

**Minutes of the Public Hearing to consider the making of 2018/2019 Street and Utility Improvements
November 13, 2017 at 6:00 PM**

Council member present: Sander, Seidl, Prokosch, Wolff, Engelmann

The hearing on the proposed improvements was opened by Mayor Sander.

The hearing began with a slide presentation from David Palm, Bolton & Menk, Inc., which included review of the specific improvements proposed for 13 separate areas of town, and a seal coat project in 2020. The proposed improvements were listed on the City's 2014 Capital Improvement Plan, with the Council authorizing a preliminary engineer's report this summer. The presentation also included cost summaries and the basis of assessments for each street section, along with a possible project schedule. The city would sell bonds to pay for the project, recouping costs through special assessments, utility fees and debt service property tax levy. The hearing was then open to the public for their comments, questions and concerns.

Paul Jacobs, 430 Ranchwood, did not think that the Ranchwood Street needed reconstruction, and that the proposed improvements would not fix the current sewer back up problem, stating that the City should correct the outlet first, and purchase larger pumps for the lift station. Ranchwood was included due to the minimal gravel base and the sanitary sewer main being very flat, with some leaking present at connections.

It was felt, by many of those present, that it unfair to now assess adjacent property owners for street reconstruction, when there was no "street" assessment for those adjacent to reconstructed streets during the 2006-2008 sewer separation project. It was stated that everyone with a sewer service connection was assessed \$4000 for the 2006-2008 project which paid for the interceptor line to the ponds. It was not a street project, with some sewer mains replaced in alleys. It was also cost prohibitive to replace all water mains and reconstruct every street in town; therefore, the Council then had to make some tough choices.

Mary Erickson, 631 Sunrise, felt the City, as a whole, should pay more to reconstruct Sunrise, as it was used for a detour during the 2006-2008 project and not maintained properly since then. The sewer main was slip-lined with the 2006-2008 project; therefore, the road was not reconstructed. Since then, it has been determined that there is little to no gravel base under the pavement.

Scot Hagen, 221 South 1st Street, was present to discuss the proposed new construction of 1st Street from Ash to Birch. He was concerned that, with the possible lowering of the street, the road would have to be slanted or his driveway cut back farther. Hagen's comments will be considered when designing 1st Street.

Ed & Annette Raitz, 210 South 6th Street, were present to discuss the ongoing problem with storm water drainage by their property, questioning how this project will correct the issue. Raitz also commented that during the 2006-2008 project, they accommodated the City by taking their sewer to the alley, saving the City street reconstruction costs; and now are being asked to pay 1/3 of the street reconstruction costs, which seems unfair. Also, Ash Avenue is being proposed as a 9-ton street, adding to the per foot cost. It was felt that the City, as a whole, should be responsible for more of the street reconstruction costs.

Hearing adjourned by Mayor Sander.

**Minutes of the Regular Meeting of the Bird Island City Council
November 13, 2017 at 7:00 PM**

The regular meeting was called to order by Mayor Sander.

Following questions/answers regarding some of the claims, a motion was made by Prokosch and seconded by Wolff to authorize payment of the claims and to approve the minutes of the last regular meeting and public hearing on the 13th Street assessments. Passed unanimously.

2018-2019
Street/Utility
Improvements

Discussion continued on the proposed 2018/2019 Street and Utility Improvements. The Council discussed the possibility of excluding the utility work under, and street reconstruction of Ranchwood Drive. Since all property owners adjacent to Ranchwood were not present to voice their opinion, it was suggested that a petition be circulated requesting signatures of those property owners against the Ranchwood improvements. In light of the comments from the public, the Council also discussed the possibility of not specially assessing property owners for street reconstruction. Before a decision is made, the Council would like the exact percentage/number of streets that were not reconstructed during the 2006-2008 sewer separation project. What isn't specially assessed to adjacent property owners would have to be covered by all property tax payers. Northland Securities will be asked to redo the debt service numbers with scenarios excluding Ranchwood and special assessments for street reconstruction. A motion was made by Engelmann and seconded by Seidl to authorize Bolton & Menk, Inc. to proceed with the survey work for the project, excluding Ranchwood, pending outcome of the petition. Passed unanimously.

13th Street
Improvements/
Assessments

A motion was made by Engelmann and seconded by Prokosch to adopt Resolution 12-17, accepting the completed work performed under MnDOT Project S.A.P. 065-594-001, 13th Street Improvements and authorizing final payment. Passed unanimously. Discussion continued on the possibility of adopting the special assessment roll for the 13th Street improvements. Lori Zimmerman, and Steve's two sons, were again present to reiterate their opinion that the large assessments to his 1429 linear feet of property are unfair, stating that he could not sell lots and recover the assessment costs + the value of the land. In answer to questions asked, improvement and assessment hearing notices are sent to the owner of the property at the time, and the City did everything legally required to solicit bids, and are not at fault if only one bid is received. It was suggested that a committee of two Councilors meet with Steve in an attempt to negotiate an acceptable solution. A motion was made by Prokosch and seconded by Engelmann to approve Resolution 8-17, adopting the assessment roll for the 2016/2017 13th Street improvements, excluding parcel #28-00100-00, owned by Steve Zimmerman, to allow for further negotiations. If an agreement cannot be reached by 10-1-2018, the full assessment will be levied to the Auditor-Treasurer beginning collection in 2019. Passed unanimously. Prokosch and Sander will serve on the Negotiation Committee.

