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

APPROVED City Council Regular Meeting Minutes
May 16, 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: Washington County Sheriff Deputies, Jim Stanley (LSCV Fire), Nick Guilliams (City Engineer), Michael Pofahl (Audit CPA), Karen Weiss (Parks Committee), City Administrator Ron Moore, City Attorney Fritz Knaak, and City Accountant Tom Niedzwiecki

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

A. Agenda for the Regular City Council Meeting of May 16, 2017

Council Member Ross requested two items be added to agenda – (1) a discussion about extra patrol on CSAH 21 and (2) discussion of AABA City effort to replace a tree located on the west side of St. Croix Trail across from Selma's. Mayor Bend clarified agenda items that were included in the Supplemental Packet:

9B1c. Relocation of Power Poles on St. Croix Trail

9C3a. Payment Request No. 2 for the Wastewater Treatment System Project

9C10. Supplemental Engineering Costs

9C11. Authorization Regarding the Approval of Plan Changes/Additions and Related Costs During the Construction of the 2017 Pavement Management Project

9C12. Price Quote from Tri County for Culvert Replacement Needed for the Streets to be added to the 2017 Pavement Management Project

9C13. Price Quote for Culverts for Supplemental Streets

9C14. Xcel Energy Invoice for Upgrading Electrical Service for Lift Stations in the Downtown Village Improvement Project

9C15. 30th Street Culvert

9C16. Grant for the Conservation and Protection of Afton's Natural and Scenic Assets

9C17. Proposal to prepare a Natural Resources Inventory Update for the Will Carlson Property

9C18. Additional Patrols for CSAH 21

9C19. City Effort to Replace Tree Located on West Side of St. Croix Trail across from Selma's

43 **Motion/Second: Richter/Ross. To approve the agenda of the May 16, 2017 Regular City Council Meeting as amended. Motion carried 5-0-0.**

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46 5. **APPROVAL OF MINUTES**

A. Minutes of the April 18, 2017 Regular City Council Meeting

47 **Motion/Second: Bend/Ross. To Approve the Minutes of the April 18, 2017 Regular City Council Meeting Minutes as Presented. Motion carried 5-0-0**

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53 **B. Minutes of the April 24, 2017 City Council Work Session**

54 **Motion/Second: Palmquist/Nelson. To Approve the Minutes of the April 24, 2017 City Council Work**
55 **Session as presented. Motion carried 5-0-0.**

56
57 **C. Minutes of the April 24, 2017 Special City Council Meeting**

58 **Motion/Second: Ross/Palmquist. To Approve the Minutes of the April 24, 2017 Special City Council**
59 **Meeting as Presented. Motion carried 5-0-0.**

60
61 **D. Minutes of the April 26, 2017 Special City Council Meeting (Assessment Hearing)**

62 **Motion/Second: Palmquist/Ross. To Approve the Minutes of the April 26, 2017 Special City Council**
63 **Meeting as presented. Motion passed 5-0-0.**

64
65 **E. Minutes of the May 2, 2017 City Council Work Session**

66 **Motion/Second: Ross/Bend. To Approve the Minutes of the May 2, 2017 City Council Work Session**
67 **as Presented. Motion passed 5-0-0.**

68
69 **F. Minutes of the May 2, 2017 Special City Council Meeting**

70 **Motion/Second: Palmquist/Ross. To Approve the Minutes of the May 2, 2017 Special City Council**
71 **Meeting Minutes as Presented. Motion passed 5-0-0.**

72
73 **6. PUBLIC INPUT – None**

74
75 **7. REPORTS/PRESENTATIONS -**

76 **A. Sheriff's Monthly Report**

77 The Deputy reported 102 calls for service during the month of April 2017. Council Member Ross suggested
78 reengaging patrol on CSAH 21 for issue of speeding and loud motorcycles. Council Member Nelson noted
79 problem also on north side of Stagecoach. The Deputy will ensure their contract cars are aware of the problem
80 and begin patrols. Mayor Bend asked that Administrator Moorse communicate to the Sheriff's Department
81 as an action item.

82
83 **B. Tom Niedzwiecki, Budget Report - [will provide report when he arrives]**

84 Provided information regarding the payoff of the old Downtown Temporary Bond and issuance of the new
85 one plus the new accounts set up to handle the construction phase of the projects. Council Member Richter
86 asked that Council be kept current on the balance of various accounts, especially fund disbursements; would
87 like more detail on the funding sources for the Downtown Project expenses – cash flow statement.

