

**MINUTES OF MEETING
DELLWOOD CITY COUNCIL
MAY 14, 2019**

The regular monthly meeting of the Council of the City of Dellwood was held at City Hall, 111 Wildwood Road, Willernie, MN on May 14, 2019.

PRESENT: Mayor Mike McGill, Councilpersons – Scott St. Martin, Brady Ramsay, Elsbeth Howe and Greg Boosalis were present; also present were City Clerk Joanne Frane, City Engineer Cara Geheren, Treasurer Brian Beich and City Attorney Richard Copeland

ALSO PRESENT: Richard Galena

Mayor McGill called the meeting to order at 5:32 p.m.

Mayor McGill asked if anyone was present for public comment.

Richard Galena was present for public comment. He appeared on behalf of the White Bear Lake Fireworks Committee, and is seeking a contribution from the City of Dellwood to help defray the cost of putting on the annual 4th of July fireworks display at Memorial Beach. He stated that the Committees budget is \$25,000. Other Cities in the area have made donations each year. The program includes a band starting at 8:30 and fireworks at 10:00 p.m. St. Martin asked Mr. Copeland to check in to the City's authority to make contributions. The matter will be discussed at the June Council meeting.

Mayor McGill asked for approval of this meeting's Agenda. Upon motion by St. Martin, second by Boosalis, the Agenda for the meeting was unanimously approved.

Minutes: The Minutes of the April 2019 Council meeting were unanimously approved as submitted with the addition of Brian Biech's name as being in attendance at that meeting.

2018 Update on Road Construction: City Engineer Cara Geheren gave an update on road construction, Peninsula Road, and 2018 road Improvements. She stated that bid proposals were sent out and three bidders' submitted bids. The low bid came from the company which uses Hardrives as the subcontractor. Hardrives is currently in a dispute with the City regarding the work done in Meadow Ridge, which the City Engineer's have determined to be defective. Low bid was \$366,000, second bid was \$388,249 and the high bid was \$478,000. In light of the problems experienced with Hardrives, Mr. Copeland was asked to advise the Council as to its options in deciding upon awarding the project to one of the bidders. Cara stated that Hardrives has been acquired by another company and that the personnel, management, crews, etc., may be entirely different than that which existed when the Meadow Ridge work was done.

Mike McGill stated that he has look at the roadways, and believes that the work appears to be structurally sound but that it looks very bad.

Cara had presented photographs showing the defects in construction including uneven wear courses. She is currently in negotiations with Mid-State Engineering who was the general contractor with Hardrives as its subcontractor. Cara noted that the value of the wear course is \$208,263 and the estimated cost to correct the wear course with one inch overlay is \$82,024 plus the cost of milling, pavement at driveways and islands, and the added engineering costs. Midstates proposal is \$50,000 to

cover repair costs. Cara believes the City could take a deduction from what is still owed to the Contractor, and that the amount of the deduction should be from \$130,000 to \$140,000 including engineering costs. Cara submitted a letter from Bolten & Menk, Inc., that states that in their opinion the quality of the pavement work done by Hardrives is poor and considered to be defective. Removal and replacement is needed.

The Council members suggested that Cara continue with the demand for a deduction between \$136,000 to \$140,000 and report to the Council of the status of settlement discussions and her recommendations. Mr. Copeland stated that the Council could find that the low bidder for the Peninsula roadway project, which would include pavement work by Hardrives, is not a “responsible bidder” for purposes of awarding the contract. He will give further advice on this question.

Authorized Agent Resolution: This item was tabled at the request of Attorney Copeland. He will be meeting with Brian Humpal and Nate Sparks about the community-type septic area on the Peninsula and he will ask Brian to come to the June Council meeting.

Cable Commission/Comcast Extension Agreement: This is a request by the Ramsey/Washington County Cable Commission for an extension of the Franchise Agreement with Comcast, to February 28, 2020. St. Martin moved to approve the extension and to authorize Mayor McGill to sign the Extension Agreement on behalf of the City. Upon second by Ramsay, the Council unanimously approved the motion.

Temporary Gambling Permit Application: An application was submitted by Burn Aid Foundation for a temporary gambling permit to conduct a raffle at Dellwood County Club on September 9, 2019. Mr. Copeland stated that the Application is in good order and that the City may grant the Permit without a waiting period. Upon Motion by St. Martin, second by Howe, the Council voted unanimously to grant a temporary gambling permit to Burn Aid Foundation effective on September 9, 2019 with no waiting period.

Temporary Gambling Permit Application: An application was submitted by Vadnais Heights Economic Development Corporation for a Permit to conduct a raffle at the White Bear Yacht Club on June 24, 2019. Council person Howe noted that the Applicant is a non-profit Corporation organized under M.S. 317A, which governs non-profit corporations in Minnesota. The Applicant submitted a Certificate of Good Standing from the Secretary of State dated 04/29/2019. Upon Motion by St. Martin, second by Boosalis, the Council voted unanimously to grant a temporary gambling permit to Vadnais Heights Economic Development Corporation for an event to be held on June 24, 2019, with no waiting period.

Claims and Receipts List: The Claims and Receipts List for the month of April 2019 was reviewed and discussed. Upon motion by St. Martin, second by Ramsay, the Claims and Receipts List for April 2019 was approved unanimously as submitted.

REPORTS:

Treasurer Beich provided a handout showing the statement of assets and liabilities as of May 2, 2019. This shows a balance in the Money Market account of \$567,618.

St. Martin reported that we are now receiving quarterly reports from the White Bear Lake Fire Department.

Ramsay stated some concerns about culverts which appear to be in need of work.

St. Martin stated that Ken Johnson should take a look at them and give his recommendations.

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McGill reported two remodel permits were issued in April.

There being no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Joanne Frane
Dellwood City Clerk / Administrator