

SUPPLEMENTAL PACKET

9.1.20

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date February 18, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: February 18, 2020

Re: Five Oaks Family Farm Subdivision and Variance Application at 120 and 502 Stagecoach Trail -
Supplemental

The resolution of approval in the Council packet did not reflect a finding and condition that Belwin would hold a conservation easement over the proposed new Parcels 1 and 2 to preserve the natural features on the parcels and to prevent future subdivision of the parcels. The attached resolution reflects both a finding and a condition regarding the conservation easement.

RESOLUTION 2020-13

**CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA**

A RESOLUTION APPROVING THE MINOR SUBDIVISION AND VARIANCE APPLICATION BY FIVE OAKS FAMILY FARM AT 120 AND 502 STAGECOACH TRAIL

WHEREAS, the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and

WHEREAS, Five Oaks Family Farm has applied for a minor subdivision and variance to allow a minor subdivision to divide two existing parcels to create three parcels; and

WHEREAS, the application requires a variance to allow the existing frontage of each of the existing parcels on Stagecoach Trail to be eliminated and become a part of proposed Parcel 3, so that proposed Parcels 1 and 2 do not have frontage on a public road, but have access to Stagecoach Trail via a private driveway easement over the two existing driveways that currently serve the two existing parcels.

WHEREAS, City staff reviewed the request and drafted a report for consideration; and

WHEREAS, the Planning Commission held a public hearing on the application at its regular meeting of February 3, 2020 and recommended APPROVAL of the minor subdivision and variance application on a vote of 6-0-1; and

WHEREAS, the legal description of the property is attached as Exhibit A, and

WHEREAS, the City Council heard the request at its regular meeting on February 18, 2020, at which it considered all of the comments, concerns and recommendations of the Planning Commission, Zoning Administrator and the applicant;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Afton does hereby APPROVE the Five Oaks Family Farm minor subdivision and variance application at 120 and 502 Stagecoach Trail, based on the findings listed below and with the conditions listed below.

Findings

1. The subject property is located in the Rural Residential zone, as are the properties to the west and south. The property to the east is zoned Agricultural.
2. The Rural Residential zone allows residential use with five-acre minimum lot size.
3. The Rural Residential zoning would allow the property to be subdivided to create a large number of 5-acre lots, through the construction of new public roads serving the lots.
4. All lots in the subdivision meet the minimum five acre lot size
5. All lots meet the minimum 2.5 acres of contiguous buildable area

6. The property owner intends to donate Parcel 3 to Belwin
7. The property has sufficient frontage on Stagecoach Trail to provide at least 300 feet of frontage for three separate lots
8. Proposed Parcels 1 and 2 do not have 300 feet of frontage on a public road
9. There is no access from the subject property to a public road to the north, south or west. The only public road serving the 240-acre property is Stagecoach Trail, which runs along the east boundary of the property.
10. The property includes substantial areas of steep slopes
11. The two existing parcels are served by two existing driveways that provide access to Stagecoach Trail, and Parcels 1 and 2 are proposed to continue to be served by the same two driveways
12. Providing 300 feet of frontage for the three proposed lots would require extending Parcels 1 and 2 to Stagecoach Trail, which would substantially reduce the size of Parcel 3; or would require the construction of a cul de sac street from Stagecoach Trail to Parcels 1 and 2.
13. The proposed subdivision would result in a very low density of three lots per 240 acres.
- 14. The proposal includes the holding of a conservation easement by Belwin over new Parcels 1 and 2 to protect the natural features on the parcels and to prevent the future subdivision of the parcels.**
15. The variance to the 300 foot frontage requirement is due to unique circumstances and does not establish a precedent for future subdivisions.

