

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
53

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

APPROVED City Council Regular Meeting Minutes
September 19, 2017
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
7:00 P.M.

1. **THE MEETING WAS CALLED TO ORDER** at 7:05 P.M. by Mayor Richard Bend

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

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

ALSO PRESENT: Nick Guilliams, Alison Harwood (City Engineers), City Administrator Ron Moore, City Attorney Fritz Knaak, City Accountant Tom Niedzwiecki (for last portion of the meeting), City Clerk Julie Yoho, Planning Commission member Scott Patten.

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

A. Agenda for the Regular City Council Meeting of September 19, 2017

Council member Richter suggested moving all of the pay requests to item 8. “Consent Agenda”. Move Sherriff’s report to top of agenda. Also pull the Blondo Consulting Invoices for discussion.

Motion/Second: Bend/Ross To approve the agenda as amended for the September 19, 2017 Regular City Council Meeting. Motion passed 5-0-0.

5. **APPROVAL OF MINUTES**

A. Minutes of the August 15, 2-17 Regular City Council meeting.

Motion/Second: Nelson/Richter To approve the minutes of August 15, 2017 Regular City Council Meeting. Motion passed 5-0-0.

6. **PUBLIC INPUT** – none

7. **REPORTS/PRESENTATIONS -**

A. Sheriff’s Monthly Report (taken out of order)

Council member Richter asked about the format for the monthly report as it seems to be missing page 2. The Deputy will check with people sending report. Council member Ross reminded everyone that Art in the Park is this coming weekend.

B. Tom Niedzwiecki, Budget Report

Tom provided information on the financial report and supplemental detail of expenses paid out in August. He also provided an updated balance sheet on the street improvements, pavement projects, and Downtown Improvement Project, as well as year-end estimates.

C. Lower St. Croix Fire District Report

Potential misbehavior by Dept. employee is being investigated.

8. **CONSENT AGENDA**

Motion/Second: Richter / Palmquist To approve the consent agenda as presented including Resolution 2017-43. Roll call, all aye, passed 5-0-0.

54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103

- A. Just and Correct Claims
- B. 4M Fund Transfer – August – **Resolution 2017-43**

Council member Richter requested copies of the Blondo Consulting invoices and summary of costs-to-date for their archeological monitoring during excavation near the Rattlesnake Mound Group. The original estimate was for \$12,000 assuming 3 weeks of monitoring time. Administrator Moore explained extra monitoring time was needed throughout the summer. For the months of April through August the total cost has been \$52,518.75. Mayor Bend asked Moore to request supporting time sheets and to re-address at the next council meeting once we have supporting documentation.

9. CITY COUNCIL BUSINESS

A. Planning Commission Report –

1. Scott Patten, Planning Commission member provided an update on the comprehensive plan editing session held during the last meeting. There should be a draft available for council review by the end of the year.

The commission also held over a variance request in need of more information.

B. Engineering Report – (Engineer Staff Report & Council Update)

1. Change order No. 4 – 2017 Pavement Management Project

Motion/Second: Palmquist/Bend To approve change order No. 4 to Park Construction in the amount of \$62,120.50. Motion passed 5-0-0.

2. Request for Scope Increase to WSB for Construction Services for the 2017 Pavement Management Project

WSB is requesting a budget amendment in the amount of \$38,510 for construction services for the 2017 Pavement Management Project. The initial scope only included part-time inspection. Full-time inspection has been provided throughout construction. In addition numerous project changes have increased the duration and complexity of the project resulting in additional time.

During discussion the council noted that this is 15% of the total contract amount. Documentation on the two components of the request (change orders and full-time inspection rather than part-time) should be provided. Also an analysis on how this number was arrived at.

Motion/Second: Bend/Richter to continue discussion of item 9B2 pending receipt of additional documentation. Motion passed 5-0-0.

3. Cost Estimate to Replace Bridges as Culverts

WSB was asked to prepare a rough cost estimate to replace the 2 lowest ranked bridges as culverts. WSB would need to perform a Hydraulic and hydrologic analysis and work with the watershed district to determine if this is possible. A box culvert is classified as a bridge if it exceeds 10 feet in width. If it is feasible to classify these as culverts the cost would be approximately \$200,000 each.

Council member Richter indicated he would like more information on water flow studies prior to making any decision.

City Engineer Guilliams indicated the hydrologic studies can be done next spring.

4. Downtown Improvement Project

a. Sidewalk from 36th to 37th street.

Sidewalk will cost \$16,000 total with City cost 60%, remainder County. Administrator Moore talked with the landowner about future liability for the trees and the fence on site which may need to be moved.

104 **Motion/Second: Bend/Nelson To approve extension of the sidewalk with the City to pay no more**
105 **than \$10,000; with property owner agreeing to grant an easement and to receive no compensation**
106 **in event that the fence needs to be moved; no compensation if damage is done to the trees.**

107 Administrator Moorse will contact the owner and inform the concrete guys so that it's done now while
108 they are working in town.

109 **Motion Vote**
110 **Passed 5-0-0**

111
112 **C. Administration –**

113 1. Request for Negative Declaration Regarding the Need for an Environmental Impact Statement for
114 the Afton Creek Preserve subdivision (Carlson PLCD) at 60th Street and Trading Post Trail –
115 **Resolution 2017-44**

116 Alison Harwood, WSB City Engineer. Alison explained that an Environmental Assessment
117 Worksheet (EAW) was completed for the project and found that based on the Findings of Fact and
118 Conclusions the project does not have the potential for significant environmental impacts. The
119 impacts identified can be mitigated through mitigation and permitting.

