PURCHASE THE ITEMS; WARMING HOUSE FLOORING AND LIGHTS WITH FUNDING COMING FROM THE PARK DEDICATION FUND AND THE \$1,400 DONATION FROM THE ST. FRANCIS LIONS CLUB. Kane said he could talk to the high school instructor. Motion carried 5-0.

a. **Efficiency Report Card-Public Works:** Updated the City Council on the partnership with ISD #15 regarding vehicle/equipment maintenance and how well it is working. Last Tuesday Public works Director Paul Teicher and I met with Bar None instructors and introduced our selves. We are looking at a working relationship with them.

Tveit said he would like to bring up that there are some spots along Fox Street on the curve by City Hall that are very dark. Please have staff look into the cost for additional lighting in that area.

13. **Adjournment:** The City Council adjourned the meeting at 8:43 pm.

Barbara I. Held, City Clerk



DESIGN/BUILD | CONSTRUCTION MANAGEMENT | GENERAL CONTRACTING

November 3, 2011

City of St. Francis
23340 Cree St NW
St. Francis, MN

Attention: Matt Hylan, P.E., City Administrator

Subject: Police and Public Works Facility – Recommendation to award contracts for construction

Dear Mr. Hylan:

Please find attached the updated Bid Tabulation and updated Project Budget, both dated 11/2/2011. Based upon the information included therein, we are recommending that the City Council take action on the following items:

1. Award the following contracts for construction (can be one action item):
 - a. C-08 Steel Erection Maxx Steel Erectors
 - b. C-09 Windows – Fiberglass Shaw/Stewart Lumber Co
 - c. C-10 Carpentry, Gen Const Gopher State Contractors
 - d. C-11 Arch. Woodwork, Cabinets, Tops Southern Minnesota Woodcraft
 - e. C-12 Flat Roofing McDowell Company
 - f. C-13 HM Doors, Hardware Straughan Company
 - g. C-14 Overhead Door Overhead Door Company
 - h. C-15 Specialty Doors – Detention Stronghold Industries
 - i. C-16 Glass and Glazing Heartland Glass
 - j. C-17 Drywall Metal Stud Framing M Reinert Drywall
 - k. C-18 Flooring (Carpet and VCT) Multiple Concepts Interiors
 - l. C-19 Ceramic and Quarry Tile Grazzini Brothers & Company
 - m. C-20 Painting and Coatings Steinbrecher Painting
 - n. C-21 Acoustic Ceilings Acoustics Associates
 - o. C-22 Miscellaneous Specialties (See detailed descriptions and costs attached)
 - a. Bartley Sales
 - b. Construction Supply
 - c. Newline Products
 - d. Mid America Business Systems
 - e. Minncor
 - p. C-24 Lockers Olympus Lockers and Storage Products
 - q. C-26 Mechanical St. Cloud Refrigeration
 - r. C-27 Electrical Electrical Solutions
 - s. C-28 Overhead Crane Systems Alltech Engineering Corp
 - t. C-30 Low Voltage Systems Brothers Fire Protection
 - u. C-31 Window Treatments Custom Expressions

The amount of each contract awarded shall be the total of the base bid plus the bid amounts for the respective contractor for the alternate A-2 which was previously accepted by Council. The contract amounts are shown on the attached bid tabulation forms.

2. Reject all bids previously received for Contract C-03 and authorize Consultants and Staff to re-bid this contract subject to additional information that will be included with bid documents clarifying specifications for aggregate base and paint for striping.



DESIGN/BUILD | CONSTRUCTION MANAGEMENT | GENERAL CONTRACTING

Background

We had a bid opening on Thursday, October 20 at City Hall which was organized by Amcon. Also in attendance were Professional Design Group, Bolton and Menk, and Paul Teicher and Barb Held of the City of St. Francis. The turnout was very high, with a total 157 bids opened and read out loud for the 31 separate bid contracts. The net result of this highly competitive bidding was a "savings" of \$18,712 from estimated costs to actual bid result costs.

After the bids were received, Amcon has thoroughly reviewed all of the bids and has conducted post bid "interviews" with the contractors listed above. We have determined that all of the bidders listed above have complete and responsive bids. We previously met with and presented this information to City Council on 10/27/2011 and Council awarded 5 contracts at that meeting. Also, Council accepted Alternate A-2 at that meeting and rejected all other alternates.

