

1 PROCEEDINGS OF THE AFTON CITY COUNCIL
2 CITY OF AFTON
3 WASHINGTON COUNTY, MINNESOTA
4

5 **APPROVED** City Council Work Session Minutes
6 November 14, 2016
7 Afton City Hall
8 3033 St. Croix Trail
9 Afton, MN 55001
10 1:00 p.m.

- 11
12 1. THE MEETING WAS CALLED TO ORDER at 1:00 P.M. by Mayor Bend.
13
14 2. ROLL CALL: Council Members Nelson, Ross, Richter, Palmquist and Mayor Bend. Quorum Present.

15 ALSO PRESENT: City Engineer Todd Hubmer and City Administrator Ron Moose

- 16
17
18 3. APPROVAL OF AGENDA – November 14, 2016 City Council Work Session
19
20 4. CITY COUNCIL BUSINESS

21
22 A. Street Improvements Planning
23

24 Administrator Moose indicated staff has prepared three pay-as-you-go funding scenarios to provide
25 comparisons with the bonding scenario, and Council member Ross prepared comparisons regarding the
26 timing and total costs of each scenario. All scenarios use the same amount and timing of levy funding.
27 One pay-as-you-go scenario uses a one-time cash infusion of \$400,000 in 2017. (This could be from the
28 Street Capital Improvement Fund if the cash flow for the downtown village improvements project would
29 allow it.)
30

31 Moose indicated the comparison of the funding alternatives shows that the bonding scenario has the
32 lowest cost and completes a substantially larger number of miles in earlier years. The summary also
33 shows that, under each of the scenarios, it is possible to complete the reclamation and mill and overlay
34 projects in 12 to 13 years.
35

36 Discussion was opened and the various options gone through by all council members. Brief
37 discussion on risk/reward of each option was had with all agreeing this needed to be gone through further
38 before a final decision was made – and all agreed something needs to be done soon.
39

40 B. Downtown Village Improvements Project
41

42 1). Project Update
43

44 Administrator Moose indicated the site visit and consultation meeting with the tribal representatives
45 for the 106 process was held on Monday, November 7. While the City's goal was to get specific
46 clarification from the tribes regarding what was acceptable and what was not acceptable, that goal was not
47 accomplished. The general direction from the tribal representatives was to avoid any further impacts to
48 the Mound. Because of a substantial amount of time spent responding to questions and concerns from the
49 tribal representatives regarding the 106 process, there was not an opportunity to clarify the general
50 direction from the tribal representatives.
51

52 Moose also indicated another consultation meeting is being scheduled for early-to-mid-December. In

53 preparation for that meeting, it is important that the Council provide direction regarding design options
54 that minimize impacts to the Mound. These options will involve the sewer services to the properties
55 adjacent to the Mound, the storm water line currently proposed to be directionally drilled under the
56 Mound, and the storm water pond.

57

58 Discussion was opened and the agreement was that the City needs to come up with options that
59 address everyone's concerns without halting the plan. It was also agreed that an early December work
60 session would be scheduled to review the options to be prepared by the City Engineer.

61

62 2). Costs for Easement Acquisition Process

63

64 Administrator Moose indicated the eminent domain process for the acquisition of four easements is
65 moving to the hearing with the condemnation commissioners. In preparation for the hearing, the City
66 Attorney has requested updated appraisals of the four easement areas. In addition, the appraiser will need
67 to be prepared to provide testimony regarding the appraisals at the hearing. The fee schedule is as
68 follows:

69

70 Update 4 appraisals - \$1,500 per appraisal	\$ 6,000
71 Hearing preparation - \$90/hour (3-6 hours)	\$ 560
72 Hearing Testimony - \$175.00/hour (4-hour minimum per day)	\$ 1,400 per day

73

74 Moose indicated the number of hours of testimony required is related to the length of the
75 condemnation hearing, which is uncertain. Moose also indicated the Council will be asked to authorize
76 costs for the appraiser at its November 15 meeting

77

78 No Discussion was had.

79

80 C. Ordinance requiring parcels under common ownership to be combined if one or more does not
81 meet the full width or area requirements

82

83 Administrator Moose indicated the Zoning Code includes regulations requiring that when two or
84 more contiguous parcels are under common ownership and any individual parcel does not meet the full lot
85 width and area requirements the parcel needs to be combined with the adjacent parcels to create a lot that
86 meets the lot width and area requirements. The specific language is provided below in **bold**.