88
89 **C. Lower St. Croix Fire District Report**

90 Council Member Nelson reported the addition of a full time chief position for the Lower St. Croix Valley Fire
91 Department. Deputy Chief Jim Stanley confirmed there will be no increase in cost for 2018 and also 2019
92 depending on ambulance service revenue.

93
94 **D. Michael Pofahl – 2016 Audit Report**

95 Michael W. Pofahl, CPA, provided results of audit of financial statements for the year ended December 31,
96 2016; he suggested having staff complete property spreadsheet updating capital assets in the future.

97
98 **8. CONSENT AGENDA**

99 **Motion/Second: Palmquist/Ross. To approve the Consent Agenda as presented, including Resolution**
100 **2017-31 and including Item C/Supplemental Claims. ROLL CALL: All Ayes. Motion passed 5-0-0.**

101 **A. Just and Correct Claims**

102 **B. 4M Fund Transfer – APRIL – Resolution 2017-31**

103 **C. Supplemental Claims**

104

105 **9. CITY COUNCIL BUSINESS**

106 **A. Planning Commission Report** – (There was no representative available from Planning
107 Commission)

108 1. Comprehensive Plan Update

109 Administrator Moorse updated Council on the Planning Commission’s process of developing a
110 draft update of the Comprehensive Plan; each member reviewed a section of the Plan and
111 identified information or language needing to be updated; the Commission requested a copy of
112 the 2012 Park Plan to assist in the Update of the Parks and Open Space section and also that
113 staff obtain updated demographic information and transportation system information from the
114 Met Council; an environmental scorecard also discussed and staff requested to obtain
115 template from Met Council, if available. Council Member Richter asked how much detail
116 should be in the Comp. Plan versus just including an overview. Mayor Bend requested that
117 PC gather input from the Park Commission and Natural Resources and Groundwater
118 Commission [NRC] that is working on a scorecard that is fairly detailed and will assist both
119 staff and PC. Council Member Palmquist updated a resignation on the Planning Commission
120 and suggested a ‘thank you’ note from the City; Judy Seeberger has been a great asset;
121 this leaves vacancy in Council Member Nelson’s ward. Mayor Bend suggested a policy of routinely
122 recognizing volunteers for their help and assistance for the City of Afton.
123

124 **B. Engineering Report – (Engineer Staff Report & Council Update**

125 1. March Engineer’s Report

126 a. Pay Voucher No. 1 from Geislinger and Sons, Inc. for Downtown Village Improvement
127 Project

128 Pay Voucher No. 1 for the Downtown Village Improvement Project has been received from the
129 contractor, Geislinger and Sons, Inc., in the amount of \$1,141,927.15, along with a letter from
130 WSB outlining the pay voucher and portions to be allocated to the City and County; City costs
131 are \$568,238.61 - County costs are \$573,688.54; the City will initially pay the total cost of the
132 pay voucher and County will pay its share to the City at about the same time as the City
133 makes payment.

134 **Motion/Second: Bend/Ross. To Approve the payment of Pay Voucher No. 1 from**
135 **Geislinger and Sons, Inc. for the Downtown Village Improvement Project in the amount**
136 **of \$1,141,927.15. ROLL CALL: All Ayes. Motion passed 5-0-0.**

137 Council Member Richter asked where funding was coming from. Consensus to have staff
138 provide information regarding specific funding sources for future pay voucher payments that
139 can be easily tracked by the City Accountant and Council.
140

141 b. Downtown Village Improvement Project Funding Update

142 The State Legislative session will close on Monday, May 22, and status of the bonding bill that
143 includes key funding for the Downtown Village Improvement Project is not clear; if a bonding
144 bill is not passed, it would have a substantial impact on funding the Downtown Project and
145 would require the City to delay a significant portion of the project or determine other funding
146 sources; staff recommending that City Council delay action on cost items that relate to adding
147 more streets to the base bid that was awarded for the 2017 Pavement Management Project
148 until a work session and Special Council Meeting when they will know whether the bonding bill was
149 passed; if the bonding bill does not pass, the use of the remaining bond proceeds for costs related to the
150 Downtown Project may be an option the Council would consider. Mayor Bend suggested the City avoid
151 discretionary expenses to preserve availability of funds. City Engineer confirmed there is another two
152 weeks of preparation before letter to proceed with the 2017 Pavement Management Project is sent to the
153 contractor. Mayor Bend called the question.