Conditions

1. Easements as required by the City Engineer, including private driveway easements and utility and drainage easements, shall be granted
2. All easements shall be subject to the review and approval of the City Engineer.
3. Scenic easements shall be placed on all slopes greater than 18%
4. The applicant shall execute a scenic easement agreement and shall record the scenic easement concurrent with the subdivision
5. If Parcel 3 is donated to Belwin and no dwelling is to be built on the parcel, the park dedication fee shall be waived. However, if Parcel 3 is not donated to Belwin within 24 months of the approval of the subdivision, the park dedication fee shall be paid immediately upon the expiration of the 24 month period.
6. Any new driveway(s) to serve Parcel 3 shall comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer.
- 7. Conservation easements held by Belwin shall be placed on new Parcels 1 and 2 to protect the natural features on the parcels and to prevent future subdivision of the parcels.**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 18TH DAY OF FEBRUARY, 2020.

SIGNED:

Bill Palmquist, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

Motion by:

Second by:

Nelson:

Ross:

Wroblewski:

Perkins:

Palmquist:

9.C.1

Ron Moore

From: Bruce Smith <brucesmith@customdrywall.net>
Sent: Monday, February 17, 2020 8:24 AM
To: Ron Moore
Subject: RE: call with Will
Attachments: Disputed Hours.pdf

Ron,

After receiving the December and January invoices from WSB I was able to complete a full analysis of hours charged to the escrow account. Please see the attached PDF with breakdowns of all the hours and why we believe they are not justified. If you could please forward to everyone attending the meeting tomorrow we would appreciate it.

Kind Regards,

Bruce Smith, Controller
Direct 651-605-8130 | Mobile 763-202-9969 | Fax 651-488-8432
Custom Drywall | St. Paul
488 Atwater Cir, St. Paul, MN 55103

From: Ron Moore <rmoorse@ci.afton.mn.us>
Sent: Tuesday, February 11, 2020 11:20 AM
To: Bruce Smith <brucesmith@customdrywall.net>
Subject: RE: call with Will

Bruce,
Yes, it would be helpful to have your comments for the Council Packet.
Thanks,
Ron

From: Bruce Smith [<mailto:brucesmith@customdrywall.net>]
Sent: Tuesday, February 11, 2020 11:10 AM
To: Ron Moore <rmoorse@ci.afton.mn.us>
Subject: RE: call with Will

Will has openly disputed these costs with you since the first time we identified them. I did not include the hours onsite with Jennifer when we all met on 10/11/19. All her hours in September appear to be directly related to dealing with resident concerns and meeting with them onsite. Had we received these invoices earlier we would have likely objected to keeping Jennifer on after her departure from WSB as her hourly rate is higher than all others. It seems like every time I dive deeper into analyzing this invoice the more questions and concerns I have. Would you like my comments prepared and submitted to be included with the agenda packet?

Bruce

From: Ron Moore <rmoorse@ci.afton.mn.us>
Sent: Tuesday, February 11, 2020 10:45 AM

The language of our developer's agreement states the following:

"The City shall have a right to reimburse itself from the Escrow upon notice to the Developer, with suitable documentation supporting the charges." – Section 18 Subparagraph b.

Despite several requests from our office to city administrator Ron Moore, we were never provided suitable documentation prior to the city reimbursing itself for expenses. Subsequently, we were never given the opportunity to question charges prior to payment being taken from our escrow funds. That is what leads us to where we are today. Ron Moore has notified us that the escrow account is insufficiently funded to cover recent billings from WSB. Only now that we have refused to relinquish additional funds has Ron begun to promptly address our concerns over documentation and excessive billing from WSB. The following sections will detail our objection to various line items on WSB invoices from April 2019 to present. Only recently were the months of September through November provided for our review, December and January were not provided until February 14th. We previously objected to charges directly with Ron for months April through August; however, nothing ever came of our request to have line items reviewed.

Resident Complaints:

