

**SPECIAL COUNCIL SESSION
CITY OF CROSSLAKE MINNESOTA
DECEMBER 21, 1994
10:00 A.M. CITY HALL**

The Council for the City of Crosslake, Minnesota met in the Chambers of City Hall on Wednesday, December 21, 1994. The following Councilmembers were present: Mayor Kurt Anderson, Chuck Miller, Dean Swanson and Jack Webster. Absent was Lyle Arends. Also present was City Clerk Arlene Buchite and 9 citizens.

Mayor Anderson called the special meeting to order at 10:00 A.M. The first item on the agenda was to re-evaluate the dump truck bids. A conversation the Mayor had with the City Attorney indicated that the City had three options to consider. One option would be to leave everything as had been voted on at the December 12th meeting; a second option would be to reject and re-advertise all bids or; thirdly, to accept the equipment bid and re-advertise the truck or chassis bid.

A letter received from Lakeland Ford stated that Houston Ford was not a franchised truck dealer for the heavy duty truck line. Mayor Anderson requested a clarification from Houston Ford representatives who were in the audience. They stated that they do not have a franchise but they do service them. A recommendation was made by Mayor Anderson to leave the bids stand as they are were awarded with the bid for the chassis going to Houston Ford and the equipment bid to J-Craft.

A motion was made by Dean Swanson to rescind Motion 12R-12-94 of the December 12, 1994 meeting in regards to the purchase of the truck chassis for the Public Works Department. He indicated that on the night the bid was awarded, he, as a member of the Council, was not made aware that the bid specs had been sent to the bidders but that all bids had been received in response to the newspaper advertisements. He felt this changed his position. Secondly, the City Attorney did not advise him during the meeting that his reason of local service was inadequate for accepting anything other than the lowest bid. A subsequent letter from the City Attorney received December 15th advised the Council of this. Thirdly, he was not aware that there were only two heavy duty truck franchises in Minnesota. The motion received a second by Jack Webster but died with Dean Swanson and Jack Webster voting aye and Kurt Anderson and Chuck Miller voting nay.

Chuck Miller stated that prior to the Council meeting he was given a sheet of paper with totals of all dealers bids. Based on these totals, he made a motion to select Houston Ford since their bid reflected the lesser amount. Once the Council made a decision to split the chassis from the equipment, he still felt Houston should be awarded the bid since they were the lowest bidder overall.

It was noted, at this time, that the numbers tabulated for the December 12th meeting incorrectly showed Houston as the lowest

bidder. A bid for labor of \$3750 had been inadvertently omitted from the Houston Ford bid.

The Council felt the awarding of the equipment bid to J-Craft was valid.

Another motion was made by Chuck Miller to leave the equipment award as is and to re-bid the chassis. It received a second from Kurt Anderson but died with Chuck Miller and Kurt Anderson voting aye and Dean Swanson and Jack Webster voting nay.

Several items were discussed such as service at a dealer other than where the truck was purchased, whether a service truck was available for dispatch in this area and what hours would service be available to the City.

Another recommendation was made by the Mayor to leave the motion stand as approved at the December 12th meeting.

A motion was made by Dean Swanson, that due to the impasse, the process be tabled until the new council takes over in January. Motion died for lack of a second.

A motion was made by Jack Webster to cancel the awarding of the bid from the December 12th Council meeting and to re-advertise for bids to be opened at the January 9th Council meeting for the equipment and chassis. Motion died for lack of a second.

Ray Smyth asked two questions: (1) Will Houston Ford provide warranty service to a Ford truck purchased elsewhere? The answer from Houston was "yes". (2) That being the case what is the justification for accepting something other than the low bid on the chassis? Mayor Anderson answered that he did recommend the low bid of Lakeland and J-Craft for the equipment. Dean Swanson stated he seconded the motion based on the service angle and that the attorney had now advised him otherwise and, therefore, would like to see the motion of December 12th rescinded.

MOTION 12S3-01-94 WAS MADE BY DEAN SWANSON AND SECONDED BY CHUCK MILLER TO RESCIND MOTION 12R-12-94 WHICH AWARDED THE BID TO HOUSTON FORD AND AWARD THE CHASSIS BID TO LAKELAND FORD. MOTION CARRIED UNANIMOUSLY.

The next item of business was the contract with Bonestroo, Rosene, Anderlik and Associates. The contract has not been signed by the City due to some outstanding issues. There was some discussion about a bill for \$8,398.75 which had been received from the architect. The fees are being billed as a percentage of the cost of the entire structure. The Mayor was concerned that the City could end up paying architect fees on more than what the City actually ends up building since the billing is based on the engineers estimates which are \$670,000 to \$680,000. Ray Smyth felt that the outstanding bill should be approved for payment and that one individual be designated as the contact for the project. The

frequency of inspections was also discussed and it was felt that Bonestroo was equally as concerned about this matter.

Jack Webster suggested that a paragraph be included in the contract which designates one council member as the final authority on alternates or changes in the contract since dealing with several individuals on issues only causes confusion. The attorney will be contacted to draft a statement to address this.

A motion was made by Jack Webster to table the discussion regarding the payment of the invoice for Bonestroo, Rosene, Anderlik and Associates until further clarification is received. The motion died for lack of a second.

MOTION 12S-02-94 WAS MADE BY DEAN SWANSON AND SECONDED BY CHUCK MILLER TO PAY BONESTROO, ROSENE, ANDERLIK AND ASSOCIATES THE INVOICE RECEIVED FOR \$8,398.75. MOTION CARRIED WITH JACK WEBSTER VOTING NAY.

Chuck Miller, Dean Swanson, Jack Webster and Ray Smyth had reviewed all of the applications for warming house/ice rink attendant and a recommendation was made.

MOTION 12S-03-94 WAS MADE BY DEAN SWANSON AND SECONDED BY CHUCK MILLER TO APPROVE BETH ANDERSON AS THE ICE RINK/WARMING HOUSE ATTENDANT FOR THE '94-'95 SEASON. MOTION CARRIED UNANIMOUSLY.

Compensatory time was discussed for the two individuals in the police department.

MOTION 12S-04-94 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO PAY STEVE SCHAAR AND MIKE SMITH FOR THEIR COMPENSATORY TIME. MOTION CARRIED UNANIMOUSLY.

It was recommended that the Council be provided with a listing of holiday, vacation and compensatory time. Arlene Buchite mentioned that Ron Johnson was working on a program for the computer which would make this available.

MOTION 12S-05-94 WAS MADE BY JACK WEBSTER AND SECONDED BY DEAN SWANSON TO ADJOURN THE MEETING AT 11:10 A.M. MOTION CARRIED UNANIMOUSLY.

Recorded and edited by:



Arlene A. Buchite
City Clerk/Treasurer