



**MINUTES
CITY COUNCIL MEETING
September 1, 2009**

CALL TO ORDER

The meeting was called to order at 6:35 pm.

Present: Mayor: Randy Gilbert; Council: Sam Rettinger, Sharon Henderson, Brian Carpenter, and Liz Olson

Staff Present: City Administrator: Terrance Post; Public Works Director: Marv Wurzer; City Engineer: Toby Muse; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

*A motion was made by Henderson, seconded by Carpenter, to approve the Agenda as presented.
Ayes: all.*

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of August 18, 2009 City Council Work Session
- B. Approve Minutes of August 18, 2009 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Approve Payment to Allied Blacktop Co. for the 2009 Seal Coating Project
- E. Adopt Resolution No. 2009-26 Approving Issuance of a Special Event Permit for the Twin Cities River Rats 2009 Barefoot Water Skiing Tournament

A motion was made by Henderson, seconded by Olson, to approve the Consent Agenda as presented. Ayes: all.

OPEN CORRESPONDENCE

No one was in attendance to address the City Council during Open Correspondence.

BUSINESS ITEMS

Application for Payment No. 3 (Final) for Ellingson Companies, Glenmoor Lane Water Main Loop Connection and Gate Valve Replacement Project

Post stated that staff received Application for Payment No. 3 from Ellingson Companies for the Glenmoor Lane Water Main Loop Connection and Lake Street / Highway 12 Gate Valve Replacement Project. City Engineer Toby Muse of SEH reviewed the application and found it to be in order in that the contractor has completed and forwarded all required contract documents to the City Engineer. Application for Payment No. 3 represents the release of the remaining 2% retainage being withheld on this contract and will allow the job to final. Staff recommends approval of the payment request in the amount of \$3,554.57.

A motion was made by Carpenter, seconded by Olson, to approve Application for Payment No. 3 from Ellingson Companies in the amount of \$3,554.57 for the Glenmoor Lane Water Main Loop Connection and Lake Street / Highway 12 Gate Valve Replacement Project. Ayes: all.

Application for Payment No. 2 to Sunram Construction for the Downtown Surface Water Improvements Project

Post reported staff received Application for Payment No. 2 from Sunram Construction Inc. for the 2009 Downtown Surface Water Improvements Project. The application is in the amount of \$188,371.26. Project Manager Brad Woznak of SEH reviewed the application and found it to be in order. Payment No. 2 represents total contract earnings through August 20, 2009. The contractor has completed approximately 72% of the total amount due under the contract. Staff recommends approval of the payment request.

Public Works Director Wurzer responded to Council member questions regarding the progression of the project thus far. Wurzer stated that although the contractor had experienced some setbacks following recent rainfalls, the project is currently coming along fine.

Brief discussion was held relative to the installation of the plantings in the filtration "cells" and their locations.

A motion was made by Henderson, seconded by Olson, to approve Application for Payment No. 2 from Sunram Construction, Inc. in the amount of \$188,371.26 for the 2009 Downtown Surface Water Improvements Project. Ayes: all.

Award Contract to GL Contracting, Inc. for the TH 12 Watermain Repair Project

Post advised that various approaches to repairing the watermain leak in the new Highway 12 corridor have been ongoing since it was first discovered this spring. Earlier, the Council directed staff to pursue a pipe section replacement approach rather than a relining approach because of cost considerations. The plans and specifications that the bidders responded to were to replace pipe sections. Bids were solicited and were opened on August 11, 2009, with three bids received.

The lowest responsible bidder is GL Contracting, Inc. Their bid of \$108,802.10 is over earlier Engineer's estimates for the hard construction costs of this project, likely due to the perceived contractor risk of accomplishing the project. It requires not only the coordination and permit approval of MnDOT and the railroad, but also assumes the sand within the casing surrounding the watermain can be blown out and has not solidified in order to gain access to the pipe sections needed to be removed and replaced. Staff recommends awarding the TH 12 Watermain Repair Project to GL Contracting, Inc.

The City has also begun damage claim actions against the general liability insurer and surety for the 2002 installation contractor, Barbarossa & Sons. As part of this claim action, City Attorney Tom Scott advised the Council at the August 18, 2009 work session to give Travelers an additional two weeks to respond to any questions/issues they may have before commencing the repair project process. Staff has received a written response from Travelers denying financial responsibility for the claim; however, this was not unexpected following first contact in pursuit of the claim.

City Engineer Muse discussed efforts that would be required of the contractor to restore any property damaged in the Wolf Pointe Woods neighborhood as a result of the project, and indicated property conditions would be documented prior to start of the work.

A motion was made by Henderson, seconded by Carpenter, to award construction contract for the TH 12 Watermain Repair Project to GL Contracting Inc. and to authorize the Mayor and City Administrator to enter into a contract for said services. Ayes: all.

Discussion of LMCC Fiber Optic Plan

Dick Woodruff, City of Shorewood Councilmember and Lake Minnetonka Communications Commission (LMCC) Commissioner, presented information regarding a potential fiber-to-the-home project the LMCC has evaluated. The LMCC intends to submit a federal broadband stimulus money grant application. In support of this action, Mr. Woodruff explained that the LMCC is asking its members to consider adopting a resolution of support.

Post clarified that if the Council is supportive of the LMCC grant application, a resolution of support will be on a future Council meeting agenda.

Mr. Woodruff also responded to Council member questions regarding how the service would be offered to subscribers, who the responsible party would be for operation of the service, subscription fees, the potential benefits of fiber optic service, and project funding.

OTHER BUSINESS

Firefighter Tony Roe – Mayor Gilbert informed the audience that Long Lake firefighter Tony Roe had passed away, and a visitation and memorial service would be held on Thursday.

Highway 12 Roadway Closure – Mayor Gilbert stated that Highway 12 will be closing west of Maple Plain for railroad bridge preparation and utility work in Maple Plain. The road will be closed from September 9 through mid-October, and the detour route will be County Road 90 in Independence to County Road 6.

ADJOURN

Hearing no objection, Mayor Gilbert adjourned the meeting by general consent at 7:25 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk