

April 3, 2023

The regular meeting of the city council was called to order by Mayor Dave Witucki. Council members present were Tom Boeck, KC Reuter, Gina Massop and Tiffany Sevcik. Also present were Don Wolters, Patty Smith, Tamara Dicks-Maple River Messenger and David Frundt – city attorney. Tom Madden – SEH came to the meeting later at 8:30 PM.

Everyone stood and recited the Pledge of Allegiance.

Minutes: A motion was made by Reuter and 2nd by Boeck to approve the minutes from the March 6, 2023, meeting. Motion carried unanimously.

Bills: A motion was made by Boeck and 2nd by Massop to approve the bills.

City of Amboy	Check 10877 – 10929 & EFT's 783E – 788E	\$153,292.66
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Smith had 3 additional bills Meter Technologies \$1956.51 and 2 from Boening Brother \$5925.93 and \$3112.68. Motion carried unanimously.

Wellhead Modifications: A quote was received from Bergerson-Caswell to update well #1 casing. Smith will be applying for a Competitive Grant with the MN Dept of Health. If we do not receive the grant money, Witucki said our public works would be able to at least repair the cracked concrete around the well. We should know in May/June if we receive the grant money.

Recreational Area: Three bids were received for the recreational area for basketball hoops, poles and tennis net and portable pickle ball nets. BSN Sports - \$4278.80, Gopher Sports \$4123.52 (did not include poles for tennis) and Northland Recreation \$6118.60. A motion was made by Boeck and 2nd by Massop to accept a bid from BSN Sports for \$4278.80. Motion carried unanimously.

Reports: Wolters is only report received. The radium testing letter sent out was for sample taken in November 2022. Another sample was taken in February, we are still waiting for the results. The Tonka Zorb chemical used to reduce radium was adjusted, so the February results should show we are meeting state guidelines. Westrum Leak Detection gave a quote for 1 year, every year (3) or every other year (5) to listen for leaks. This would help the city find I & I issues. Discussion was held and a motion was made Massop and 2nd by Reuter to accept the agreement of every other year for 5 years for \$850.00 per year. Motion carried unanimously. Reuter asked Wolters about the fire hydrant on South/West Streets; it sounds like air is going through it; Wolters will listen to it.

Citizen Complaint: Smith shared the timeline on this complaint and the response from Chief Honsey. The council agreed this is a civil matter between the residents. We cannot control wild birds and many other residents in town have bird feeders.

Open Comment: Wolters commented on the wellhead modifications. No other comments.

Miscellaneous: Open Book meetings April 17 – 21; Mayor/Clerk Meeting April 13 in Vernon Center, City Wide Garage Sales May 12 – 13, Cleanup days May 20 and Appliance/Electronic Recycling June 6

Regular meeting was closed to discuss the litigation issues with city attorney, David Frundt.

Closed Meeting: The council met with city attorney, David Frundt on the reverse osmosis litigation. The city will need to approve the VFD's to be purchased; Joseph's Company has asked H2O to supply. H2O cannot supply them and bill the city separately.

Options presented to the council.

1. Tell Joseph's Company they are in breach of the contract and go into litigation.
2. Buy what is needed to finish the project and the city pays for all of it.
3. Meet with the contractor, engineers, city and attorneys and work out a compromise.
4. Retain the 5% back until this is resolved, the city could be sued for the balance as the retainage fee is only to make sure work is completed.

Frundt is looking at the reverse osmosis plans from the City of Elmore from 2011. He has asked Bolten and Menk to look at our bid package to see how different it was from the Elmore package. Joseph's Company did the work on that RO system also. Bolten and Menk would look at the bid package for \$5000.00. This could help the city know if it is a engineering error or contracting error that missed the \$90,000.00 + parts that were not ordered for our project which cannot be included in the PSIG grant funding. If we would agree to a change order, Joseph's Company would be released from being liable for these extra expenses.

The city agreed to have Bolten and Menk look at our bid package. We will also have Frundt set up a Zoom meeting with the contractors, engineers, council members and attorneys to discuss a compromise. Witucki and either Massop or Boeck will attend the Zoom meeting.

The regular meeting will be reopened, and David Frundt will give a recap of the closed meeting.

RO Update: Tom Madden -SEH discussed with council the extra expenses the engineers may have on the RO project as it is not being completed on the original timeline. The original contract was for \$165,000.00 with 84% of it already paid. Madden will give Smith a biweekly update on contract expenses. A pay request from Joseph Company was submitted. A motion was made by Reuter and 2nd by Boeck to pay request 22830-00013 for \$96,814.50. Motion carried unanimously. Witucki asked if the copper water lines would be insulated for condensation and Madden said they should be so the floor is not wet. Proposal Request #14 was presented to council to make connection from 4" stub to the distribution line and disconnect existing 6" line. The proposal is for \$19,478.92. Madden did not recommend the city approve this as it is too high. Madden recommends we collaborate with our local contractor that does our water line repairs as it should be less money. A motion was made by Reuter and 2nd by Massop to table request #14. Motion carried unanimously. Smith will give Madden Boenings contact information and Madden will explain to them what we need done and have them present a quote to the city for approval. Discussion was held on the wellhead proposal from Bergerson. Madden was unclear if both wells needed to be raised. It was not part of the project, and the Dept of Health is not telling us we must do it. The quote was only for well #1. If we can get grant money for it that would be beneficial to the city to have the work completed.

Closed Meeting: David Frundt gave a recap of the closed meeting. "We discussed pending litigation issues. The council discussed the current situation, discussed current communications to date. No action was taken, and discussions will continue at a later date."

Witucki asked about replacing both well pumps with the grant money. The quote is not for well pumps, it is for well casings and check valves. Smith will work with Steve Carson on clarification on what is needed. Well #2 pump was just replaced in 2021.

A motion was made by Boeck and 2nd by Sevcik to adjourn. Motion carried unanimously.

David Witucki, Mayor

Council

ATTEST:

Patty Smith, Administrator, Clerk-Treasurer