

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

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

APPROVED City Council Regular Meeting Minutes
October 15, 2019
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 Bill Palmquist

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

3. **ROLL CALL:** Mayor Palmquist, Council Members Wroblewski, Ross, Nelson, Perkins. **A Quorum was Present.**

ALSO PRESENT: City Accountant Tom Niedzwiecki, City Administrator Ron Moore, City Attorney Fritz Knaak,

4. **APPROVAL OF AGENDA** –

Add item C14, “1263 15th St”

Motion/Second Ross/Nelson to approve the agenda for the October 15, 2019 Regular City Council meeting with the addition above. Passed 5-0.

5. **APPROVAL OF MINUTES**

A. Minutes of the September 17, 2019 Regular City Council meeting

Motion/Second Ross/Nelson to accept the minutes of September 17, 2019 as amended. Passed 5-0.

6. **PUBLIC INPUT** –

David Eastwood, 16033 Putnam Blvd; asked about potential land swap with Gerhkes at the wastewater treatment site property. Would like to know about sewer line easement, legality of land swap. Was concerned when he saw surveyors on property.

Nancy Turner, 13926 60th St; Stated that she has issues with 60th street being paved, local residents don't want it paved. Recalls that the vote for the project was based on the road being paved and now there is debate over who is paying. City should not be paying for. Also the neighborhood real estate signs are in the conservation easement and right of way. There also was a condition of providing a visual screen between her property and the development; none of the trees that were planted are sufficient.

Nicole Rickard, 5650 Odell; Her husband Jim also sent a letter with comments. She has concern with storm water ponds, would like issues to be resolved prior to any sale of lots. There are violations of Ord.12-217 relating to surface water runoff on neighbors and 12-2375 regarding the PLCD to harmonize. The ponds are not functioning and are discharging sediment onto their property and others and into Trout Brooke. Added runoff is now going thru their property.

Annie Perkins, 4042 River Rd; regarding river road sanitary sewer project. Item on the agenda is hook-up for her property and her neighbor. River road residents have connection to system for liquids, but there is none for those 2 homes. No stubs are available. Capra's is able to run a gravity fed line to pump station from residents along private property. Project is up for review tonight. It is an economical solution at \$32,000. (She will abstain from discussion and vote.)

53 James Rickard, 5650 Odell, via email. Expressed concern over the city paying for any road improvements
54 along 60th St. as he feels the developer is not in compliance with the developer's agreement. He also pointed
55 out that signs have been illegally placed along roadways and right of ways.
56

57 **7. REPORTS/PRESENTATIONS –**

58 **A. Sheriff's Monthly Report**
59 No report
60

61 **B. Tom Niedzwiecki, Budget Report**
62 Provided an overview of the financial reports.
63

64 **C. Lower St. Croix Fire District Report**
65 No report
66

67 **8. CONSENT AGENDA**

68 **A. Just and Correct Claims**

69 **B. 4M Fund Transfer August – Resolution 2019-37**

70 **Motion/Second Palmquist/Ross to approve Resolution 2019-37, 4M fund transfers for September,**
71 **removing the Tri-County invoice for discussion. Roll call: All aye, Passed 5-0.**

72 Tri-County bill for the jersey barrier is \$752.50

73 Council member Wroblewski asked if that is for all the times they moved it? If it was for blocking the Odell
74 access, it should be billed to developer.

75 Mayor Palmquist disagreed, stating the city did that to solve a problem.

76 Council member Wroblewski stated the developer continues to violate, we have the right to pay for this with
77 the escrow account if they are not complying.

78 Mayor Palmquist stated that the construction traffic was going on Odell, the barrier stopped the traffic.

79 Council member Wroblewski stated that there was more than one violation on Odell, there were chronic truck
80 violations.

81 Council member Perkins asked how much is in escrow and what is it for?

82 Administrator Moose answered that the escrow main purpose is to pay for city engineer work.

83 Council member Wroblewski stated that the council all agreed to close Odell. The tax payers shouldn't pay
84 for it.

85 Council member Ross asked about what the process is for taking from the escrow account?

86 Administrator Moose answered that the engineer invoices separately for the work, which is deducted from
87 the escrow. Would need to check language in agreement regarding use of escrow.

88 Council member Perkins stated that the invoice is in our name since the city ordered; pay the bill then ask for
89 reimbursement.

90 Council member Ross stated that he agrees with Lucia on this, would investigate taking from escrow. Council
91 member Nelson stated he would also pay the bill and look into process for charging to escrow.