I & I/Back Up
Issues

Woelfel proposed an Emergency By Pass Pumping Policy which was reviewed by David Palm and LMC Loss Control Consultant Troy Walsh. A motion was made by Engelmann and seconded by Prokosch to approve the policy as presented. Passed unanimously. Regarding a new pump for the lift station, it is recommended by John Graupman, Environmental Engineer with Bolton & Menk, Inc., that the City replace both pumps due to the age/condition of the existing pumps and the gain in pumping rate (20-30%). Both pumps would have vortex impellers, which helps significantly with clogging. If new pumps are purchased, it was suggested to sell excess submersible pumps, as their performance value decreases when left out and not used. A motion was made by

Engelmann and seconded by Seidl to approve purchase of the second pump and to request a trade-in or to sell one of the old pumps. Passed unanimously.

The Council reviewed the action items discussed at the 9-11-17 Council meeting. Televising certain areas of town is underway and the City has received the smoke testing equipment from MRUA. Regarding the removal of the restrictor on Ditch 66, County Ditch Inspector Larry Zupke, stated that when 52 acres of land are converted to wetlands, the pipe size can increase from 48" to 60". He is currently working with farmers to gain wetlands. Enforcement/possible amendments to the City's Sump Pump Ordinance were discussed. The Ordinance states that connection to the sanitary sewer main can only be maintained from October 15th to March 15th in certain locations where surface water discharge would create a safety hazard during freezing weather. Woelfel suggested that no connection to the sanitary sewer system be allowed unless a property owner applies for, and receives a waiver, from the City. The MPCA requires that inspections be completed to ensure compliance with the Sump Pump Ordinance

Water Main Loop

In order for the City to receive a Crossing Permit from TC&W Railroad, for the watermain loop project, the City is required to approve a Line License Agreement with the railroad. The City's Attorney reviewed the Agreement; noted some concerns, but ultimately stated that "in its totality, the Agreement seems fair, as both sides benefit". A motion was made by Engelmann and seconded by Seidl to approve the Agreement. Passed unanimously.

Hazardous Structures

The Council reviewed responses that were received from two property owners and their contractors(?) regarding possible hazardous buildings being present on their properties. Lonnie Davis was present to state what actions have been taken regarding his buildings, and what he still plans to do. The City's Building Inspector is reviewing the letters received by Contractors(?) and will check on their credentials as building contractors and licensed plumbers.

Municipal Building Boiler System

The boiler system in the Municipal Building was installed in 1959 and is no longer efficient. Many repairs have been needed over the last ten years. The City has saved funds for the project and two bids have been received. A motion was made by Prokosch and seconded by Wolff to approve the low bid of \$24,060 from Erickson Plumbing & Heating to replace the boiler system. Passed unanimously.

Hwy. 212 Cobra Lights

The Council discussed the possibility of converting the Hwy. 212 cobra lights to LED. The City will solicit bids, and budget for the project. Engelmann will work with Xcel Energy to get a rebate for the City.

Fire Department/ Relief Assn.

A motion was made by Prokosch and seconded by Wolff to approve the hiring of new firefighters Nathan Toren and Pat Posl, with a one year probationary period. Passed unanimously. A motion was made by Engelmann and seconded by Prokosch to accept a donation of \$32,000 from the Fire Relief Association to assist with the purchase of SCBAs. All voted in favor, except Wolff who abstained.

Building Code Enforcement

A motion was made by Engelmann and seconded by Wolff to approve the 2018 Building Code Enforcement Program Contract with 101 Development Resources, the same as 2017. Passed unanimously.

Learning Funhouse Lease A motion was made by Engelmann and seconded by Wolff to approve the 2018 Lease Agreement with The Learning Funhouse (TLF), the same as 2017, with a monthly rent of \$550. Passed unanimously. TLF President Mark Glesener will be invited to a future meeting to update the full Council on the Center's operations.

Township Fire Contracts A motion was made by Engelmann and seconded by Prokosch to approve the 2018 Township Fire Contract Agreements with no changes from 2017, other than a 3% increase in the per section standby fee. The Townships were made aware of the increase. Passed unanimously. Staff will request information on the standby fees charged by other Cities in the County.

Farm Contracts A motion was made by Seidl and seconded by Prokosch to approve the 2018 Farm Contracts with Dick Eiler, or his representative (no change from 2017). Passed unanimously.

Resolution 11-17 A motion was made by Engelmann and seconded by Wolff to adopt Resolution 11-17, in support of funding for US Highway 212, that will complete the highway to a continuous four land from the metro area to Norwood Young America. Passed unanimously.

Meeting adjourned.
Deb Lingl, City Administrator