As shown on the attached Bid Tabulation, there remain a few contracts that are not yet awarded after the 11/7 Council meeting. These contracts and their status are listed below:

- | | | | |
|----|------|----------------------------|--|
| a. | C-03 | Asphalt Paving | to be re-bid as noted above |
| b. | C-04 | Landscaping and Irrigation | low bidder has stated they will withdraw bid |
| c. | C-23 | Fabric Covered Structures | award on hold pending final County agreement on salt |
| d. | C-25 | Signs | No bids received – Amcon will solicit proposals |
| e. | C-29 | Fencing and Gates | Value Engineering and possible re-bid |

With the Council and EDA approvals anticipated on November 7, we plan to have a preconstruction meeting on November 8 with the Contractors and others. We hope to mobilize and start construction on site on or about November 9 as planned.

I will be present for the City Council meeting on November 7 to give a brief update on the project and the bidding for the Council and to address any questions that they may have regarding this information and our recommendations.

Please call me if you need additional information prior to the meeting. Thank you for the opportunity to present this information. We are looking forward to beginning the construction process soon.

Sincerely,
Amcon

Todd J Christopherson

Digitally signed by Todd J Christopherson
DN: cn=Todd J Christopherson, o=Amcon Construction Company, ou,
email=tchris@amconconstruction.com, c=US
Date: 2011.11.03 10:30:07 -05'00'

Todd Christopherson, P.E., LEED AP
Partner and Project Manager

City of St. Francis Facilities Project Budget

Funding Source	Budget	Resp. Party
S-01 Bond (Net Proceeds) EDA Lease Revenue Bond	8,000,000	City
Gross Bond Amount	8,000,000	
Less Capitalized Interest		
Less Underwriters Costs		
Less Issuance Expenses		
net bond amount to project	8,000,000	City
S-02 Cash on Hand	-	City
S-03 Rebates - Connexus	20,000	KFI, Connexus - budget needs verification
S-04 Police Forfeiture	-	City
S-05 CIP - Police	-	City
Total	8,020,000	

Code	Expenditures	Item Cost	Budget
Land Acquisition / Development			
001	Net Cost of Land Allocated to Project	-	City
	Subtotal	\$ -	
Project Development Costs			
101			
102	A/E Services, Reimbursables, and Phase I planning	465,000	PDG - includes technology design
103	A/E Reimbursed Expenses	2,000	PDG
	City Sewer and Water Connection fees	-	City - to be waived by City of SF
	Connexus Charges for Electrical Service to Site	5,000	Connexus - preliminary estimate
	Technology Design - Police	18,500	PDG/KFI
104	Civil Engineering	110,000	BMI
	Survey/Platting	15,000	BMI
	Legal	20,000	City
105	Landscape Design - incl in 104	-	BMI
106	Geotechnical Services	13,000	BMI
107	Open House and Promotion	3,000	City
108	HVAC Commissioning	-	none - per 6/29/2011 mtg
109	Bid Advertisement and Printing	6,000	Amcon
111	Demo of Existing Building - by Owner	13,283	
	Subtotal	\$ 670,783	
Construction Cost			
201	Construction Management Fee - Amcon	125,000	Amcon
202	Survey / Staking - Bolton Menk	4,500	
203	Civil Construction Observation	20,000	BMI - reduced, verify w JV
204	Construction Hard Costs	6,837,407	Amcon
	General Conditions, Winter Conditions, Misc	436,383	
	Miscellaneous Items (per list on pg 2)	75,000	
	Contracts Awarded 10/27/2011	2,274,911	
	Contracts to be Awarded 11/7/2011	3,145,910	
	Contracts to be Awarded - future meeting	789,350	
	Contract Changes - Approved	-	
	Contract Changes - Pending (value engineering)	(128,128)	
	Alternates Accepted. A-2	243,981	
206	Construction Testing	18,000	Amcon and BMI
207	Voice, Video, Data Equipment	5,000	KFI/City - all in C-30, except phones
208	Furniture, Fixtures, & Equipment (FFE)	100,000	City
209	Move Costs	-	City
210	Booking, Security Cameras	-	KFI/City - in C-30
211	Contingency	239,309	
	Allocated to date	-	
	Contingency - Balance	239,309	City - 3.5% of Hard Costs
	Subtotal	\$ 7,349,217	
	Total	\$ 8,020,000	
	Fund Balance (shortage)	\$ 0	

City of St. Francis Facilities Project Budget

General Conditions			330,383	
Winter Conditions			35,000	
Caulking			14,000	
Remove existing wood storage structure			3,000	
Permit Fees			46,000	Estimated - may be waived
Traffic Control at Turn Lane Construction			8,000	
Sub Total GCs and WCs	\$9.53	\$	436,383	

Site Costs (per BMI input)

Site Grading			-	
Surfacing (includes Asphalt, Conc walks, Curb, gravel)			-	
Landscaping and Irrigation			-	
Erosion Control and Turf Restoration			-	
Utilities			-	
Highway Turn Lane			-	
Subtotal Site Costs	\$0.00	\$	-	