It is no secret that from the early stages of this project there has been adamant objection from neighbors of the development and residents of Afton. This fact was so prevalent that at our first preconstruction meeting, WSB made it a point to remind everyone the high level of scrutiny the construction process was going to bring from the citizens. WSB was prepared for this fact since the onset. During the construction process WSB dedicated two employees to be onsite daily to monitor everything. Douglas Novak monitored daily activity of the construction team and coordinated field testing; Taylor Engstrom completed weekly NPDES compliance inspections; as well as, inspections in response to every rain event. Between the two of them there was rarely, if ever, a day without a WSB employee onsite during construction. We find it very hard to believe that any calls made by residents would have needed direct action taken by WSB; their staff was already communicating erosion, sediment and pond issues to our team. Ron could have easily communicated to the residents that their engineer was conducting thorough daily inspections identifying all violations of the SWPPP and NPDES requirements. Instead Ron forwarded all calls to WSB, to the furthest extent that Nick Guilliams of WSB took several calls directly from residents. Hours billed in response to dealing with calls delegated from Ron should not be our responsibility, WSB had already addressed them through monitoring by Doug and Taylor. Below is the itemized list of hours reported by WSB that have resident calls itemized; we would like these refunded to the escrow.

First	Last	Date	Description	Hours	Rate	Total
Nicholas	Guilliams	6/3/2019	Resident Complaints	0.50	166	83.00
Nicholas	Guilliams	6/4/2019	Construction Coordination, Resident Complaints	0.75	166	124.50
Nicholas	Guilliams	6/5/2019	Coordination with developer and Residents	0.25	166	41.50
Nicholas	Guilliams	6/6/2019	Coordination with developer, engineer, and residents	0.75	166	124.50
Douglas	Novak	6/15/2019	bio-log for inlet protection for culvert as described by resident, no culver found, bio-log left onsite	2.00	109	218.00
Douglas	Novak	6/17/2019	talk to contractor about culvert into Trout Brook, check soils on infiltration pond, review site and resident complaints with contractor	3.00	109	327.00
Nicholas	Guilliams	7/1/2019	coordination, site visit, mix designs, resident complaints, erosion control review	1.50	166	249.00
Nicholas	Guilliams	7/11/2019	Communication with residents and city. Erosion control follow up	1.00	166	166.00
Jory	Talberg	7/16/2019	3/4" rain last night. No topsoil work. Just hauling in gravel for roadway today. Addressed a complaint about site runoff. Contractor has bio logs set up and meet to have BMP for controlling run off. Issue will be continuous on that gravel road it appears.	1.50	94	141.00
Nicholas	Guilliams	9/3/2019	Pond Design, pavement issues, resident and city discussions	1.50	166	249.00
Nicholas	Guilliams	9/4/2019	Pond Design, pavement issues, resident and city discussions	1.00	166	166.00
Jennifer	Hildebrand	9/17/2019	Meeting to discuss stormwater concerns by citizens adjacent to preserves	3.50	176	616.00
Jennifer	Hildebrand	9/20/2019	Site visit with residents Afton Creek Preserve	4.50	176	792.00
Jennifer	Hildebrand	9/24/2019	Afton Creek Preserve	1.50	176	264.00
Jennifer	Hildebrand	9/26/2019	Afton Creek Preserve	3.00	176	528.00
Jennifer	Hildebrand	9/27/2019	Afton Creek Preserve	4.00	176	704.00
				Totals	30.25	4,793.50

Haul Route Violations:

During our first preconstruction meeting the haul route was laid out and agreed to between WSB and Peterson Companies. Prior to trucking activities, Peterson Companies confirmed the haul route with WSB and disseminated the information to their subcontracted drivers. Violations of that route should have been enforced by local law enforcement. Peterson companies did more than their due diligence to reiterate to the drivers the approved haul route. The human condition cannot always be controlled; identified violations should have been forwarded from Ron's office to the authorities, not WSB. Below is the itemized list of hours reported by WSB related to addressing the haul route; we would like these refunded to the escrow account.

