



## **SPECIAL COUNCIL MEETING AGENDA**

**AFTON CITY COUNCIL CHAMBERS**

**3033 St. Croix Trail South**

**Wednesday, May 2, 2018**

**At 6:00 p.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA – May 2, 2018 Special Council Meeting**
- 4. CITY COUNCIL BUSINESS**
  - A. Mark Vierling proposal for retainer agreement for the drafting of the development agreement for the Afton Creek Preserve Development**
  - B. City Dock repairs**
- 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 May 2, 2018

### Council Action Memo

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: April 25, 2018  
Re: Mark Vierling proposal for retainer agreement for the drafting of the development agreement for the Afton Creek Preserve Development

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The approval of the Afton Creek Preserve development requires a development agreement, and numerous conditions of the approval need to be included in the development agreement. It is important that the development agreement provide the financial security the City needs in relation to the required improvements and conditions. Mark Vierling, an attorney with the firm of Eckberg and Lammers, has much experience working with cities to draft development agreements. He was recommended by the City of Woodbury. Mr. Vierling has provided the attached proposal for a retainer agreement for drafting a development agreement for the Afton Creek Preserve development. The estimated cost of preparing the initial draft of the agreement is \$1,200. The additional time required to finalize the agreement is proposed to be billed at the rate of \$375.00 per hour for Mr. Vierling and \$200.00 per hour for paralegal services. These costs are to be passed through to the developer.

#### Council Action Requested

Motion regarding the proposed retainer agreement from Mark Vierling for the drafting of the development agreement for the Afton Creek Preserve development.

## Ron Moose

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**From:** Mark Vierling <MVierling@eckbergglammers.com>  
**Sent:** Wednesday, April 25, 2018 8:08 AM  
**To:** Ron Moose  
**Subject:** Retainer Agreement-Afton Creek Preserve  
**Attachments:** Retainer Agreement.pdf

Ron,

Thank you for your contact and interest in our firm.

Attached is a Retainer Agreement that we would propose for the retention of our firm for the drafting of Development Agreements and related documents as may be needed for this project within the City of Afton. Although costs are certainly driven from time, meetings and review of documentation I would normally expect that a Draft Development Agreement based off the preliminary platting information you have provided should run in the range of about \$1200.00. Within that I expect some contacts and input will be necessary with your consulting planner and engineer as well for which they will bill the city under their contracts. Final drafts will normally include some requests/negotiation from the developer and perhaps staff meetings if needed. I understand that all consultant time is being billed in pass through fashion to the developer from the city.

Naturally if you have any questions please call.

Thank you

**Mark Vierling**  
**Attorney**



1809 Northwestern Avenue | Stillwater, MN 55082  
Direct: 651-351-2118 | Fax: 651-439-2923

[email](#) | [website](#) | [map](#)



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ATTORNEYS AT LAW

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## RETAINER AGREEMENT

The City of Afton, does hereby employ and retain the law firm of ECKBERG LAMMERS, P.C. of Stillwater, Minnesota, to render legal services in connection with the preparation, drafting and negotiation of the Afton Creek Preserve Development Agreement.

All services will be coordinated through the offices of the City Administrator. We agree to pay professional fees for all services rendered on behalf of the City at an hourly rate of \$375.00 per hour for services rendered by Mark J. Vierling and paralegal services on an hourly rate of \$200.00/hr, and law clerk services based on a rate of \$150.00 per hour. Additionally, I understand and agree that I may be charged for expenses necessary to provide service or work on my file as directed by my attorney and authorized by me such as real estate title reports, surveys, aerial mapping, messenger services engaged by my attorneys long distance phone charges, machine copy costs, facsimile fees, postage, mileage, and all other costs and disbursements, incident to the handling of this matter all incurred with concurrence of the city administrator.

It is understood that the City will be billed (in quarter hour increments) at the hourly rate for all services rendered.

Since the time spent on each matter varies, as does the nature and amount of work necessary to achieve a result, it is not the policy of ECKBERG LAMMERS, P.C., to quote fees, other than the hourly rate for attorney's services, and, unless specifically noted in this agreement, no firm fee or estimated fee has been quoted.

It is understood that interest will be charged on this account at the maximum rate allowed by the Fair Credit Act, if it becomes past due thirty (30) days.

It is understood that the City has the right to discharge its attorney(s) at any time but that it will be responsible for all fees and costs incurred up to the time of receipt of written notice of discharge.

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**I have read and fully understand the above RETAINER AGREEMENT and acknowledge receipt of a copy thereof.**

**CITY OF AFTON**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Ron Moorse, City Administrator

I agree on behalf of ECKBERG LAMMERS, P.C., which I am authorized to obligate, to represent the client on the basis set forth above.

**ECKBERG LAMMERS, P.C.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Mark J. Vierling

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## **Meeting Date May 2, 2018**

### **Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: April 26, 2018  
Re: City Dock Repairs

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Two of the city docks are being twisted by wind and wave action, which could cause substantial damage if not remedied. Ken Johnson has been working with Gordy Jarvis and a contractor to develop a plan for reinforcing and stabilizing the docks to prevent the twisting. Ken will provide the plan and related costs at the May 2 meeting.