92 Mayor Palmquist stated that this was the cities solution to stop the traffic.

93 **Motion/Second Ross/Wroblewski pay the Tri County bill and have staff look into the process of having**
94 **the contractor pay for the barriers on Odell. Passed 4-1. (Palmquist nay)**
95

96 **9. CITY COUNCIL BUISINESS**

97 **A. Planning Commission Report – (PC report & Draft PC minutes)**
98 No meeting was held in October
99

100 **B. Engineering Report – (Engineer Staff Report & Council Update)**
101 (Jennifer Hildebrand filling in for Nick Guilliams tonight)

102 1. Pay Voucher No 22 – Geislinger and Sons for the Downtown Village Improvement Project

103 **Motion/Second Ross/Palmquist to approve payment of Pay Voucher No. 22 for Geislinger and**
104 **Sons for the Downtown Improvement Project in the amount of \$25,250.00. Passed 5-0.**

105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155

2. River Road Sanitary Sewer Project.

The Council held a work session on this item. The plan is now up for approval, which will allow Perkins and her neighbor with a stub to hook up to the system.

Motion/Second Palmquist/Wroblewski to approve the proposal from Capra Utilities for two gravity wastelines, with property owners responsible for cost of connection from home to stub; and to allow Perkins property to hook up immediately.

Discussion

Council member Ross stated he is torn on this item. The proposal will save \$170k and get last two homes on River Road connected. He is concerned about treating these two the same as any other in the village. If this is a public system, it should be built to public standards to alleviate concern on maintenance. He has a differing opinion from the engineer. Concerned about being equitable.

Mayor Palmquist stated that this is doing what we promised we would do. All other properties were provided with a stub to connect to.

Council member Wroblewski stated that the cost savings is tremendous over previous quotes. Will vote as she would for any citizen in this position. Appreciate the solution.

Council member Ross asked if we will need a maintenance easement?

Administrator Moose replied yes, the landowner has indicated they will provide a utility easement at no cost.

Mayor Palmquist stated that the work would be contingent on having an easement.

Mayor Palmquist to amend the motion “pending securing a utility easement to cover sections for city maintenance and upkeep” (Wroblewski second).

Council member Ross stated he is still concerned about pipe diameter.

Council member Nelson stated that a 4 inch line is what everyone else has.

Council member Ross asked that if this is a public pipe, then is it public maintained? (yes, like all)

Vote: Passed 4-0. (Perkins abstain)

C. Administration –

1. Afton Creek Preserve Construction Update

Storm water ponds

Jennifer Hildebrand, WSB, provided a review of ponds

Council member Wroblewski asked about trees for additional screening along pond by the Turner property.

Hildebrand stated that the pond integrity is based on root structure along the embankment, would be a difficult area to plant large trees. That pond has been built to elevation standards, it is a wet pond that is holding water & functioning as designed.

Pond 2b is an infiltration basin, not currently functioning. Need to draw water down to perform testing, have not been able to. Pond has to be dry to be tested.

Council member Wroblewski asked about testing (yes should be tested, need numeric data. They have agreed to pump)

Pond 2a is intended to collect portions of water, slow velocity, capture sediment. It is functioning. We will need a maintenance and operation plan at conclusion of development.

Pond 4 is an infiltration basin; also not functioning and need to pump to test.

Pond 5 is a wet pond with an overflow cell. Designed to drain from larger pond to overflow at 10 yr storm event. Then overflow clean water. The berm by adjoining property has not built correctly as per plan. The pond itself is built correctly to height. Elevation of pipe is correct.

Pond 7 is an infiltration basin. Prelim results indicate that numerically it meets standard; but material that is supposed to be growing is not in place.

Testing needs to be completed in all ponds. 7 has been tested two times and does not require any more.

Mayor Palmquist summarized that Pond 5 has a berm issue, 4 and 2 need testing, 7 needs vegetation or granular solution in bottom.

