



## *City of Afton*

### **SPECIAL COUNCIL MEETING AGENDA**

**AFTON CITY COUNCIL CHAMBERS**

**3033 St. Croix Trail South**

**Wednesday, March 16, 2016**

**At 2:30 p.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA – March 16, 2016 Special Council Meeting**
- 4. CITY COUNCIL BUSINESS**
  - A. Discuss with the City's Attorney two cases of in-process litigation, one being the Morgan driveway permit case on Sand Hill Road and the other being the Nationstar Mortgage case at 3787 River Road (**This discussion will occur in a closed session**)
  - B. Goals for 2016
  - C. Update Regarding Section 106 Process and Downtown Improvement Projects and Additional Scope of Work for Section 106 Process
- 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 March 16, 2016

## Council Action Memo

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: March 10, 2016  
Re: Discussion of Two Legal Cases with City's Attorney (**Closed Session**)

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There are two legal cases to be discussed with the City's Attorney. One is a legal complaint from Randall Morgan regarding the driveway constructed off of Sandhill Road on which a stop work order was placed. The other is a legal complaint from Nationstar Mortgage regarding two dwelling units on one parcel at 3787 River Road.

**COUNCIL DIRECTION REQUESTED:**

**Provide direction to the city's Attorney regarding each of the cases**

# Meeting Date March 16, 2016

## Council Action Memo

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: March 10, 2016  
Re: Goals for 2016

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Attached is the list of goals adopted by the Council for 2015. These can provide a starting point for identifying goals for 2016.

**COUNCIL DIRECTION REQUESTED:**  
**Provide direction regarding goals for 2016**

## Goals for 2015

### Downtown Improvement Projects

- Provide all information, coordination and communication necessary to obtain the MPCA permit for the Wastewater Collection and Treatment System by May 31, 2015
- Coordinate the information and efforts of the consultant engineers and the financial consultant to complete the development of a detailed funding plan for the downtown improvement projects prior to finalizing the special assessments for the projects.
- Obtain temporary financing for the interim period prior to a long term bond issue
- Complete acquisition of all required easements through negotiation by March 30. If any easements remain unresolved by March 10, bring those to the March 17 Council meeting for authorization of initiating the eminent domain process.
- Make final decisions about streetscaping and other design elements to ensure the design meets the City's needs and budget
- Finalize construction plans for the portion of the downtown improvement projects to be completed in 2015.
- Advertise for bids for the portion of the downtown improvement projects to be completed in 2015
- Complete the acquisition of all required easements
- Finalize the special assessments for the downtown improvement projects and schedule and hold an assessment hearing
- Be prepared to award the bid for the Wastewater Treatment System upon obtaining the MPCA permit
- Award the bid for the downtown improvement projects
- Finalize a sewer project assessment policy
- Finalize a sewer policy that outlines the standards for the connection of properties to the sewer system and outlines the funding source(s) for the operation of the sewer system
- Manage construction of the downtown improvement projects in 2015 in a way that minimizes impacts to businesses and residents and ensures the project costs remain within the budgeted amount
- Conduct a Request for Proposals and select a firm to operate and maintain the Wastewater Collection and Treatment System

### Groundwater Management:

- Appoint a minimum of five members to the Natural Resources and Groundwater Committee
- Ensure effective involvement with local and regional groundwater organizations to ensure Afton's interests regarding the protection of groundwater are represented and protected.
  - Washington County Groundwater Consortium
  - Washington County Municipal Water Coalition
  - DNR
  - Met Council

### Land Use Planning

### Zoning Code

- Determine whether to change policy to allow parcels in the Old Village to be buildable if they are made up of two 50' x 150' lots (15,000 square feet) vs. the required three 50' x 150' lots (22,500 square feet).
- Develop a clear policy regarding impervious coverage flexibility across zoning districts and uses.
- Integrate Minimal Impact Design Standards (MIDS) into the City's land use/ surface water management ordinances as appropriate
- Complete the recodification of Chapter 12 of the City Code

### Manning Avenue Corridor:

- Planning Commission meet with Woodbury planning staff regarding Woodbury's land use plans, and particularly as they relate to the Manning Avenue corridor.
- Planning Commission hold a meeting with the owners of properties that directly abut Manning Avenue to obtain their input regarding future land use along Manning Avenue.
- Planning Commission review and revise land use options for the Manning Avenue Corridor based on public input received
- Planning Commission develop a preliminary draft report regarding land use options along Manning Avenue

### Other Long Term Planning

- Begin the process of identifying a consultant to assist with the upcoming Comprehensive Plan update
- Identify other areas of the City in addition to the Manning Avenue Corridor for which it would be advantageous to conduct long term planning

### Natural Resources Inventory:

- Update the City's Natural Resources Inventory to ensure it is practical and useful for planning activities related to land use and the protection of natural resources.

