



## **SPECIAL COUNCIL MEETING AGENDA**

**AFTON CITY COUNCIL CHAMBERS**

**3033 St. Croix Trail South**

**Wednesday, December 4, 2019**

**At 5:00 p.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA** – December 4, 2019 Special Council Meeting
- 4. CITY COUNCIL BUSINESS**
  - A. Afton Creek Preserve Improvements
  - B. Sewer Line Easement on the Len Evanoff Property at 4102 River Road
- 5. ADJOURN**

**A quorum of the City Council or Other Commissions may be present to receive information at, but not limited to, any of the following meetings: Planning Commission; the Public Works Committee; Parks Committee; Design Review and Heritage Preservation Commission; Lower St. Croix Cable Commission; LSCWMO; MSCWMO; I-94 Corridor Coalition and the 5-City Mayor's Alliance.**

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

## Meeting Date Dec. 4, 2019

### Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: November 26, 2019

Re: Afton Creek Preserve Improvements Construction Update

#### Stormwater Ponds

Further testing of Ponds 2 and 4 has determined that both are infiltrating adequately. The remaining pond that is not meeting the required draw-down time is Pond 7. At its November 19 regular meeting, the Council directed the developer to prepare a plan of actions to be taken this fall to enable Pond 7 to meet the draw-down requirements. The developer, his engineer and his contractor have reviewed the soil borings taken in Pond 7 and have not found any clear cause of the draw-down issue, which means there is not a clear solution to the draw-down issue.

The developer has proposed to initially scrape off the surface media from the pond to see if that improves the infiltration, as it did for Ponds 2 and 4. This proposal assumes the infiltration tests in Pond 7 did not accurately reflect the actual infiltration rate of the pond as a whole. Because there has been substantial sediment flowing both into and out of the pond, there is some possibility that the proposal could address the draw-down problem. The developer also has developed a Plan B proposal to be used if the initial proposal is not successful. Plan B involves the installation of a relatively small drain tile line to provide additional flow out of the pond. The developer would like to wait until next spring to see if the initially proposed work is successful or not. If not, Plan B would be implemented. The developer has indicated that, if Pond 7 does not function as required in the spring, he would bring pumps on-site to draw down the ponds or do whatever is necessary to prevent a pond failure until Plan B could be implemented.

While the developer's engineer has provided a brief verbal description of Plan B to the City Engineer, he has not, at this time, provided the plans that are needed for the City Engineer's review to determine if the plan is feasible and is likely to be effective. The City Engineer has advised the developer's engineer that he needs the plans this week in order to have a chance to review them prior to the Special Council meeting.

While Pond 5 is constructed to plan and meets requirements, the City Engineer has suggested minor work could enable the overflow cell to operate better in terms of the flow onto the neighboring properties. The Council may want to discuss with the City Engineer and the developer a possible improvement.

#### Other Items

The developer has indicated it is not possible to bring the large equipment into the area south of the pond and north of the Turner Horse Farm that is needed to plant 12 foot trees. However, he could bring smaller trees into the area that would take a few years to provide full screening. He also indicated the screening plan shows a single row of trees on the south side of the pond.

#### Council Action Requested

**Motion regarding action to address deficiencies in the construction of the Afton Creek Preserve Improvements.**

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Afton, MN 55001

## Meeting Date Dec. 4, 2019

### Council Action Memo

To: Mayor Palmquist and City Council Members  
From: Ron Moorse, City Administrator  
Date: November 26, 2019  
Re: Sewer Line Easement on the Evanoff Property at 4102 River Road

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Staff has been working with the Evanoffs regarding the granting of an easement for the sewer line to enable the Evanoff and Perkins properties to connect to the sanitary sewer system in River Road. Early in the easement discussions, there was no mention of compensation for the easement. Later, Mr. Evanoff mentioned that he may want some assistance regarding the hook-up to the sewer system.

In a recent discussion with the Evanoffs and their attorney, there was discussion about the cost to hook-up to the system. During the discussion, it was mentioned that all River Road properties were assessed for the Downtown Improvement Project, which included a new wastewater treatment system to which the River Road properties are now connected. The Evanoffs were not aware of the assessment. When they discovered that the assessment was \$13,500, they indicated they wanted the City to pay for the assessment and interest payments for a total of \$15,000. Staff indicated this was well beyond any compensation the City may have considered, and any compensation would need to be approved by the City Council. The Evanoffs directed that any response to their demands should be provided to their attorney.

In discussing this issue with the City Attorney, he advised that the City does not need an easement over the Evanoff property for a sewer line, because the City already has a Public Utility and Public Roadway Right-of-Way and Maintenance Agreement that was granted by all property owners along River Road in 1990. The easement includes language that allows the City to enter upon the private properties the reasonable distance and extent necessary for the construction, maintenance and repair of the road and all culverts, catch basins, sewer lines, etc.

Staff has advised the attorney for the Evanoffs by email of this agreement and has requested the attorney advise the Evanoffs of the agreement, so that the sewer line work can proceed. Staff also indicated to the attorney that the City continues to be committed to working with the Evanoffs to minimize the impact on their property and address any concerns they may have regarding the construction of the sewer line. At this time, staff has not received a response from the Evanoff's attorney.

#### Council Action Requested

**Motion regarding the sewer line easement at 4102 River Road**