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**PROCEEDINGS OF THE AFTON CITY COUNCIL
CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA**

APPROVED City Council Regular Meeting Minutes
March 21, 2017
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
7:00 P.M.

1. **THE MEETING WAS CALLED TO ORDER** at 7:00 P.M. by Mayor Bend.

2. **THE PLEDGE OF ALLEGIANCE** – was recited.

3. **ROLL CALL:** Council Members Nelson, Ross, Richter, Palmquist, and Mayor Bend. **Quorum Present.**

ALSO PRESENT: Jill Lucas (VBWD Manager), Jennifer Koehler (Barr Engineering), City Attorney Fritz Knaak, Doug Green (Springsted Incorporated), Todd Hubmer (WSB), City Accountant Tom Niedzwiecki, City Administrator Ron Moore.

4. **APPROVAL OF AGENDA** – [some agenda items were discussed out of sequence]

A. Agenda for the Regular City Council Meeting of March 21, 2017 – Council Member Ross referred to Agenda Item 9D5 and 9D6 – would like to add to either of having another work session to address task management, staff task management, and workload. Council Member Nelson asked 7D report on Fire District be moved to 10D. Mayor Bend requested addition of 9(D)10 – adding consideration of his attending Emergency Management training at Camp Ripley; has number of line edits in MIDS discussion and since no PC members present, would like to delay discussion. Council Member Richter originally placed on agenda and has only a couple of comments so remained.

Motion/Second: Palmquist/Ross. To Approve the Agenda of the March 21, 2017 Regular City Council Meeting as amended. Motion carried 5-0-0.

5. **APPROVAL OF MINUTES -**

A. Minutes of the February 21, 2017 Regular City Council Meeting

Council Member Nelson added corrections to line 180 to Kris Kopitzke and line 321 to conference meeting. Mayor Bend pointed to line 72 regarding JPA – stating his comments should have been two negatives – there isn't an option to reopen the Joint Powers Agreement, nor is there any legal obligation of the District Board to require public posting.

Motion/Second: Bend/Ross. To Approve the Minutes of the February 21, 2017 Regular City Council Meeting as amended. Motion carried 4-0-1. [Council Member Nelson absent]

B. Minutes of the March 6, 2017 Council Work Session

Motion/Second: Bend/Ross. To Approve the Minutes of the March 6, 2017 Council Work Session as presented. Motion carried 5-0-0.

C. Minutes of the March 6, 2017 Special Council Meeting

Motion/Second: Bend/Ross. To approve the minutes of the March 6, 2017 Special Council Meeting as presented. Motion carried 5-0-0. Council Member Richter asked if PC Minutes were provided with MIDS discussion.

6. **PUBLIC INPUT** – None

7. **REPORTS/PRESENTATIONS -**

A. Sheriff's Monthly Report – absent

B. Jennifer Koehler, Valley Branch Watershed District, Septic Inspection Program Update

54 Jill Lucas, VBWD Manager also in attendance; working on the Valley Branch Watershed District's Septic
55 Inspection Program for the area in the sub watershed of Kelles Creek and provided an update report
56 regarding the Septic Inspection Program; Clean Water Fund Grant will focus on septic systems and develop
57 summary report for submittal to BWSR. In answer to Council Member Palmquist, two residents have
58 pursued cost-share funds through the VBWD septic system upgrade/replacement program; also asked if
59 VBWD will follow-up and re-test. Council Member Richter asked for clarification of grant funding. Mayor
60 Bend asked about feasibility of update in newsletter regarding failing systems and 50% chance of
61 contamination in an effort to get greater participation. [will be added to Work Session]

62 C. Tom Niedzwiecki, Budget Report

63 Referred to Financial Report for Year Ending 2016 that will be used for audit; copies of final report were
64 not provided for CC but Administrator will get Council Member Richter a hard copy and get digital copy to
65 all Council Members. January/February combined is two month report as typically not too much
66 happening; Snow & Ice almost \$50,000 for the two months; \$15,000 for building permit fees. Questioned
67 WSB for local 2017 Streets Improvement Project – Administrator Moorse said costs include engineering,
68 plans, specs, advertising; assigned Account 7983. Small city assistance aid bill tailored for roads, based on
69 miles of roads – Administrator Moorse will check on additional information. Attorney Knaak said CC could
70 approve a Resolution in support of the bill in advance of the preparation of the resolution.