156 Council member Wroblewski stated that we need to be clear that testing and also stabilization and
157 vegetation are required.
158 Mayor Palmquist asked now that it is fall, is it reasonable to look at vegetation in spring?
159 Hildebrand stated that from an integrity standpoint, her opinion is that if there is vegetation it is
160 compliant. If no vegetation it is not per plan, not in a compliant state. They have option to provide
161 alternative in basin bottom, they must come up with alternative. It could be seeded now. If there
162 problems with performance now in fall, likely will be a problem in spring.
163 Mayor Palmquist asked about building to standard of a 10 yr rain event?
164 Council member Perkins asked about the vegetation plan. When the ponds were built, was it ever put
165 there or seeded?
166 Hildebrand stated the blanket is down, but she has not seen seed. Could have washed away or rotted.
167 Contractor stated they seeded; soils have been continually saturated.
168 Council member Wroblewski asked that if area was re-seeded could it have started growth?
169 Hildebrand replied yes, that is not an unusual practice.
170 Council member Ross asked if the contractor has built to spec? (Hildebrand - WSB is determining if all
171 have been). Is there pushback on remedying issues? (yes, they are discussing steps. They don't agree on
172 next step) Is there concern they won't get fixed? (yes) Is there an explanation for the non-functioning?
173 (yes, ideas on how it occurred. In ponds 2 and 4 sedimentation during construction likely occurred. In
174 pond 5 the berm eroded.) Do soil conditions allow for clean out? (2 days of dry weather could allow for
175 the right conditions).
176 Hildebrand added that waiting until spring to see if vegetation is expressing is likely not a good idea.
177 Has asked the developer for an alternative that can be considered. Conclusion last Friday was that their
178 engineer was going to propose alternative for basin bottoms. WSB will continue to test. Ponds will be
179 pumped this week for testing in 4 and 2.
180 Mayor Palmquist asked if solution for basin bottoms is granular, could be done now; if vegetation
181 would take until next summer? (yes)
182 Council member Perkins asked what the effect is for Trout Brook if this whole system is not
183 functioning?
184 Hildebrand replied that there have been 2 uncontrolled sediment releases from pond 7 to tributaries to
185 Trout Brooke. There is an impact every time.
186 Council member Perkins asked if there are enforcement agencies?
187 Hildebrand replied yes, the watershed district, DNR, MNPCA all can levy enforcement action.
188 Council member Perkins asked if any of these know?
189 Hildebrand has had conversations with MN PCA due to citizen complaint.
190 Council member Perkins stated we may need help from other authorities.
191 Council member Nelson asked if could use escrow to do?
192 Administrator Moorse stated that is an option if they are in default of agreement.
193 Council member Wroblewski asked how long do we go? She attended the meeting on Friday Oct. 11.
194 The developer stated ponds were not his problem and he will sue the city.
195 Hildebrand stated that the testing numbers have to pass, and stabilization must be achieved.
196 Mayor Palmquist stated we should involve the S Washington Co Watershed as they were supportive of
197 project.
198 Council member Wroblewski stated the signs need to come down at 5 locations.

- 199
200 2. Belwin Application for Simple Subdivision at 947 Indian Trail – Resolution 2019-38
201 Justin Sykora, Operations Manager for Belwin stated that the goal is to sell the home site and put
202 remainder in conservation land.

203 **Motion/Second Wroblewski/Palmquist to approve Resolution 2019-38 Belwin application for a**
204 **simple subdivision at 947 Indian Trail with findings listed.**

205 **Findings**

- 206 **1. The proposed subdivision includes three parcels zoned Rural Residential**
207 **2. The proposed simple subdivision does not create any additional lots.**

208 **3. The proposed subdivision reduces the number of parcels from three to two.**

209 **4. The proposed subdivision results in one 5-acre lot and one 22.18-acre lot.**

210 **Roll call: All Aye, Passed 5-0.**

211

212 3. 60th St Paving

213 Administrator Moorse provided the following information: paving of 60th Street requires an agreement
214 between Afton and Denmark Township to swap the segments of 60th Street that each is responsible for
215 maintaining, because the Town does not want to maintain a paved road. Rather than the City and the
216 Town each incurring the cost of the additional class 5, the Town has agreed to approve the swap
217 agreement leaving the two segments as-is, with the exception of Afton addressing a very deficient area
218 on its segment at a cost of about \$2,000.

219 For the segment between Trading Post and Neal, the developer has indicated the Developer's
220 Agreement only requires him to pave the road, not to make base improvements. He will not agree to
221 pay for base improvements.

222 Council member Wroblewski stated that the section we are getting is in rough shape. Should not be
223 paying money to Denmark, also should not pay 35k to fix the other segment.

224 **Motion/Second Nelson/Ross to approve spending a total of \$37,000 to upgrade the subbase on 60th**
225 **St; the segment between Neal and Manning at a cost estimated at \$2,000 and the segment between**
226 **Trading Post Trail and Neal at a cost estimated at \$35,000.**

227 Perkins agreed last time that we pay for culvert, nothing more. Original plan was to swap with township
228 and would have cost more at 40k. This situation can understand approving.

