

**CITY COUNCIL  
CITY OF RAMSEY'  
ANOKA COUNTY  
STATE OF MINNESOTA**

The Ramsey City Council conducted a special meeting on Tuesday, March 30, 2010, in the Alexander Ramsey Room, Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey  
Councilmember John Dehen  
Councilmember David Jeffrey  
Councilmember Matt Look  
Councilmember Colin McGlone  
Councilmember Jeff Wise

Members Absent: Councilmember David Elvig

Also Present: City Administrator Kurtis Ulrich  
Director of Public Works Brian Olson  
City Engineer Tim Himmer  
Parks Supervisor Mark Riverblood  
City Attorney William K. Goodrich

**1. CALL TO ORDER**

Mayor Ramsey called the special meeting of the City Council to order at 5:30 p.m.

**2. CITIZEN INPUT**

None

**3. APPROVE AGENDA**

Motion by Councilmember Wise and seconded by Councilmember Jeffrey to approve the agenda as presented.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Jeffrey, Dehen, Look and McGlone. Voting No: None. Absent: Councilmember Elvig.

#### 4. COUNCIL BUSINESS

##### **4.01 Consider Award of Contract for City Project #10-23, East Meandering Commons Park**

City Engineer Himmer stated he has some updated information from what was presented in the case as well as a proposed resolution for adoption. Bids were open last Friday with four bidders on Contract A – Site Improvements and seven on Contract B – Landscaping. The bids ranged from 2.8 million dollars up to 3.7 million dollars with staff's estimate being 3.3 to 3.4 million. The lowest bidder was W. Gohman at \$814,535.62 with Peterson being the second lowest bidder. Staff went through the numbers and tabulated and looked at all the alternates – throwing a couple of those out. The base contract includes the trail alignments, the amphitheater, retaining walls and pedestrian bridge. Alternate A adds in a trail segment on the west side of the bridge. Alternate B is a trail loop (new loop around the pond and wetland). Alternate C is trails around the amphitheater and tying up to the west end of the park. Alternate D is a trail alignment on the west end of the park. Alternate E is the promenade on the very west side. Staff is recommending not including the promenade. Alternate F is removal of wetland mitigation. We are waiting on a response from the Lower Rum River Water Management Organization. Staff pulled this one out but can include it back in later if desired. There is a \$15,000 cost to that.

Councilmember Dehen inquired when the discussion would take place with the WMO to which Mr. Himmer replied preliminary discussions have taken place. Legal issues have to be resolved; however, staff should be able to come back to Council within a month. We will have further discussion through the HRA.

City Engineer Himmer continued that Alternate G is all the electrical and lighting in the park. Connexus Energy was the low bidder on that and they handle the maintenance for the City (streetlights, etc.). Alternate H is the parking lot down on Rhinestone Commons. Alternate I is a wetland overlook. We are removing this alternate but it can come back depending on what is done with Alternate F. Alternate J is another wetland overlook. It's the same for that if we are not touching the wetland we can take this out – but it can be put back in. Alternate K is the wetland platform in between the wetland and the pond. Alternate L is a 60' pedestrian bridge that spans over the wetland area. Since we are not touching the wetland area, this should also come out. Alternate M is picnic tables. Alternate N is the well to supplement pond elevation. Alternate O is monument signs. Mr. Himmer stated these are all the alternates. Staff is recommending A, B, C, D, K, M and N and that is a total contract price of \$2,226,708.51 of low bidder W. Gohman Construction. Mr. Himmer reported that Contract B is for the landscaping. One alternate taken out was all plantings that went with the promenade since we took that out. Great Northern Landscapers in Elk River had the lowest bid of \$102,087.20 (less alternate 2). \$2,484,469.71 includes Connexus' bid. We are proposing a 10 percent overhead on this project for a total of \$2,732,916.71. Staff is recommending awarding Contract A to W. Gohman in an amount of \$2,226,708.51, Contract B to Great Northern for \$102,087.20

and Connexus for \$155,674, and along with that recommendation the ability to negotiate these out to a maximum of \$25,000.