Building Area

	<u>SF</u>	
Police Admin and Security	7,037	
Police Garage areas	3,459	
Public Works Admin	7,656	
Public Works Garage	20,720	
Public Works Wash Bay	2,013	
Public Works Maintenance Bay	2,684	
Public Works Mezz and Storage Shelf	2,240	
Sub total Building Area	45,809	

Miscellaneous Items

Covered Salt Storage	Allowance		-	in Contracts
Covered Salt/Granite Storage	Allowance		-	in Contracts
Maintenance Bay Lifts	Allowance		-	
Heavy Duty Wash Equipment	Allowance		-	in Contracts
Overhead Cranes	Allowance		-	in Contracts
Outside Storage Bins		9 Bins	36,000	modular, stackable concrete units
Exterior Fencing and Gates		1405 LF, 3 gates	-	in Contracts
Outside Lighting by Connexus	Allowance		39,000	13 poles, LED fixtures
SubTotal - Misc Items			\$ 75,000	

Options and Alternates

	Recommended Alternates	estimated amount	Bid Amount	
Alt 1 Add 24 ft extension to PW Warm Storage		\$ 218,400	\$ 163,060	24 x 140 - bid alternate
Alt 2 Add 40 ft extension to PW Warm Storage	\$ 243,981	\$ 364,000	\$ 243,981	40 x 140 - bid alternate
Alt 3 Add one bay to PW Maintenance		\$ 146,400	\$ 158,022	30 x 61 - bid alternate
Alt 4 Rain Water Collection System - Roof Area		\$ 56,300	\$ 183,801	
Alt 5 Use Elect re-heats at VAV in lieu of coils, boiler, piping		\$ (95,000)	\$ (131,300)	
Alt 6 Asphalt Paving in lieu of gravel surface		\$ 84,000	\$ 46,887	C-03 - changes low bidder
Alt 7 Asphalt Path w Concrete ADA ramps	NA		\$ 47,610	C-05 changes low bidder
Total Recommended Alternates	\$ 243,981			

combination of A2, A3, and A4 together changes low bid for both C-02 and C-26



BID TABULATION FORM
St. Francis Police Public Works
St. Francis, MN
DRAFT TABULATION SUMMARY

	CONTRACT	Apparent Low Bidder	BASE BID	Alternates	APPARENT LOW BIDDER	10/27/2011 Award	11/7/2011 Award
				A-2			
C-01	Site Grading and	North Metro Asphalt & Contracting	332,500	12,442	North Metro Asphalt & Contracting	332,500	-
C-02	Site Utilities	New Look Contracting	284,500	-	New Look Contracting	284,500	-
C-03	Asphalt Paving	to be rebid	-	(6,600)	to be rebid	-	-
C-04	Landscaping/ Irrig	Greenworks Inc	67,800	-	Greenworks Inc	-	-
C-05	Concrete and Me	Classic Construction	714,508	63,480	Classic Construction	714,508	-
C-06	Precast Concrete	Fabcon, Inc	643,103	34,804	Fabcon, Inc	643,103	-
C-07	Steel Fabrication	Central Minnesota Fabricating Inc	300,300	40,030	Central Minnesota Fabricating Inc	300,300	-
C-08	Steel Erection	Maxx Steel Erectors	64,200	5,700	Maxx Steel Erectors	-	64,200
C-09	Windows - Fiberglass	Shaw/Stewart Lumber Co	20,545	1,680	Shaw/Stewart Lumber Co	-	20,545
C-10	Carpentry, General	Gopher State Contractors	121,210	2,100	Gopher State Contractors	-	121,210
C-11	Architectural Woodwork	Southern Minnesota Woodcraft	47,950	-	Southern Minnesota Woodcraft	-	47,950
C-12	Flat Roofing	McDowall Comapany	364,700	35,950	McDowall Comapany	-	364,700
C-13	HM Doors, Hardware	Straughan Hardware	93,385	3,595	Straughan Hardware	-	93,385
C-14	Overhead Doors	Overhead Door Company	70,298	-	Overhead Door Company	-	70,298
C-15	Specialty Doors	Stronghold Industries	24,400	-	Stronghold Industries	-	24,400
C-16	Glass and Glazing	Heartland Glass	49,060	-	Heartland Glass	-	49,060
C-17	Drywall Metal Stud	M Reinert Drywall	83,000	-	M Reinert Drywall	-	83,000
C-18	Flooring (Carpet)	Multiple Concept Interiors	23,949	-	Multiple Concept Interiors	-	23,949
C-19	Ceramic and Quartz	Grazzini Brothers & Company	31,397	-	Grazzini Brothers & Company	-	31,397
C-20	Painting and Coatings	Steinbrecher Painting	37,200	-	Steinbrecher Painting	-	37,200
C-21	Acoustic Ceilings	Acoustics Associates	26,825	-	Acoustics Associates	-	26,825
C-22	Misc Specialties	Various - see breakdown	-	-	Various -	-	75,000
C-23	Fabric Covered Structures	Greystone Construction Company	114,950	-	Greystone Construction Company	-	-
C-24	Lockers	Olympus Lockers and Storage Products	17,800	-	Olympus Lockers and Storage Products	-	17,800
C-25	Signage	NO BIDS	-	-	NO BIDS	-	-
C-26	Mechanical	St. Cloud Refrigeration	1,041,700	42,500	St. Cloud Refrigeration	-	1,041,700
C-27	Electrical	Electrical Solutions	685,000	8,100	Electrical Solutions	-	685,000
C-28	Overhead Crane	Alltech Engineering Corp	43,940	-	Alltech Engineering Corp	-	43,940
C-29	Fencing and Gates	Midwest Fence	147,600	-	Midwest Fence	-	-
C-30	Low Voltage Systems	Brothers Fire Protection	222,998	200	Brothers Fire Protection	-	222,998
C-31	Window Treatments	Custom Expressions	1,353	-	Custom Expressions	-	1,353
	TOTAL		5,676,171	243,981		\$ 2,274,911	\$ 3,145,910