229 Council member Wroblewski stated that she is irritated that tax payers have to pay for an item that the
230 developer should have to pay for. We were kind to pay for culvert, all benefit for developer.

231 Council member Perkins asked regarding comment from neighbor that they don't want it to be paved,
232 regardless of development would it have been paved in the future? (yes, this was last gravel road, within
233 10 yrs would have been paved)

234 **Motion Vote: Passed 4-1 (Wroblewski nay)**

235

236 4. PLCD Ordinance review

237 **Motion/Second Ross/Palmquist to affirm the direction of the Planning Commission regarding the**
238 **PLCD ordinance and to request changes be reflected in an ordinance amendment. Passed 5-0.**

239 Administrator Moorse will summarize and send to Planning Commission.

240

241 5. Animal Control & Impound Services

242 **Motion/Second Palmquist/Nelson to approve contract with Companion Animal Control and Otter**
243 **Lake Animal Care Center for animal control and impound services. Passed 5-0.**

244

245 6. CenturyLink Invoice for High Speed Internet Project

246 Internet project is now complete.

247 **Motion/Second Ross/Nelson to approve payment of \$125,000 to CenturyLink as Afton's share of**
248 **the cost of the high speed internet project. Passed 5-0.**

249 Mayor Palmquist thanked Stan Ross for his work on this project.

250

251 7. Mount Hope Road Maintenance

252 A large tree at the edge of the road needs to be removed - the Fire Chief has indicated could be a barrier
253 to fire equipment getting to the homes at the top of the hill.

254 **Motion/Second Ross/Nelson to approve removal of tree on Mount Hope Road at cost of \$1000.00.**
255 **Passed 5-0.**

256

257 8. Purchase additional Permanent Easement on Gehrke Property

258 **Motion/Second Ross/Nelson to table item. Passed 5-0**

259

- 260 9. House on Wastewater Treatment Site
261 Surveyors were out at site to determine property that city is keeping is 20 acres.
262 Council member Ross has questions on the forcemain location.
263 Council member Perkins stated she also has questions.
264 Mayor Palmquist stated that this item is on the agenda to give staff permission to look into.
265 Attorney Knaak stated that the city is allowed to use judgment for determining value.
266 **Motion/Second Palmquist/Perkins to authorize staff to work with appraisers to get valuation and**
267 **work with property owners and engineers to see if possible, and also clarify permanent easement.**
268 Council member Wroblewski asked when do we notify neighbor properties?
269 Administrator Moorse replied that it would have to be a minor subdivision, will notify all neighbors at
270 that point.
271 Council member Ross would like to know impact of traffic on driveway.
272 Neighbor – setback for well and septic
273 **Palmquist to amend motion to look into issues identified above and to require connection of house**
274 **to sewer. (Perkins second)**
275 **Passed 5-0.**
276
277 10. Purchase small additional area of easement for trail on Levee
278 No action at this time
279
280 11. 3M Settlement Working Group update
281 Administrator Moorse provided an update on the recent meeting. The city’s focus is to have local home
282 filtration systems installed where wells have tested positive.
283
284 12. Schedule Council Work Session
285 Next Monday, Oct 21
286
287 13. Short term rental
288 15th St property is being rented out for events. Will be discussed at work session.
289

290 **D. Committee Reports**

- 291 1. Public Works – no report
292 2. Personnel – no report
293 3. Parks – garden has been planted
294 4. Heritage Preservation Commission / Design Review – mtg moved to Oct 24, 4:00
295 5. Natural Resources and Groundwater – no report
296

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

- 298 A. Ward 1 Council Member Perkins – no report
299 B. Ward 2 Council Member Wroblewski – stop signs are great at 40th & Neal
300 C. Ward 3 Council Member Ross – no report
301 D. Ward 4 Council Member Nelson – Fire Dept Board mtg, - the Lakeland mayor was there but was not
302 appointed.
303 E. Mayor Palmquist – received an award at the Wa County Board meeting
304 F. City Attorney Knaak – no report
305 G. City Administrator Moorse –no report
306

307 **11. ADJOURN**

308 **Motion/Second Ross/Palmquist to adjourn. Passed 5-0.**

309
310 Meeting adjourned at 9:58pm.
311

312 Respectfully submitted by:

313

314 JY

315 Julie Yoho, City Clerk

316

317 Approved by Council November 19, 2019 as (check one): Presented: _____ Amended: X

318

319

320 Mayor Bill Palmquist _____ Date _____