71 **Motion/Second: Bend/Richter. To approve a Resolution that will be composed by Administrator**
72 **Moorse drafted in conformance with the requirements or preform resolution provided to him by the**
73 **League of Minnesota Cities in support of a bill in the State Legislature to fund local roads. ROLL**
74 **CALL: All Ayes.**

75 D. Lower St. Croix Valley Fire District Report [moved to 10A]

76
77 8. **CONSENT AGENDA –**

78 **Motion/Second: Richter/Ross. To approve the Consent Agenda as presented, including Resolution**
79 **2017-17, a Resolution approving 4M Fund transfers for January and February 2017. ROLL CALL:**
80 **All Ayes. Motion carried and Resolution 2017-17 adopted 5-0-0.**

81 **A. Just and Correct Claims**

82 **B. 4M Fund Transfer – January and February – Resolution 2017-17**

83
84 9. **CITY COUNCIL BUSINESS -**

85 **A. Public Hearings –**

86 1. The Use of \$3.5 million of GO Abatement Bonds to Finance the 2017 Street Improvement Project – In
87 order to develop solutions for meeting the City's deferred street improvement needs, CC determined to take
88 advantage of low interest rates and move forward with improvements to the streets currently in fair to poor
89 condition and to finance improvements with the sale of \$3.5 million of GO Abatement Bonds; option will
90 address deferred street maintenance needs and put City into position to fund all future street improvements
91 on a pay-as-you-go basis; the City has retained Springsted Incorporated in St. Paul as its independent
92 municipal financial advisor.

93
94 **Public Hearing on Use of \$3.5 million of GO Abatement Bonds to Finance the 2017 Street**
95 **Improvement Project opened at 7:51 p.m.;**

96 **No written or public comments;**

97 **Motion/Second: Nelson/Palmquist. To Close Public Hearing at 7:40 p.m.**

98
99 **Motion/Second: Richter/Palmquist. To Approve Resolution 2017-21, a Resolution Regarding the**
100 **Abatement of Property Taxes Levied by the City to be Redirected to the 2017 Street**
101 **Improvements Project. ROLL CALL: All Ayes. Resolution 2017-21 adopted 5-0-0.**

102
103 **Call for the Sale of \$3.5 Million of GO Abatement Bonds – Resolution 2017-18**

104 **Motion/Second: Ross/Nelson. To approve Resolution 2017-18, a Resolution Providing for the**
105 **Competitive Negotiated Sale of \$3,500,000 General Obligation Tax Abatement Bonds, Series**
106 **2017B. ROLL CALL: All Ayes. Resolution 2017-18 adopted 5-0-0.**
107

108 2. Ordinance Amendment to Integrate Minimum Impact Design Standards (MIDS) into the Zoning
109 Code – Ordinance 03-2017

110 **Public Hearing opened by Mayor Bend at 7:51 p.m.**

111 **Public Comments:**

112 Jill Lucas (VBWD Manager) asked why the planning Commission was not involved.

113 **No additional Public Comments**

114 **Motion/Second: Ross/Bend. To close Public Hearing at 8:59 p.m.**

115 Council Member Richter read an email received from Barbara Ronningen, PC Chair; asked about PC
116 minutes from January; copies were provided to Council; Chair Ronningen referred to MIDS Amendment
117 and PC discussion of MIDS language and noted material she received for tonight’s meeting does not include
118 any language regarding conflicts with the current zoning ordinance. Council Member Palmquist noted there
119 was ample time to review the ordinance prior to the end of the grant. Council Member Nelson stated MIDS
120 includes everyone; it provides uniformity across watersheds. Mayor Bend referred CC to previous
121 conversations that if adopting MIDS recommendation conflicts with a current or future ordinance that the
122 more restrictive language applies; need to quantify and have some measureable parameters for engineering;
123 and Afton needs uniformity within watersheds and MIDS provides these controls. Mayor Bend wanted to
124 focus on language changes, after cursory review including:

- 125 • Sec. 12:409 Stormwater Management – add shall not be eliminated because of construction or land
126 disturbance;
- 127 • 12:2454 B Greater restrictions – add construction, land disturbance;
- 128 • Sec 12-2473 Exemptions – delete 3. Silvicultural/forestry activity
- 129 • Ordinance 03-2017 M – Use original language in ordinance
- 130 • Afton Code CD13:5 M & N – Substitute original definition

131 **Motion/Second: Bend/Palmquist. To adopt the Ordinance Amendment to Integrate Minimum**
132 **Impact Design Standards (MIDS) into the Zoning Code – Ordinance 03-2017. ROLL CALL:**
133 **Council Member Nelson, Ross, Palmquist, and Mayor Bend aye. Council Member Richter nay.**
134 **Ordinance Amendment adopted 4-1-0.**

135 Council Member Richter still had a few questions about ordinance language changes.

136 **C. Engineering Report** – (Engineer Staff Report & Council Update)

137 1. March Engineer’s Report

138 a. 30th Street Culvert

139 The supplemental packet included an updated invoice/sales contract for actual culvert cost of
140 \$20,120.02; other project costs include TriCounty Installation - \$24,908.00 and Bituminous Patch, Curb and
141 Gutter, and Guardrail - \$22,200.

142 **Motion/Second: Bend/Richter. To authorize moving forward with the plans for the 30th Street**
143 **Culvert as presented. Motion passed 5-0-0.**

144
145 b. 2017 Street Improvement/Pavement Management Project Update

146 Administrator Moorse advised the project is out for advertisement for bids; bids will be opened on April
147 6, 2017 and results will be brought to the April 18 Regular City Council meeting for award; looking at
148 beginning work in May.

149
150 c. Finalize the Assessment Roll for the Downtown Village Improvements Project and Call for a
151 Public Hearing Regarding the Assessments – Resolution 2017-19

152 The Downtown Village Improvements Project will be starting construction at the end of March; a
153 preconstruction meeting was held on March 13, 2017, and a notice to proceed has been issued to the
154 contractor; CC accepted Feasibility Report and authorized preparation of plans and specifications on April
155 15, 2015; as part of the special assessment process outlined in Minnesota Statutes Chapter 429, the City
156 Council is required to approve the final assessment role and call for a public hearing regarding the
157 assessments. Administrator noted property (42) Gary Maas changed to 27,200 due to a subdivision that
158 created an additional lot; (94) Bonnie Lind – confirmed-\$44,700 is correct; (80) Kathy Bolton-Iverson –
159 similar to Maas \$25,000; (18) Skluzacek the City did not include the properties in the area of the west side
160 of Pennington in the sewer project; (75) Valerie Stoehr & Carol Iwata - two parcels being assessed full
161 amount for house and lot across; Council Member Palmquist would recommend pulling the one because he
162 didn't think it was a buildable lot; buildable or not; thinks City owes it to residents to treat fairly. City
163 Engineer said it would take them a week to determine if the lot is buildable or not. Palmquist still thinks lot
164 is unique. Mayor Bend indicated they are making their assessment based on the actual lots.
165 Motion/Second: Bend/Richert. To authorize staff to determine if lot is buildable (Valerie Stoehr & Carol
166 Iwata, plot 75), and if not, to amend the lot from the assessment. Motion withdrawn Bend/Richter. Mayor
167 Bend asked about assessment on 65 – was already changed earlier. Council Member Palmquist questioned
168 5% interest rate. Counsel Knaak confirmed value of improvement in resident property cannot be less than
169 what they are assessed.