Councilmember Dehen inquired why take out the parking area. Mr. Himmer replied we had that as a stand-alone project but Council could choose to add that back in. Councilmember Dehen asked if there would be a problem with the bid. City Attorney Goodrich stated there are some issues that would be better to be rebid with that alternative. Mayor Ramsey stated he would rather wait on that anyway. Councilmember Dehen stated that if there are legal issues with the parking lot, it would be his recommendation to rebid on that part. He wondered if it would be advantageous to get it done at the same time. City Engineer Himmer stated that the total bid of \$2.8 million from W. Gohman does include all these alternatives. Director of Public Works Olson noted that \$129,000 was the cost of that alternative.

Motion by Councilmember Look and seconded by Councilmember Jeffrey to adopt Resolution #10-03-075 awarding a contract for City Project #10-23 East Meandering Commons Park and to also rebid the parking lot and authorize staff to negotiate an inspection contract in a not to exceed amount of \$25,000.

Further discussion: City Attorney Goodrich stated there was some concern by the second lowest bidder of the bid submitted by W. Gohman. They feel the City Council should reject this bid and give the bid to the second lowest, finding the lowest bid is not a responsible bid. He stated he has had conversations with their attorney. There are some minor defects but not enough to reject the entire bid. They are asking the City Council to table action on this. Their concern is page 12 of 12 – the low bidder was supposed to enter the total bid numbers and all alternatives and they (W. Gohman) did not do that. However, the City can do that without going out to outside sources just by adding it up – so that's a minor defect the City can waive. They failed to include unit prices in alternates A, B, C and D. However, one can determine it by going to the base price so that's a minor defect, which the City can waive. They want time to evaluate and they are talking about a lawsuit and restraining orders. City Administrator Ulrich stated we are on a timeline with regard to this grant and if this project is delayed, we might put the money in jeopardy. He commented about putting that money in a bond to cover us if that happened. Mr. Goodrich stated that if it is determined they have a legitimate claim they could get a restraining order until the court has a chance to look at it. We would hope a bond would be required to cover our damages. They would have to be pretty certain about this action. Councilmember Look stated he is concerned about jeopardizing the Metropolitan Council money and inquired if anything has to be added to the motion. Mr. Goodrich responded no – if anything, it will be back to Council. Mr. Himmer commented on the incentive to complete this on time so delays would be a concern with regard to that as well. Councilmember Dehen stated he was not in favor of waiting. He felt the bid should be awarded – it should not be thrown out for a minor deficiency. He suggested Mr. Goodrich had done his due diligence. Councilmember Look agreed – we are tallying bids anyway to make sure the amount is correct and added he is not willing to jeopardize the money.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Look, Jeffrey, Dehen, McGlone and Wise. Voting No: None. Absent: Councilmember Elvig.

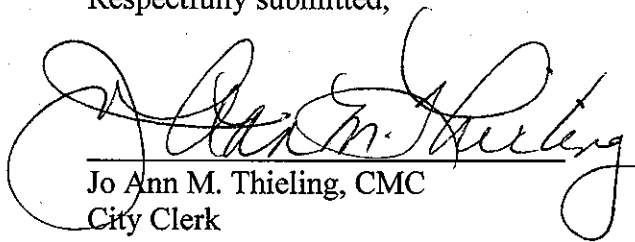
**ADJOURNMENT**

Motion by Councilmember Jeffrey and seconded by Councilmember Look to adjourn the meeting.

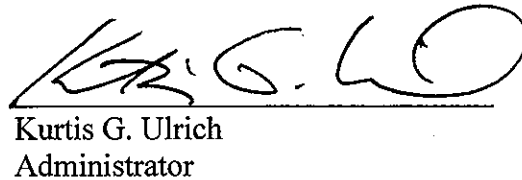
Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Jeffrey, Look, Dehen, McGlone and Wise. Voting No: None. Absent: Councilmember Elvig.

The special meeting of the City Council adjourned at 5:56 p.m.

Respectfully submitted,



Jo Ann M. Thieling, CMC  
City Clerk



Kurtis G. Ulrich  
Administrator

*Drafted by Jo Thieling, City Clerk*