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

APPROVED City Council Special Meeting Minutes
December 4, 2019
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
5:00 P.M.

1. **THE MEETING WAS CALLED TO ORDER** at 5:00 P.M. by Mayor Palmquist.

2. **ROLL CALL:** Council Members Nelson, Ross, Wroblewski and Perkins and Mayor Palmquist. **Quorum Present.**

ALSO PRESENT: City Administrator Ron Moorse, City Engineers Nick Guilliams and Jennifer Hildebrand and City Attorney Fritz Knaak.

3. **APPROVAL OF AGENDA**

Motion/Second: Ross/Wroblewski. To approve the agenda as written. Motion carried 5-0-0.

4. **CITY COUNCIL BUSINESS**

a. **Afton Creek Preserve Improvements**

City Engineer Jennifer Hildebrand summarized the status of all stormwater ponds in the development. The Council then discussed concerns specific to the inadequate functioning of Pond 7, and the developer's proposed potential option of using drain tile to assist in meeting the required draw-down timing, if the removal of sediment from the surface of the pond does not enable the pond top meet the draw-down timing in the spring.

Mayor Palmquist indicated he appreciated that the developer provided additional details regarding a drain tile option for Pond 7, but the information was received only several hours prior to the meeting, which did not give staff or Council time to review the information.

Wroblewski indicated the developer has not been responsive to the City's concerns, and had time earlier in the year to address the Pond 7 inadequacy, but chose not to do so. Specific deadlines need to be set for actions required of the developer.

Motion/Second: Wroblewski/Perkins. To direct our City Administrator to make official notification to Mr. Carlson that the Afton Creek Preserve Development will be found in default if within 15 days a detailed plan is not submitted, reviewed and approved by WSB. I want to add language specifying that the first detailed draft must be submitted to WSB within 7-10 days so that the review work and necessary coordination be done with WSB to gain approval within that time frame of 15 days from notification. We should also add that immediately following approval of the plan, the construction work to make Pond 7 functional must be complete within six weeks of the approval of the plan. The construction work will be monitored by WSB and we should make it clear that to avoid default they must make sufficient progress within 15 days to meet the deadline of six weeks. If within a 15 day time period it becomes clear that progress has not been made, default can be declared at every subsequent 15 day mark. This repeats until the pond work is complete on or before the six week deadline. At each subsequent 15 day marker, progress will be reviewed and if found insufficient, the city may exercise its rights per the Development agreement to take over, engineer and construct the project using the letter of credit funds to guarantee that the work is done by March. Again all this is to ensure that there be no further delays to the necessary work to be done to make Pond 7 functional before the March of 2020 deadline."

The Council discussed the motion and Hildebrand clarified a list of items still to be addressed regarding the stormwater ponds.

Perkins proposed an amendment to the motion to add the list of items from Hildebrand to the motion.

Wroblewski accepted the amendment.

Motion failed 2-3-0.

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Mayor Palmquist indicated there are a number of actions that could be taken in preparation for the snow melt and spring precipitation. He also indicated the developer needs to determine a contingency plan in case the draitile plan does not provide the required draw down timing. He also asked what is necessary to convert Pond 7 to a wet pond.

Hildebrand suggested a list of action items that could be completed in advance of the next Council meeting. The list was as follows:

1. Site Specific Management Plan for Proactive Protection Measures for Spring 2020 Runoff
2. Pumping Plan for infiltration basins/ponds/basins/berms not functioning needing immediate drawdown (including but not limited to type of equipment to be used and discharge location of where to pump the surface water)
3. Proposal for work that IS able to be conducted during the winter of 2019/2020; including data to support drain tile solution (borings, soil evaluation, perched water evaluation, etc.) (including estimated deadlines for completion)
4. Planting plan for all areas listed above which are not expressing vegetation
5. Detailed calculations and supporting documents for proposed drain tile plan received on 12/4/2019
6. Detailed plan, including calculations, of an alternative when/if Drain Tile Plan is not adequate after evaluation of forensic data (Wet Pond alternative or other) if Infiltration Basin 7 remains non-functional

The Council directed the developer to complete the list of action items and provide the information in advance of the December 17 Council meeting.

b. Sewer Line Easement on the Len Evanoff Property at 4102 River Road

Moorse explained that in a recent discussion with the Evanoffs and their attorney they indicated that as compensation for an easement related to the River Road sanitary sewer line project, they wanted the City to pay for their sewer assessment and interest payments for a total of \$15,000. In staff;s discussion regarding 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.

Moorse indicated 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.

The Council discussed the right-of-way agreement and the compensation demand and agreed the City should proceed as planned with the sewer line project.

Motion/Second: Ross/Nelson. To proceed as planned with the sewer line project. Motion carried 4-0-1 (Perkins abstained)

5. ADJOURN –

Motion/Second: Palmquist/Ross. To adjourn the meeting at 6:47 p.m. Motion carried 5-0-0.

Respectfully submitted by:

Ronald J. Moorse, City Administrator

Approved by Council (on December 17, 2019) as (check one): Presented: Amended: _____

Signed by Mayor Bill Palmquist _____ Date _____