170 **Motion/Second: Bend/Ross. To adopt Resolution 2017-19, a Resolution Approving Final**
171 **Assessment Roll dated 3/21/17, and Call for Public Hearing on the Assessment for the**
172 **Downtown Village Improvement Project on April 26, 2017, at the Memorial Lutheran Church,**
173 **15730 Afton Boulevard, Afton MN, at 7:00 p.m.. ROLL CALL: All Ayes 5-0-0. Resolution 2017-**
174 **19 Adopted.**

175
176 **Motion/Second: Palmquist/Nelson. To authorize Staff to work with the owner of property**
177 **75 (Valerie Stoehr & Carol Iwata) parcel to identify any extenuating circumstances affecting its**
178 **buildability. Motion passed 5-0-0.**

179
180 d. Washington County's Afton-Lakeland Trail Repaving Project

181 Construction plans for the Washington County Afton-Lakeland Trail repaving project presented;
182 project involves milling and overlaying the surface along with bridge railing replacement at the
183 Bridge in Afton over Valley Creek; City Engineer authorized to sign the construction plans on
184 behalf of the City.

185
186 **Motion/Second: Bend/Nelson. To adopt Resolution 2017-20, a Resolution Authorizing the**
187 **City Engineer to sign the construction plans, for Washington County's Afton-Lakeland Trail**
188 **Repaving Project. ROLL CALL: All Aye. Resolution 2017-20 adopted 5-0-0.**

189
190 **B. Planning Commission Report – (PC Chair Report & Draft PC Minutes)**

- 191 1. Joint Work Session Between the Planning Commission and the City Council (2017 Goals)
- 192 2. Role of Planning Commission

193 At the Council's joint work session with the Planning Commission, there was discussion about
194 providing the CC and PC information regarding the duties of the Planning Commission; the City's
195 ordinance language for formation and operation of the Planning Commission and materials from the
196 LMC were provided to CC; suggestions that some PCs are compensated/show appreciation to PC
197 members.

198
199 **D. Administration –**

200 1. Culvert Replacements for the 2017 Street Improvements Project

201 A fourth price quote was received for providing culverts; staff recommends approval of the price quote
202 from TrueNorth Steel in the amount of \$36,275.42, along with a price quote of \$2,000 for erosion
203 control blanket and seed for all culvert replacements.

204 **Motion/Second: Nelson/Ross. To approve the purchase of 41 culverts from TrueNorth Steel in the**
205 **amount not to exceed of \$38,275.42 subject to ensuring the culverts meet all required specifications,**
206 **which includes a \$2,000, and to approve the price quote of \$2,000 for erosion control blanket and seed**
207 **for all culvert replacements. Motion passed 5-0-0.**

208 **Motion/Second: Nelson/Ross. To approve the price quote from TriCounty in the amount of \$98,400**
209 **for removal of existing culverts and installation of new culverts as needed for the 2017 Pavement**
210 **Management Project. Motion passed 5-0-0.**

211
212 2. Contracted Operator for the Wastewater Treatment System

213 Wenck Associates and WSB, the City's engineers for the Downtown Village Improvements Project, have
214 completed a Request for Proposals (RFP) process to select a contracted operator for the wastewater
215 treatment system; two proposals received from qualified operators, Peterson Management Co. and Natural
216 Systems Utilities (NSU); need to select a contracted operator the wastewater treatment system and authorize
217 Mayor Bend and the City Administrator to sign a contract with the selected operator that reflects the duties
218 and responsibilities in the RFP and that has been reviewed and approved by the City Engineer and the City
219 Attorney; Peterson Management Co. indicated they would do a 3-year contract at \$18,100 for all 3 years.
220 Routine maintenance budget also discussed, along with proposal and budgeting for the wastewater treatment
221 operation and management (annual/monthly).