120 Council member Richter asked about the timeframe needed for this resolution.

121 Administrator Moorse stated that a final plat cannot be approved until the need for an EIS has been
122 determined and recorded.

123 Council member Richter stated he would like to wait until approval of the preliminary plat to do this
124 to get as much feedback as possible.

125 Mayor Bend asked whether any more data is needed to make a determination.

126 City Engineer Harwood answered no.

127 Council member Palmquist stated that ordering an EIS for a project like this would be unusual.

128 Mayor Bend stated that if we have all of the data, the city needs to process in a timely manner.

129 Council member Richter asked Jo Bush, developer, how would a delay in this impact you?

130 Bush answered that if it was not meeting the requirements he would like to know.

131 City Engineer Harwood stated that the developer cannot move forward with permitting. There is a 60
132 day window for the RGU to make a determination from when comments are addressed.

133 Administrator Moorse stated that the city planner had made an informal comment that and EIS would
134 not be needed based on his experience on similar developments

135 Mayor Bend asked if any changes between sketch and prelim that would warrant the need for and
136 EIS.

137 City Engineer Harwood answered no. If significant changes are made, the city as the RGU could
138 require more analysis.

139 **Motion/Second Palmquist/Nelson To adopt Resolution 2017-44 issuing a negative declaration of**
140 **need for an Environment Impact Statement for the Afton Creek Preserve project. Roll Call:**
141 **Ross – Nay, Richter – Nay, Bend Nelson Palmquist – Aye. Passed 3-2-0.**

142
143 2. 2018 Preliminary Budget and Tax Levy

144 Administrator Moorse stated that the city is required to submit the preliminary tax levy to the County
145 by September 30. The preliminary tax levy cannot be increased, but can be reduced. The final budget
146 and tax levy will be adopted in December, after the Council holds a budget and tax hearing.

147
148 **Motion/Second Bend/Ross To adopt Resolution 2017-46 with the maximum levy of \$2,133,786**
149 **which can be reduced in the future.**

150 Discussion

151 Council member Palmquist noted that he prefers a smaller increase. Council member Richter agreed.

152 Council member Ross noted the current overages on the road projects. Ross noted overage on road
153 projects. Nelson noted other items that are increased costs.

154 **Motion vote**

155 **Roll Call: All aye, Passed 5-0-0**

156 **Motion /Second Bend/Nelson To approve Resolution 2017-45 approving the preliminary 2018**
157 **budget in the amount of \$2,314,945.00. Roll call: all aye, Passed 5-0-0.**

158
159 **Motion/Second Bend/Nelson To approve holding the 2018 Budget and Tax hearing date on**
160 **December 19, 2017. Motion passed 5-0-0**

161
162 3. Motor Vehicle Noise and Speed Enforcement
163 Council member Ross explained that as the result of a work session it is recommended that the city
164 purchase a noise meter for the Sherriff to use. It is a decibel meter on a tripod that would be set up in
165 various locations to record. The Sheriff explained what they can and cannot do in regards to
166 motorcycle noise. This device captures a single motorcycle at a location. Any ordinance the city
167 passes has to meet the Sheriff's requirements for what they can and will enforce.

168 **Motion/Second: Palmquist/Ross to approve purchase of a decibel meter at a cost of \$273.94.**
169 Council member Nelson stated that it needs to look at all vehicles.
170 Council member Richter asked if this would be used for actual enforcement.
171 Mayor Bend replied that it will be used to gather data to determine if an ordinance can be drafted that
172 will be usable.

173 **Motion Vote**
174 **Passed 5-0-0**

175
176 4. DNR Flood Hazard Mitigation Grant Funding
177 **Motion/Second: Richter/Bend to complete funding. Passed 5-0-0**

178
179 5. Exterior Storage Uses in Industrial Zones
180 Administrator Moorse will put together a draft ordinance amendment to remove uses from the list of
181 allowed uses in the Industrial zone. The council will discuss at a work session.

182
183 6. Kroeschel Noise Ordinance waiver Request at 15106 50th St
184 **Motion/Second: Nelson/Richter To waive noise ordinance enforcement for a special event at**
185 **15106 50th St S. on October 14, 2017 until 11:00 pm. Passed 5-0-0.**

186
187
188 Items C7, C8, C9 Pay requests handled under item 8.

189
190 10. Deputies Facility Change Order
191 Change order is proposed to install floor drains at a cost of \$900.00 and a rough-in for a future
192 restroom at a cost of \$1750.00 for the garage facility.

193 **Motion/Second Richter/Ross To approve the change order for the deputies' facility to include**
194 **the restroom rough-in and the garage floor drains at a cost of \$2,650.00. Motion passed 5-0-0.**

195
196 Washington County will be meeting next week to approve the cost-sharing contract for the deputies'
197 facility.

198 **Motion /Second Palmquist/Ross To authorize contractor to commence construction. Passed 4-**
199 **1-0.**

200
201 11. Closed Session Assessment Appeals
202 **Motion/Second Bend/Ross To go into closed session to discuss following assessment appeals:**
203 **Afton House, Afton marina, Myers, Windmill Marina. Motion passed 5-0-0.**

204
205 Closed session begin at 9:28 pm.

206
207

208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244

D. Committee Reports

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

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

- A. Ward 1 Council Member Palmquist -
- B. Ward 2 Council Member Richter -
- C. Ward 3 Council Member Ross -
- D. Ward 4 Council Member Nelson -
- E. Mayor Bend -
- F. City Attorney Knaak -
- G. City Administrator Moorse -

11. ADJOURN -

Respectfully submitted by:

JY

Julie Yoho, City Clerk

Approved by Council (October 17, 2017) as (check one): Presented: X Amended: _____

Mayor Richard Bend _____ Date _____