154 **Motion/Second: Richter/Bend. To delay action on cost items related to adding more**
155 **streets to the base bid for the 2017 Pavement Management Project until a work session**
156 **and/or special council meeting is held. Motion passed 5-0-0.**

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c. Relocation of Power Poles on St. Croix Trail

Xcel Energy is ready to relocate the power poles along the east side of St. Croix Trail to accommodate the Downtown Village Improvement Project; it was originally planned to relocate the poles on the outside of the planned new sidewalk that would require tree trimming on private property; another option is to relocate the poles to the boulevard area between the curb and sidewalk putting the poles in line with the new decorative street lights. Discussion held on pros/cons, timing, and cost issues. Council Member Ross provided sketches noting three options that were discussed that afternoon with the engineer; asked Council's authorization to have conversation with Xcel. City Attorney provided information on franchise ordinances and Afton's specifically. Mayor Bend called the question.

Motion/Second: Nelson/Bend. To authorize Council Member Ross to speak with Xcel and to approve the relocation of power poles as planned on the outside of the sidewalk, using utility pole alley arms as necessary for tree issues. Motion passed 5-0-0.

C. Administration –

1. Lower St. Croix Fire Department Relief Association Pension Benefit Increase Policy and Benefit Increase Request – Resolution 2017-32

City Administrator Moore introduced a request for an increase in pension benefit from \$3,250 to \$3,500 from the Lower St. Croix Valley Fire Department Relief Association; an updated policy adopted by the Relief Association provides that the pension benefit can be increased when the increase will result in a funding ratio in the pension fund of not less than 115% of the required funding level.

Motion/Second: Richter/Ross. To adopt Resolution 2017-32, a Resolution approving the Lower St. Croix Valley Fire Department Relief Association's request for a pension benefit increase from a one-time lump sum benefit of \$3,250/year of service to a benefit of \$3,500/year of service. ROLL CALL: All Ayes. Resolution 2017-32 adopted 5-0-0.

2. Town Square Park Restroom

The Parks Committee has been finalizing the plans for the Town Square Park Restroom – obtaining bids to bring forward to the Council; the Committee is requesting the Council approve the cost and authorize the execution of construction contracts. Council Member Ross thanked Steve Dorgan and Karen Weiss of the Parks Committee; thinks present restroom needs improvement. Council Member Richter thought cost excessive; would be willing to look at this when Downtown Project complete. Mayor Bend doesn't believe prudent use of funds at this time; spoke of vandalism concern. Council Member Nelson thinks present restroom inadequate; understands funding question but thinks would be good for Afton and the Downtown Project. Mayor Bend called the question.

Motion/Second: Palmquist/Ross. To approve the proposed budget in an amount not to exceed \$122,200 for the Town Square Park Restroom and to authorize execution of construction contracts within the budgeted amount. Motion passed 3-2-0. Aye: Palmquist, Ross, Nelson. Nay: Bend, Richter

3. Payment Request No. 2 for the Wastewater Treatment System Project

A payment request No. 2 for the Wastewater Treatment System Project in the amount of \$259,801.62 has been received; both the contractor and the City Engineer have reviewed and approved the payment request. Mayor Bend noted assistance by the City of Lake St. Croix Beach in approving a permit for providing water necessary for the project.

Motion/Second: Palmquist/Ross. To authorize payment of Request No. 2 in the amount of \$259,801.62 for the Wastewater Treatment System Project. Motion passed 5-0-0.

4. 2016 Audit (see 7D above)

209 Michael Pofahl who was hired to conduct the 2016 Audit has completed the audit of financial
210 statements for the year ended December 31, 2016 and issued and distributed his report dated
211 April 30, 2017.

212 **Motion/Second: Richter/Bend. To accept the adoption of the audited financial**
213 **statements and financial information in the 2016 Audit Report for the fiscal year ending**
214 **December 31, 2016 for the City of Afton. Motion passed 5-0-0.**

215

216 5. Assessment Deferral Policy

217 A Deferred Assessment Policy and Procedures Policy includes an assessment deferral
218 application form; the policy and procedures are based on State Statute, but one element – the
219 determination of hardship related to making the assessment payments - is determined by the
220 City; cities determine hardship based on annual assessment payment exceeding a certain
221 percentage of annual household income; the proposed policy uses 1.0% of household income.