222 **Motion/Second: Bend/Nelson. To enter into an agreement with Peterson Management Co. at an**
223 **amount not to exceed \$18,100 for a 1-year contract for a Contracted Operator for the Wastewater**
224 **Treatment System. Motion passed 5-0-0.**

225
226 3. Change Order No. 1 for the Wastewater Treatment System Project

227 Moore indicated Contractor cost increases and two design changes are resulting in increased costs; one area
228 of design changes is result of comments by MPCA regarding flexibility available to system operator, and
229 large control panel redesigned to accommodate panels; change order No. 1 is \$152,324 – (\$104,024 related
230 to cost increases and \$48,300 related to design changes.

231 **Motion/Second: Palmquist/Nelson. To approve Change Order No. 1 for the Wastewater**
232 **Treatment System Project in the amount of \$152,324.00 due to cost increases resulting from**
233 **project delays and design revisions. Motion passed 5-0-0.**

234
235 4. Steven Blondo Proposal for Archeological Monitoring During Excavation

236 To meet project requirements regarding protection of the area near the Rattlesnake Mound Group, the City
237 agreed to provide archeological monitoring during excavation near the Mound. Steven Blondo has provided
238 a proposal for monitoring that will depend on time and duration of excavation; cost based on hourly rate of
239 \$75/hour. Mayor asked for friendly amendment to pay only for work during actual hours of evacuation.

240 **Motion/Second: Nelson/Ross. To authorize the work of Blondo Consulting, LLC to provide**
241 **archeological monitoring during actual excavation near the Rattlesnake Mound Group. Motion**
242 **passed 5-0-0.**

243
244 5. Schedule Work Session

245 Tabled

246
247 6. Schedule Joint Work Session with the Planning Commission

248 Tabled

249
250 7. City Credit Card

251 **Motion/Second: Bend/Nelson. To authorize City Administrator Moore to propose best**
252 **management practices for the management of a City credit card to be used by selected City staff.**
253 **Motion passed 5-0-0.**

254
255 8. Skim Coat for River Road

256 **Motion: Nelson/Ross. To approve skim coat patching where needed on River Road at a cost not**
257 **to exceed \$25,000, subject to review by the Public Works Committee at their next meeting.**
258 **Motion passed 5-0-0**

259
260 9. City Clerk Hiring Process Update
261 **Motion/Second: Palmquist/Richter. To authorize the Personnel Committee to complete the**
262 **hiring process within the published pay range.**

263
264 10. Emergency Training for Mayor
265 **Motion/Second: Nelson/Palmquist. To approve expenses associated with Mayor Bend attending a**
266 **three-day emergency management training session at a cost not to exceed \$500. Motion passed 5-**
267 **0-0.**

268
269 [VIDEO TAPE ENDED AT THIS TIME]

270
271 **E. Committee Reports**

- 272 1. Public Works
- 273 2. Personnel
- 274 3. Parks
- 275 4. Heritage Preservation Commission / Design Review
- 276 5. Natural Resources and Groundwater

277
278 **10. COUNCIL, CONSULTANT, AND STAFF REPORTS, ANNOUNCEMENTS, AND UPDATES**

279 **A. Ward 1 Council Member Palmquist**

280 **B. Ward 2 Council Member Richter**

281 **C. Ward 3 Council Member Ross**

282 **D. Ward 4 Council Member Nelson** – Fire District Report. Voted against Fire Chief position; checked
283 with hospital ambulance re: their interest in serving Afton. Mayor Bend spoke with Jim Stanton to get
284 personnel policies updated.

285 **E. Mayor Bend**

286 **F. City Attorney Knaak** – For February, Holstad & Knaak PLC represented Afton in a total of 7
287 prosecutions that were followed through to conviction or alternative disposition.

288 **G. City Administrator Moorse**

289
290 **11. ADJOURN –**

291
292 **Motion/Second: Bend/Ross. To adjourn the meeting at 11:45 p.m. Motion carried 5-0-0.**

293
294 Respectfully submitted by:

295
296
297 _____
298 Ronald J. Moorse, City Administrator

299
300
301 **Approved by Council (April 18, 2017) as (check one): Presented: _____ Amended: X**

302
303 **Mayor Richard Bend _____ Date _____**