First	Last	Date	Description	Hours	Rate	Total
Nicholas	Guilliams	6/11/2019	Construction coordination, discussions with developer and city, haul route, erosion control issues	0.50	166	83.00
Nicholas	Guilliams	6/12/2019	Construction coordination, discussions with developer and city, haul route, erosion control issues	2.50	166	415.00
Nicholas	Guilliams	6/13/2019	Construction coordination, discussions with developer and city, haul route, erosion control issues	2.50	166	415.00
Nicholas	Guilliams	6/14/2019	Construction coordination, discussions with developer and city, haul route, erosion control issues	3.00	166	498.00
Nicholas	Guilliams	6/17/2019	Construction with City and Developer, haul route, resident complaints, memo and prep for City Council Meeting	2.50	166	415.00
Nicholas	Guilliams	7/25/2019	Haul route discussion with city	0.50	166	83.00
Nicholas	Guilliams	7/26/2019	Haul route discussion with city and contractor, Odell ave access issue and solution	2.00	166	332.00
Jory	Talberg	7/15/2019	Reviewed site. Crew continued to bring in gravel for roadways and work topsoil around on lots. Had to address a haul truck complaint, the driver took the incorrect roads to jobsite. Foreman said he has addressed it and will call the cops on him himself if he has too	3.00	94	282.00
Douglas	Novak	7/26/2019	Check site, talk to contractor, return to site to check truck hauling on Odell, took pictures of cracked pavement, talked to matt about paving haul routs	4.00	109	436.00
				Totals	20.50	2,959.00

Asphalt Mix:

During the planning and approval process for our development the asphalt mixture for all the roads was reviewed and approved by WSB. Prior to starting the paving process WSB tried to direct us to use a

different mix formula. We objected to this direction due to the significant price difference from the approved mix. Any hours related to this endeavor should not be billed to our escrow account. We installed what was approved, attempting to change that for any reason should not be our cost. Below is the itemized list of hours reported by WSB related to addressing Mix Design; we would like these refunded to the escrow account.

First	Last	Date	Description	Hours	Rate	Total
Nicholas	Guilliams	6/27/2019	Coordination, Mix designs	0.50	166	83.00
Nicholas	Guilliams	6/28/2019	Coordination, Mix designs	1.00	166	166.00
Kris	Keller	6/27/2019	submittal review, mix desigsn	0.75	124	93.00
Kris	Keller	6/28/2019	submittal review, mix desigsn	0.50	124	62.00
Nicholas	Guilliams	7/9/2019	coordination, communication with city and developer, mix design	1.00	166	166.00
Totals				3.75		570.00

In conclusion, we have identified a total of 54.5 hours totaling 8,322.50 that we don't believe should have been applied to our escrow funds. Had these invoices been provided prior to the city taking reimbursement we would have raised issue then. We will not provide additional funds to the escrow until each of the itemized line items presented here are addressed. Ron and Nick have both agreed to send all future invoices to our attention at the same time the city receives them; this should facilitate open communication about charges moving forward.

Ron Moorse

From: Nicole Rickard <nmettler_05@hotmail.com>
Sent: Monday, February 17, 2020 11:36 AM
To: mayor; ward2; ward1; ward3; ward4; Ron Moorse
Cc: jgrickard@yahoo.com
Subject: Comments for 2/18/20 City Council Meeting

TO: Afton Mayor, City Council Members, Ron Moorse
RE: 2/18/20 Agenda item for the Afton Creek Preserve Developer Concerns Regarding Escrow Account Charges

Mr. Moorse,

Please include this in the packets for the City Council Meeting tomorrow.

For the past several years, Afton residents have raised concerns around the historical runoff and the potential impacts of the Afton Creek Preserve Development. Mr. Carlson and his development team chose to ignore the resident's concerns when determining the location and construction of the storm water ponds. It is the developer's responsibility to identify, investigate and pay for performance issues and correcting them – period.

By raising concerns of charges to have Ms. Hildebrand and other City members identify performance issues to be resolved by the Developer, they are ultimately asking for the Afton residents to pay for their lack of doing due diligence and constructing the ponds to minimize negative impacts to Trout Brook and neighboring properties. **Why should Afton residents pay for this?**

Ask Mr. Carlson and his team – if your PERSONAL property was being negatively impacted by a development adjacent to your property, would you not expect that developer to be held accountable to address and pay for corrections?

Thank you,
Jim and Nicole Rickard
5650 Odell Ave S.

9.C.3

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date February 18, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: February 18, 2020

Re: Gehrke Property Exchange - **Supplemental**

The City Engineer has provided a cost estimate for a bridge over Kelles Creek to enable the bike trail to continue south of the levee. The cost estimate is \$150,000, which could be reduced through the design process and a competitive bid process.