222 **Motion/Second: Bend/Richter. To approve the Deferred Assessment Policy and**
223 **Procedures Policy based on annual assessment payment exceeding 1.0% of Household**
224 **Income for assessments related to the Downtown Village Improvements Project. Motion passed 5-**
225 **0-0.**

226

227 6. Paperless Technology for Council Members

228 Mayor Bend requested staff to provide a set of emails regarding providing paperless
229 technology to Council members who would like to use it; emails are part of initiating a
230 discussion about making paperless technology available to Council members; suggested
231 putting in budget for next year. Council Member Ross asked to add bookmarks for each
232 heading and page number of the Council agenda packet; requests staff begin providing that for Council
233 packets.

234

235 7. River Road Improvement

236 Administrator Moorse advised the Public Works Committee is recommending that River Road
237 be improved with a mill and overlay in 2017; total cost of the quote for the milling (\$13,293 /
238 Executive Contractors, Inc.) and overlay (\$73,265 / Buck Blacktop, Inc.) is \$86,558.
239 Consensus of Council to table until Special City Council meeting on May 23, 2017.

240

241 8. City Credit Card

242 Administrator Moorse has obtained information regarding best practices concerning the use of
243 a city credit card; Council was provided with a Statement of Position Credit Card Use and
244 Policies from the Office of the State Auditor, credit card use policies from the cities of Cottage
245 Grove and Hastings, and Best Practice recommendations from the Government Finance
246 Officers Association regarding Purchasing Card Programs. Public Works, City Clerk, and
247 Administrator would have cards with a suggested per-purchase and monthly maximum. Mayor
248 Bend suggested also having two approvals.

249 **Motion/Second: Richert/Palmquist. To direct staff to prepare a Resolution for the City Council to**
250 **approve regarding the adoption of a Credit Card Use Policy using best practice recommendations.**
251 **Motion passed 5-0-0.**

252 9. Schedule Work Session and Special Council meeting

253 The Council directed that a work session be scheduled to discuss a number of topics; a
254 special council meeting may be required to address requirements of the Public Facilities
255 Authority (PFA) funding agreement and to make decisions regarding the later stages of the
256 Downtown Village Improvements Project depending on the outcome of the legislative session
257 which is to be completed by May 22. Staff is meeting with the PFA on Monday, May 15, to
258 clarify the requirements and will provide an update at the council meeting. A Special City
259 Council meeting is scheduled for Tuesday, May 23, 2017, at 7 p.m.

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10. Supplemental Engineering Costs

Administrator Moose introduced a Contract for Construction Additional Work with Park Construction Company for an additional 2.48 miles of street improvements to be added to the 2017 Pavement Management Project base contract with an estimated construction cost of \$436,730, an Opinion of Probable Cost spreadsheet with a detailed cost estimate of the additional miles if improvements based on the same unit prices as are reflected in the base contract, and an Estimate of Project Fees detailing the additional engineering costs related to the additional streets, with a total estimated cost of \$77,495.

Motion/Second: Palmquist/Bend. To approve the engineering costs of \$31,955 for Construction staking and \$15,483 for the topographic survey on potential additional Roads related to the 2017 Pavement Management Project. Motion passed 5-0-0.

11. Authorization Regarding the Approval of Plan Changes/Additions and Related Costs During the Construction of the 2017 Pavement Management Project

Administrator Moose provided details regarding the approval of plan changes/additions and related costs during the construction of the 2017 Pavement Management Project; Public Works Committee is recommending the Council authorize Council Members Joe Richter and Stan Ross to approve necessary plan changes and related costs during the construction of the 2017 Pavement Management Project to enable the contractor to avoid prolonged work stoppages when a plan change or addition is necessary.

Motion/Second: Palmquist/Bend. To authorize Council Member Richter and Council Member Ross to approve plan changes and related costs recommended by the City Engineer during the 2017 Pavement Management Project for up to \$40,000, subject to agreement by both Council members. Motion passed 4-0-1 (Richter abstained)

12. Price Quote from Tri County for Culvert Replacement Needed for the Streets to be added to the 2017 Pavement Management Project

Tabled until Tuesday, May 23, 2017 Special City Council meeting.

13. Price Quote for Culverts for Supplemental Streets

Tabled until Tuesday, May 23, 2017 Special City Council meeting.

