

June 5, 2023

The regular meeting of the city council was called to order by Acting Mayor Tom Boeck. Council members present were KC Reuter, Gina Massop and Tiffany Sevcik. Mayor David Witucki was not at meeting. Also present were Don Wolters, Patty Smith, Bruce Ward, Maria McCarty-SEH, Aaron Lane and Tamara Dicks-Maple River Messenger.

Everyone stood and recited the Pledge of Allegiance.

**Minutes:** A motion was made by Massop and 2<sup>nd</sup> by Sevcik to approve the minutes of the May 1 and May 8 council meetings. Motion carried unanimously.

**Bills:** A motion was made by Reuter and 2<sup>nd</sup> by Sevcik to approve the bills

City of Amboy	Check 10974-11027 & EFT's 797E-804E	\$100,569.46
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Smith had an additional bill from Meter Technology for \$14,331.00. Motion carried unanimously.

**RO Update:** Maria McCarty presented the council with Change Order #9. This change order would extend the date of completion to October 13, 2023. Discussion was held; if we extend it out too far, will it give the contractor's an excuse not to complete the work when the VFD's arrive. We do not have a ship date for the VFD's yet. Also, SEH is reviewing the change request from Joseph's Company for an additional \$76,319.64. If the VFD's arrive by July 1, it would take 1 month to install, 1 month to run the RO system and 1 month to tear down old and build office/lab area. These times are approximate and would put the project to be done around the end of September. A motion was made by Reuter and 2<sup>nd</sup> by Sevcik to approve Change Order #9 to extend completion date to October 13, 2023. Reuter and Sevcik were yay and Massop was nay. Motion approved as the majority ruled. Some work was completed by Joseph's Company of doors and wall removal. There is still ventilation work to be done in the chemical room; all other work is waiting for VFD arrival. When we receive a arrival date for the VFD's a special council meeting will need to be set to approve the change order for the installation. SEH will finish the review of CO 12 by end of this week. Smith will schedule as soon as we have VFD arrival date.

**Sidewalk/Street Overlays:** Smith requested the sidewalk committee to decide which sidewalks should be repaired in 2024, so we can budget for it. We would bid it this year for completion in spring 2024.

**Sidewalk Repair:** Sidewalk by Community Bank on Maine Street is tilting. An estimate from Barke Lift & Level was received for \$4,863.57. A motion was made by Massop and 2<sup>nd</sup> by Reuter to approve the sidewalk repair by Barke Lift & Level for \$4,863.57. Motion carried unanimously.

**Zoning Permits:** Tipler, 140 North St W wood utility shed. A motion was made by Reuter and 2<sup>nd</sup> by Massop to approve. Raiche 144 Maine St E stairs and deck for upstairs apartment. A motion was made by Massop and 2<sup>nd</sup> by Reuter to approve. Herden, 140 Maine St E stairs and deck for upstairs apartment. A motion was made by Reuter and 2<sup>nd</sup> by Sevcik. All zoning permit applications were approved unanimously.

**Clean Up Letters:** Letters were sent in May and 2 properties have not talked to city on a clean up plan or did little to clean up property. The council would like to move forward with abatement proceedings on these two properties of 340 E Maine Street and 412 North Street W. Smith will schedule a public hearing at our July 11 meeting and work with the Mapleton police department on abatement.

**Reports:** Reports were received from public works, fire and police departments. Discussion was held on clean up days. Next year should have a sign posted NO electronics, mattresses. Vernon Center has it done on a limited hour basis; LJP brings one dumpster, and it is filled between 9AM – 2 PM (if needed they leave and bring one more dumpster) This way LJP decides if garbage is not acceptable. The compost area could use gravel. Council approved 2 loads of gravel and if more is needed, will discuss it at the July 11 meeting. Reuter asked about park bathroom hours, it should be 7AM – 7 PM. Smith will post hours of bathroom. Wolters will confirm that if you are in restroom and the door locks automatically, you can still get out of restroom. Blue Earth County will be doing an upgrade to the Warning Siren; it will allow them to only warn the areas affected instead of all sirens going off in county. The upgrade will cost \$2500.00 and be paid for with grant money. The fire department did receive a FEMA grant of \$110,380.95 for the Self-Contained Breathing Apparatus. New ones have been ordered for a cost of \$136,718.00. The city 's portion would be \$8800.00. Our Baci sample from the Dept of Health came back today with no coliform bacteria.

**Donation of Tree:** The Class of 1988 would like to donate a tree. Council said tree could be at the new city park on the old school property on the SE corner (old library area/principal's office). The tree purchased should be 6 – 7 feet tall and should not be a silver maple or ash tree. The class should plant it and city will make sure it is watered and taken care of. A plaque can be installed on tree that says Class of 1988. A motion was made by Reuter and 2<sup>nd</sup> by Massop to approve tree donation from the Class of 1988.

**Open Comment:** Aaron Lane asked about following the constitution. What gives the city the right to set rules on how people use their property (permit for fences). The council is not following their oaths to uphold the constitution. Lanes says it violates the constitution by enforcing things that are unconstitutional. Council has our planning commission approve the zoning permits. We follow the ordinances for the city, and they are online for the community to see. We also follow the laws of the State of Minnesota.

**Miscellaneous:** Update on the recreational area; asphalt should be poured tomorrow, fencing and basketball poles/tennis courts in another week and should be done in about 2-3 weeks.

Our next city council meeting will be on July 10, because of the July 4 Holiday.

A motion was made by Reuter and 2<sup>nd</sup> by Massop to recess the current meeting until 8:00 PM. Motion carried unanimously.

Recessed meeting was called to order and Closed for the attorney litigation discussion.

**CLOSED MEETING:** David Frundt discussed Bolten & Menk’s evaluation of the bid package drawn up by SEH and presented to contractors to bid on the RO project. There was insufficient information on the package that would have given any contractor information to bid the VFD’s and electrical equipment needed to run the reverse osmosis system. Frundt advised council this makes our engineers SEH responsible for the extra expenses the city will have to complete this project. Frundt will be sending out letters. First to the State of MN, requesting extra funds from the PSIG grant, since the original plans were not complete, and we have additional costs. Second, to SEH to have them use their errors and omission insurance. The letter will also state they need to complete the project without any additional funds from the city. Third to Joseph’s Company to ask them to do it for less than the proposed \$76,000.00. The letters will be sent out by end of this week and Frundt will ask for an immediate response. There is a possibility that SEH will stop working on the project since we will not give them more money and we might have to hire another engineer to complete it. Will wait for responses before moving forward with litigation for extra expense. We would ask for the 80/20 split once we have a total of the extra money needed to complete this project. The other change orders that we have already approved would not be part of this as those change orders were due to miscommunication between our previous public works employee and the engineer. The council did agree to a new completion date of October 13, 2023. Frundt was okay with this as it is not Joseph’s Company fault for the delay to the project.

Discussion was also held on taking out old filters to save them in case we need a pretreatment system. The old filters are exceptionally large and to take them out could be a larger expense than to just remove them. If we needed a pretreatment system, it would be more cost effective to purchase a newer pretreatment system than to use old filters.

A motion was made by Massop and 2<sup>nd</sup> by Reuter to adjourn. Motion carried unanimously.

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Tom Boeck, Acting Mayor

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Council

ATTEST:

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Patty Smith, Administrator, Clerk-Treasurer