9.C.4

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date February 18, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members
From: Ron Moorse, City Administrator
Date: February 18, 2020
Re: 2019 General Fund Surplus – **Supplemental**

Spreadsheet Showing Current and Future Funding Needs

As background information for the allocation of the General Fund surplus of \$59,110, Council member Ross has prepared a spreadsheet of costs related to necessary IT replacements and upgrades, additional document scanning needs and additional audio visual equipment upgrades in the Council Chambers. IT and communications costs have generally been funded from the Community Communications line-item in the Special activities Account of the General Fund. The City receives approximately \$11,000 per year from cable TV franchise fees that is used as the source of funding for the Community Communications line-item. While the Community Communications line-item currently has a balance of about \$200, the City is scheduled to receive about \$11,000 in March.

Resolution Approving Transfers From General Fund

If the Council decides to transfer all or a portion of the General Fund Surplus to other funds, the attached resolution can be used to approve the transfers.

Technical Committee Budget Review

Task	Description	Present Needs (F20)	Future Needs
<u>Scanning</u>	Sub-Division files, located in 2nd floor lateral files pre-2,000 CC and PC minutes and resolutions and ordinances	\$4,500	
	Drawings in Flat Files, located on 2nd floor east wall		\$700
	Move historic files in Council Chambers to Museum		
	Files located in Office area		\$2,500
	Legal proceeding's documents in lateral files		\$1,500
<u>Computers</u>	Email Migration (12 addresses)	\$1,200	
	New Server hardware, OS and installation		\$7,000
	2 new PCs & Software		\$4,800
	1 new Laptop & Software		\$1,800
<u>AV System</u>	2nd PTZ Camera & Installation		\$3,500
	4 Additional Microphones for PC	\$2,500	
	Additional Audio Mixer	\$1,200	
	Podium Microphone	\$500	
	Wireless Transciever	\$500	
Totals:		\$10,400	\$21,800

RESOLUTION 2020-16

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

**A RESOLUTION APPROVING A YEAR END TRANSFER FROM THE
GENERAL FUND OPERATING SURPLUS**

WHEREAS, the General Fund operating budget ended the 2019 year with a surplus of approximately \$59,000; and,

WHEREAS, the City Accountant has advised that it would be safe to transfer a portion of the General Fund surplus out of the General Fund; and,

WHEREAS, the Council discussed the need to transfer a portion of the General Fund operating surplus to the following Funds: _____ Fund,

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Afton, County of Washington, Minnesota, authorizes the following transfers from the General Fund:

To the _____ Fund: \$ _____
To the _____ Fund: \$ _____
To the _____ Funds: \$ _____

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 18TH DAY OF
FEBRUARY, 2020.**

SIGNED:

Bill Palmquist, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

Motion by:
Second by:
Nelson:
Ross:
Wroblewski:
Perkins:
Palmquist:

9.C.8

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date February 18, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members
From: Ron Moorse, City Administrator
Date: February 18, 2020
Re: Additional Document Scanning Projects - **Supplemental**

The following is an outline of the quote received from Cities Digital for additional scanning projects.

• Subdivision files: \$409.50 per drawer times five drawers		\$2,047.50
• Pre-2,000 Council and Planning Commission minutes, resolutions and ordinances		
Document Scanning:	\$1,023.00	
Indexing by year, date and type	\$1,300.00	
Subtotal		\$2,323.00
• Scanning large plans and final plat mylars in flat files		\$ 700.00
• On-site pick-up and drop-off		<u>\$ 118.00</u>
Total		\$5,188.50

9.0.11

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date February 18, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members
From: Ron Moorse, City Administrator
Date: February 18, 2020
Re: City Hall LED Lighting Project Update - **Supplemental**

The lighting contractor has not provided a price quote specific to the lighting fixtures in the restrooms. However, based on the price quote for the City Hall lighting project, it appears the cost for two new light fixtures would be approximately \$250.00.

COUNCIL ACTION REQUESTED:

Motion regarding authorizing the light fixtures in the restrooms to be replaced as part of the City Hall lighting project at a cost of \$250.00.