87

Sec. 12-132 Minimum requirements

88

B. Exceptions to minimum area, height, and other requirements:

89

1. For the purpose of this article, the term "existing lot" means a lot or parcel of land which was of
90 record as a separate lot or parcel in the office of the county recorder, on or before the adoption date of the
91 ordinance from which this article was derived, except as provided for in Subsection (B)(2).

92

2. Except in the VHS-R and VHS-C zoning districts, any such lot or parcel created in accordance
93 with the City subdivision ordinance, article VI of this chapter, which contains at least 2 1/2 acres of
94 buildable or net developable area as defined by this article and has at least 60 percent of the required
95 frontage on an improved public street for the zoning district in which it is located shall be considered
96 buildable provided the lot or parcel can comply with all other requirements of this article, including
97 Subsection (B)(3) of this section.

98

3. **If in a group of two or more contiguous lots or parcels of land owned or controlled by the**
99 **same person, any individual lot or parcel does not meet the full width or area requirements of this**
100 **article, such individual lot or parcel cannot be considered as a separate parcel of land for purposes**

101 **of sale or development, but must be combined with adjacent lots or parcels under the same**
102 **ownership so that the combination of lots or parcels will equal one or more parcels of land each**
103 **meeting the full lot width and area requirements of this Article**
104

105 Moose indicated the purpose of this language is to prevent historically platted small contiguous lots
106 under common ownership from being individually buildable or saleable. The language restricts the
107 salability and buildability of lots under common ownership that do not meet the full lot width and area
108 requirements. Because this requirement is not well known by property owners, and because parcels can
109 change hands without the City's knowledge, it is difficult to consistently apply this regulation. There have
110 been a number of instances in recent years when the City has become aware of a parcel that falls under
111 this regulation when the parcel was for sale or when a property owner was planning to develop the parcel.
112 This has been problematic because the regulation can have a major impact on planned sales or
113 developments.
114

115 Moose indicated that one option for avoiding these problematic situations is that the City could
116 become very diligent and proactive in identifying these parcels and requiring that they be combined with
117 contiguous lots under the same ownership. Another option is that the City could eliminate this regulation
118 and revise the regulations it currently has regarding the buildability of all lots, not just lots under common
119 ownership. These regulations are set out in Sec. 12-132 B subparagraph 2 above (underlined). The
120 regulations require a buildable lot outside of the VHS to have a minimum of 2.5 acres of buildable area,
121 and at least 60% of the frontage on a public street that is required in the zoning district. These
122 requirements could be revised to add a requirement that the parcel also has to have a specific percentage
123 of the required lot area in order to be buildable. This could be 60% or it could be greater.
124

125 Opened for discussion, which was short – purpose is to keep, and continue to enforce, Afton's
126 ordinances on low density and its rural feel. Moose indicated this topic will be on the agenda at the
127 Council Meeting 11-15-16
128

129 D. Consistent Attendance Policy for Volunteer Commissions and Committees
130

131 Administrator Moose indicted the only volunteer commission that has a specific written policy
132 regarding member attendance is the Planning Commission. The policy is as follows:
133

134 Sec. 2-134. Terminations. Any planning commission member's term shall terminate upon his
135 resignation, or upon his ceasing to reside within the city, or it by reason of his change of residence a ward
136 ceases to be represented, or **by four/fifths (4/5) vote of the city council for cause. Cause shall include,**
137 **but not be limited to, having more than three absences or more than one unexcused absence in any**
138 **one calendar year. The council may consider exceptional circumstances when applying this rule.**
139