C-22 Misc. Specialties - Supply

(1) Bartley Sales

Category	Price
Visual Display Surfaces	No Bid
Toilet Compartments	\$ 4,571
Wall Protection	\$ 1,403
Toilet, Bath, Laundry Access. (see note)	\$ 9,866
Fire Extinguishers Cabinets	\$ 1,398
Fire Extinguishers	\$ 986
Metal Storage Shelving	\$ 3,064
Flagpoles	\$ 7,853
Detention Equipment	No Bid
Detention Gun Lockers	No Bid
Vehicle Wash Bay Curtain	\$ 1,061
Residential Appliances	No Bid
Payment and Performance Bond	\$ 250
TOTAL	\$ 30,452.00

80 oz. liquid soap dispensers are not available from specified manu. Bartley quoted 40 oz. dispensers

Category	Price
Visual Display Surfaces	\$ 1,103
TOTAL	\$ 1,103

(2) Kendall Doors and Hardware

Category	Price
Visual Display Surfaces	No bid
Toilet Compartments	\$ 6,012
Wall Protection	\$ 9,291
Toilet, Bath, Laundry Access.	\$ 10,287
Fire Extinguisher Cabinets	\$
Fire Extinguishers	\$ 1,617
Metal Storage Shelving	\$
Flagpoles	\$ 12,153
Detention Equipment	No Bid
Detention Gun Lockers	No Bid
Vehicle Wash Bay Curtain	No Bid
Residential Appliances	No Bid
TOTAL	\$ 39,360.00

Quantity take-off attached

Category	Price
Detention Equip. (evid. Lockers only)	\$ 19,292
Detention Gun Lockers	\$ 3,669
TOTAL	\$ 22,961.00

Bid form indicates section 119916 -Detention Gun Lockers and section 111900 part 3.2A.7 Evidence Lockers
received a quote from Mid America to supply the Police Personnel Lockers \$13,257.

(3) Construction Supply

Category	Price
Visual Display Surfaces	No Bid
Toilet Compartments	\$ 4,747
Wall Protection	\$ 8,522
Toilet, Bath, Laundry Access.	\$ 9,390
Fire Extinguishers Cabinets	\$
Fire Extinguishers	\$ 2,393
Metal Storage Shelving	\$ 9,755
Flagpoles	\$ 10,869
Detention Equipment	
Detention Gun Lockers	
Vehicle Wash Bay Curtain	\$ 961
Residential Appliances	
TOTAL	\$ 49,843

TAX (6.875%) \$ 3,206.29
TOTAL 49,843.29
Quantity take-off attached

Category	Price
Visual Display Surfaces	\$ 1,103
Toilet Compartments	\$ 4,571
Wall Protection	\$ 1,403
Toilet, Bath, Laundry Access.	\$ 10,036
Fire Extinguisher Cabinets	\$
Fire Extinguishers	\$ 2,558
Metal Storage Shelving	\$ 3,064
Flagpoles	\$ 7,853
Detention Equipment	\$ 33,549
Detention Gun Lockers	\$ 3,669
Vehicle Wash Bay Curtain	\$ 1,027
Extra Gun Locker	\$ 973
Detention Mirrors (2) Southern	\$ 110
Residential Appliances	\$ 5,000
TOTAL	\$ 74,915

Bidder
ALLOWANCE
Minor
ALLOWANCE