



## **SPECIAL COUNCIL MEETING AGENDA**

**AFTON CITY COUNCIL CHAMBERS**

**3033 St. Croix Trail South**

**Wednesday, November 13, 2019**

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA** – November 13, 2019 Special Council Meeting
- 4. CITY COUNCIL BUSINESS**
  - A. Afton Creek Preserve Improvements Construction
- 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 Nov. 13, 2019

## Council Action Memo

To: Mayor Palmquist and Members of the City Council  
 From: Ron Moore, City Administrator  
 Date: November 7, 2019  
 Re: Afton Creek Preserve Improvements Construction

### Status of Stormwater Ponds

City Engineers Nick Guilliams and Jennifer Hildebrand will attend the Special Council Meeting to provide an update on the status of the stormwater ponds and to provide recommendations regarding a process for correcting pond deficiencies.

The contractor recently removed two inches of silt and muck from the bottom of ponds 2 and 4 in an effort to meet the infiltration rate requirement. The City Engineer is in the process of testing the ponds to determine if they meet the infiltration rate requirement. A minimum of two tests per pond is needed to accurately determine whether the ponds are infiltrating adequately. On Wednesday, November 6, one test was completed in each of the ponds. While the testing is supposed to be done at temperatures above 32 degrees, the temperature was less than 32 degrees, but the testing appeared to work. The area of Pond 2 that was tested appeared to pass the test and the area of Pond 4 that was tested appeared to fail the test. The City Engineer was trying to complete one more test on each of the ponds on Thursday, November 7, but was not sure the temperature substantially below freezing would allow the testing to be completed.

The developer's engineer is in the process of completing an as-built survey that will show spot elevations on the overall site and elevations of ponds and pond outlets. The as-built survey will enable a review of elements that could affect the functioning of the ponds, such as general elevations, drainage areas, and elevations of ponds and pond outlets. The as-built survey should be complete in the next week or so.

### The current status of the storm water ponds is as follows:

- Pond 5 is compliant and functioning as required, with the exception of needing minor grading and restoration of the emergency overflow berm. The silt fence has been removed at the south end of the pond.
- While one area of Pond 2 appears to have passed the infiltration test, the result of the second test was not known at the time this memo was written.
- While one area of Pond 4 appears to have failed the infiltration test, the result of the second test was not known at the time this memo was written.
- Pond 7 is infiltrating as required, but is not meeting the 24 hour draw down period

### Process of resolving the infiltration pond deficiencies

- Address any infiltration rate deficiencies
- Review the as-built survey regarding site grading and pond elevations to determine if there are any differences from the planned elevations that could affect the functioning of the ponds.

**Timing of resolving the infiltration pond deficiencies**

Due to temperatures substantially below freezing this week and even lower temperatures forecasted for next week, it appears that remedies for pond deficiencies will not be able to be accomplished until next spring.

**Options for City Action to Address Deficiencies**

The Developer's Agreement indicates that a failure of the developer to complete, construct, install or correct the development improvements in accordance with the plans and specifications and the Developer's Agreement is an event of default of the Developer's Agreement. If the City finds there is a default, the City provides a written notice of the default to the developer and the developer has 15 days to cure the default. If the developer does not cure the default, the city may make use of a number of remedies, some of which involve the city correcting the default and others of which involve taking an action to expedite the developer curing the default.

Because it appears it will not be possible to cure the default until next spring, actions taken by the City at this time will not accomplish an expedited cure of the default. The Council may want to consider setting a date in the spring by which the pond deficiencies must be corrected to avoid the City making use of the remedies of default.

**Council Action Requested**

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

# AFTON CREEK PRESERVE

## PROPOSED DRAINAGE AREAS

- Pond vs infiltration basin designations per plans dated 5-23-19  
 - HWLs based on proposed HydroCAD report dated 4-5-19

**P2a** - forebay - not designed to retain runoff  
 HWLs:  
 - 2-yr: 890.32'  
 - 10-yr: 892.34'  
 - 100-yr: 899.78'

**P3a** - forebay - not designed to retain runoff  
 HWLs:  
 - 2-yr: 917.05'  
 - 10-yr: 917.68'  
 - 100-yr: 919.39'

**P4a** - forebay - not designed to retain runoff  
 HWLs:  
 - 2-yr: 905.89'  
 - 10-yr: 906.67'  
 - 100-yr: 908.30'

**P4c** - forebay - not designed to retain runoff  
 HWLs:  
 - 2-yr: 899.28'  
 - 10-yr: 899.73'  
 - 100-yr: 901.41'

**PO3** - forebay - not designed to retain runoff  
 HWLs:  
 - 2-yr: 896.20'  
 - 10-yr: 897.05'  
 - 100-yr: 899.46'

**P4b** - infiltration basin  
 HWLs:  
 - 2-yr: 898.24'  
 - 10-yr: 899.34'  
 - 100-yr: 901.48'

**P5** - wet pond (NURP) with small infiltration cell on east side  
 NWL: 904.50'  
 HWLs:  
 - 2-yr: 904.56'  
 - 10-yr: 905.11'  
 - 100-yr: 905.93'

**P7** - infiltration basin  
 HWLs:  
 - 2-yr: 869.01'  
 - 10-yr: 870.20'  
 - 100-yr: 871.05'

**P2b** - infiltration basin  
 HWLs:  
 - 2-yr: 880.16'  
 - 10-yr: 881.90'  
 - 100-yr: 886.39'

**P3b** - wet pond (NURP)  
 NWL: 898.90'  
 HWLs:  
 - 2-yr: 899.38'  
 - 10-yr: 900.24'  
 - 100-yr: 902.28'

NORTH



~~2/5/2018~~  
~~REV. 10/3/2018~~  
**REV. 10/29/2018**