140 Moose indicated that periodically, the commissions or committees experience attendance problems
141 that affect their ability to have a quorum at their regular meetings. It would be helpful if there was a
142 consistent attendance policy for all volunteer commissions and committees, so that all members were
143 aware and lack of attendance could be consistently addressed to ensure adequate attendance at all
144 meetings.
145

146 Opened to discussion which varied; should a term and termination clause be set on volunteers out of
147 respect for the volunteers that do attend but can't proceed because there is no quorum? Moose indicated
148 this topic will be on the agenda at the Council Meeting 11-15-16

149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198

E. Update Allowed Uses in the Industrial Zones

Administrator Moose indicated Industrial zoned land provides the opportunity to create quality jobs, generate tax base and provide attractive facilities along I-94. While the Industrial zones include uses such as research and offices, they also include outside storage as a principal use. There are few if any cities that currently allow outside storage as a principal use in the industrial zone. The reason for this is that outside storage does not create quality jobs, does not add to the tax base, and is not attractive. In the past two years, two trailer parking lots have been added to the Industrial zone, bringing the total to three trailer parking lots. Moose indicated that staff recommends the Zoning Code be updated to eliminate outside storage as a principal use and to update the allowed uses to include the types of uses that create quality jobs and generate substantial new tax base. He indicated the Council may want to refer this to the Planning Commission.

Discussion was short; the Comp Plan is the basis for how our industrial zones are set up ~ would this fit? Also, Afton doesn't need any more truck parking facilities. Moose indicated this topic will be on the agenda at the Council Meeting 11-15-16

F. Personnel Committee to serve as job evaluation committee to review job content and job values of the City's positions

Administrator Moose indicated the position of Deputy Clerk was restructured in March of 2016 to add a number of duties, change the title to City Clerk, and increase the pay level to reflect the new duties. As part of the position restructuring, a number of tasks were to be transferred from the City Clerk position to the Office Assistant position. This process has occurred over the past six months. A request has been made to re-evaluate the Office Assistant position to determine if the new duties have changed the job value of the position in relation to other jobs and whether the new duties have moved the position to a new pay level. A request has also been made to re-evaluate the City Clerk position.

Moose also indicated that in Minnesota, public sector organizations are required to have a compensation system based on both internal and external equity. The internal equity is determined through a job evaluation process, which creates a hierarchy of jobs based on comparable job value using criteria such as know-how required, responsibility/accountability and working conditions. The external equity is determined through comparisons of pay rates for similar positions in similar organizations.

The first step in responding to the job re-evaluation request is to complete a job evaluation process. As indicated above, a job evaluation process is an evaluation of the content of the job to determine the job's value in comparison to other jobs in the organization. The City uses the job evaluation system used by the State of Minnesota, which is called the State Job Match System. The State Job Match System has evaluated a large number of state jobs and has created a hierarchical listing of those jobs with suggested comparisons to City-related jobs. The job evaluation process involves matching the job description of the City's position with a job that is similar in the State Job Match System, or to slot the job between two similar jobs in the State Job Match System.

While the instructions for the State Job Match process indicate the process can be conducted by one person, the instructions suggest it is preferable to use a committee to bring multiple perspectives to the process. Because the Personnel Committee is involved in a range of personnel issues, and has been involved in the restructuring of the positions, it is recommended that the Personnel Committee and the City Administrator be authorized to act as the job evaluation committee to conduct the job match process.

Administrator Moose suggested the Personnel Committee and the Administrator be the committee. Council

199 agreed and no discussion followed.