14. Xcel Energy Invoice for Upgrading Electrical Service for Lift Stations in the Downtown Village Improvement Project

Xcel Energy has submitted an invoice in the amount of \$10,194.94 for upgrading the electrical service to serve the sanitary sewer and storm sewer lift stations that are a part of the Downtown Village Improvement Project; invoice needs to be paid before Xcel will move forward with the installation of the upgraded electrical service that is also a part of the Project plan and included in the Project budget.

Motion/Second: Palmquist/Nelson. To approve payment of \$10,194.94 to Xcel Energy for upgrading the electrical service to serve the sanitary sewer and storm sewer lift stations, a part of the Downtown Village Improvement Project. Motion passed 5-0-0.

15. 30th Street Culvert

Design of the 30th Street culvert was prepared by the culvert fabricator, County Concrete, based on specifications regarding size and amount of fill to be placed over the culvert as well as on Mn/DOT specifications for the culvert size needed; the City Engineer did not prepare a full structural design of the culvert which would have included a soil boring to determine the quality of the base soil and design for the field joint connecting the new culvert to the existing culvert; City Engineer believes there is some level of risk related to installing a culvert without

311 a full structural design, so has provided scope of work for design-related structural work at a
312 cost of \$4,250.

313 *Consensus of Council not to approve additional costs.*

314

315 16. Grant for the Conservation and Protection of Afton's Natural and Scenic Assets

316 A grant to the City of Afton in the amount of \$1,500 has been made from Afton Residents for
317 Preservation and Conservation for recognition and support of continued efforts to conserve
318 and protect Afton's natural and scenic assets. Council Member Nelson suggested grant go
319 into a fund to be used for these purposes. Mayor Bend has been in discussion with Jim
320 Rickard and Mary McConnell regarding beginning to update the City's Natural Resources Inventory
321 beginning with the Carlson Property. The Council discussed the use of the grant funds and the majority
322 wanted to retain the grant funding at this time vs. use it for the Natural Resources Inventory update.

323 **Motion/Second: Palmquist/Nelson. To accept Grant Funds of \$1,500 from Afton**
324 **Residents for Preservation and Conservation and set up a fund account for the specific**
325 **purpose of Natural Resources Preservation as listed on the grant letterhead. Motion**
326 **passed 3-2-0. Aye: Palmquist, Nelson, Ross. Nay: Bend, Richter.**

327

328 17. Proposal to prepare a Natural Resources Inventory Update for the Will Carlson Property

329 Tabled until the May 23, 2017 Special City Council meeting.

330

331 18. Additional Patrols for CSAH 21

332 Council Member Ross asked Council to approve funds of \$2,000 for extra patrols for CSAH
333 21, both north and south. Consensus of Council to wait to see how extra patrol rectifies
334 motorcycle issues. Fines of up to \$1,000 and signs on noise ordinance also discussed. City
335 Attorney will prepare a draft noise control ordinance for review.

336

337 19. City Effort to Replace Tree Located on West Side of St. Croix Trail near Selma's

338 Council Member Ross asked approval to negotiate with WSB and AABA to replace a tree
339 taken down that was planted as a memorial for a member of the Kerschbaum family.
340 AABA interested in helping financially with this. Mayor Bend advised he has a 20' white pine
341 that he would be willing to provide.

342

343 **E. Committee Reports**

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1. Public Works - none

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2. Personnel – Deputy Clerk will be out for two weeks due to a medical issue. Mayor Bend
346 asked that a card be sent.

347

3. Parks – none

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4. Heritage Preservation Commission / Design Review - meeting cancelled

349

5. Natural Resources and Groundwater – Mayor Bend resigned - thanks will be sent

350

351 **10. COUNCIL, CONSULTANT, AND STAFF REPORTS, ANNOUNCEMENTS, AND UPDATES**

352

A. Ward 1 Council Member Palmquist - none

353

B. Ward 2 Council Member Richter - none

354

C. Ward 3 Council Member Ross – security system up and running

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D. Ward 4 Council Member Nelson – none

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E. Mayor Bend – none

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F. City Attorney Knaak – Holstad & Knaak PLC represented the City in a total of 14 prosecutions.

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G. City Administrator Moore - none

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363 **11. ADJOURN –**
364 **Motion/Second: Bend/Richter. To adjourn the meeting at 10:30 p.m. Motion carried 5-0-0.**
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367 Respectfully submitted by:

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371 _____
372 Ronald J. Moore, City Administrator

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376 Approved by Council (June 20, 2017) as (check one): Presented: X Amended: _____
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379 Mayor Richard Bend _____ Date _____