200

201 G. Periodic Requests for Proposals for Contracted Services

202

203 Administrator Moorse indicated that Council member Ross requested that the Council discuss
204 conducting periodic requests for proposals for its contracted services. It is common for cities to conduct
205 requests for proposals for contracted services on a periodic basis. Requests for proposals provide an
206 opportunity to evaluate and compare service quality and cost. The City currently contracts for a number
207 of services including the following:

208

209 Snow and Ice Control on City streets

210 Solid Waste and Recycling

211 Animal control

212 Animal impound

213 Annual Audit

214 Accounting

215 Legal services

216 Engineering services

217 Fire services

218 Police services

219 Assessing services

220 Septic Inspection services

221 Information Technology services

222 Building Inspection Services

223

224 Short discussion revolved around how some of these services are renewed yearly or every other year
225 already and are reviewed at that time so this may not be needed. The Council directed staff to bring to
226 the Council a revised list of contracted services indicating whether periodic review or RFP's are needed
227 and the timing of these.

228

229 H. Determine the Need to Retain The North/South Portion of the Sixty Foot Wide Right-of-Way
230 Lane North of 1247 Manning Avenue

231

232 Administrator Moorse read through memo: Recently, staff became aware of the City's ownership of a
233 sixty foot wide right-of-way lane north of 1247 Manning Avenue. Staff became aware of the lane when
234 an adjacent property owner contacted the City to request the removal of a dead tree that was on the lane.
235 The right-of-way lane currently has a gravel driveway that serves the parcels at 1069 Manning and 1171
236 Manning and the vacant parcel with PID# 07.028.20.21.0002. The City does not maintain this gravel
237 driveway.

238

239 The determination of the City's need to retain ownership of the right-of-way lane, particularly the
240 portion that runs north toward 10th Street, became a focus when the two property owners that are currently
241 served by the gravel driveway proposed a lot line rearrangement to transfer seven acres from the vacant
242 parcel to the 1171 Manning Avenue parcel. Please see the attached aerial photo showing the three parcels
243 and the attached survey showing the proposed lot line rearrangement. The bulk of the land to be
244 transferred is in a DNR-protected wetland. The right-of-way lane is an obstacle to the lot line
245 rearrangement because, as the lane goes to the north it is located between the two parcels, which would
246 not allow the creation of a new larger parcel. Rather, it would result in the creation of a third lot, which

247 would be non-conforming and is not what is desired by either property owner.

248

249 The east/west portion of the right-of-way lane could serve lots created by a subdivision of the property
250 to the south of the right-of-way at 1247 Manning Avenue. It appears that the purpose of the north/south
251 portion of the right-of-way is to provide for a future loop road that could provide access to 10th Street. As
252 traffic increases on Manning Avenue, it may be beneficial to provide an alternative access to these
253 properties. The City Engineer has advised that a loop road is preferred over a cul-de-sac for ease of
254 maintenance and emergency access.

255

256 Moose indicated staff is requesting direction from the Council regarding whether the City should
257 consider the vacation of the north/south portion of the right-of-way lane.

258

259 Short discussion; why would City give/sell their land, and Council wanted to know if they could
260 give/sell land the City owns and keep the easement on that property.

261

262 (CC WS sections through H) ended at 3:35 P.M. at which time Deb Meade left the meeting so Closed
263 Session could begin.)

264

265 I. Letter from Attorney for Brown Trout LLC Regarding the Property at 15311 Putnam Boulevard -
266 **Closed Session**

267

268 Motion/Second: Nelson/Palmquist. To go into closed session at 3:36 to discuss threatened litigation. Motion carried
269 5-0-0.

270

271 Motion/Second: Bend/Nelson. To come out of closed session at 4:35 p.m. Motion carried 5-0-0.

272

273 5. ADJOURNMENT

274

275 Motion/Second: Nelson/Palmquist. To adjourn the meeting at 4:36 P.M. Motion carried 5-0-0.

276

277

278 Respectfully submitted by:

279

280

281

282 _____
283 Deb Meade, Office Assistant

284

285

286

287 _____
288 Ron Moose, City Administrator

289

290

291 Approved by Council on December 20, 2016 as (check one): Presented: Amended: _____

292

Signed by Mayor Richard Bend: _____ Date: _____