### **High Speed Internet Access:**

- Expand high speed internet access to a broader portion or all of the rural area.

### **Gateway Corridor:**

- Effectively impact decisions regarding the location of the easternmost park and ride facility and the design of the easternmost transit station.

### **Administrative:**

- Prepare a plan and proposal for the use of paperless office/document management technology
- Complete the process for the adoption of the 2012 Park Plan
- Designate Mt. Hope Cemetery Road as a minimum maintenance road
- Develop a multi-year maintenance/improvement plan for the City facilities

# Meeting Date March 16, 2016

## Council Action Memo

To: Mayor Bend and Members of the City Council  
From: Ron Moore, City Administrator  
Date: March 10, 2016  
Re: Additional Scope of Work for the Completion of the Section 106 Process

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The planned federal funding for portions of the downtown improvement project requires the completion of a Section 106 review process to identify, avoid and/or mitigate effects to historic properties. The Section 106 process for Afton's project has become more complex than usual because of the concerns of both tribal governments and the State Historic Preservation Office (SHPO) regarding the effigy mound located in the project area.

While the City has obtained an archeological investigation of the Mound, and has revised its project plans to avoid effects to the effigy mound; during a Section 106 process consultation meeting with tribal governments and SHPO, both the tribal governments and SHPO agreed that additional investigation of the Mound was needed to determine more accurately both the location and the integrity of the Mound. The additional work includes a LiDAR analysis of the Mound area, a ground penetrating radar (GPR) analysis of the Mound area, and additional shovel testing in the area of the City's planned excavation.

Staff has authorized the firm of Archaeo-Physics to conduct the LiDAR analysis at a cost of \$650, which is to be completed by March 11. Archeo-Physics has done a substantial amount of LiDAR and GPR work for the Prairie Island Indian Community, who has a substantial interest in protecting the effigy mound. The extent of the ground penetrating radar analysis will be determined based on the LiDAR analysis and the City's excavation plans. Staff will provide a scope of work and cost for the ground penetrating radar analysis either at or before the March 16 Special Council meeting. The extent of the additional shovel testing will be based on the results of the LiDAR analysis and the ground penetrating radar analysis. Staff has obtained a proposal from Blondo Consulting for the additional shovel tests. The proposal is attached. Staff will work to obtain another quote for the shovel tests prior to the Special Council meeting.

Staff is meeting with SHPO and the MPCA on Monday, March 14 to review the LiDAR analysis and clarify the Extent of additional investigation SHPO expects.

It appears that, due to the very warm weather we have been experiencing and will continue to experience, the ground will soon be suitable for the GPR analysis., Staff will clarify this with the GPR consultant.

### **COUNCIL ACTION REQUESTED:**

**Motion regarding authorizing an additional scope of work related to the Section 106 process.**

**BLONDO**



**CONSULTING LLC.**

CULTURAL  
HERITAGE  
CONSULTING

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March 9, 2016

Mr. Ron Moorse  
City Administrator  
City of Afton  
PO Box 219  
Afton, MN 55001

**RE: Scope of Work and Fee Proposal: Archaeological Testing at Proposed Storm Water Pond and Lift Station Locations, Afton, Washington County,, Minnesota**

Dear Ron,

In response to your request, Blondo Consulting, LLC (Blondo Consulting) has prepared the following Scope of Work and Fee Proposal for archaeological field testing at the proposed storm water pond and lift station locations. The proposed project is being funded by the Environmental Protection Agency (EPA) through the Minnesota Pollution Control Agency (MPCA) and portions of the projects may be permitted by the U.S. Army Corps of Engineers (USACE). As such, the project is subject to review under Section 106 of the National Historic Preservation Act. Blondo Consulting will continue to assist with agency coordination and consultation associated with this review.

Blondo Consulting has been assisting the City of Afton with Section 106 review. This project will include archaeological fieldwork in coordination with the geophysical study. This work has been requested by Minnesota Indian Affairs Council (MIAC), the Minnesota State Historic Preservation Office (SHPO), and a number of tribes.

It is understood that LIDAR and geophysical work will take place at the Rattlesnake Effigy Mound and proposed stormwater pond locations prior to archaeological fieldwork. It is anticipated that the results of the geophysical studies will assist in driving the appropriate archaeological testing strategy. That strategy will consist of a combination of shovel testing and test units.

Shovel Testing is a subsurface testing strategy that involves excavation of an approximately twelve to sixteen inch diameter hole. Shovel Tests (STs) are placed at a regular interval across a site, typically 15-meter or tighter in areas where more detailed study is required (five to ten-meter-intervals). This testing strategy is used to better assess if artifacts are present and the

horizontal and vertical distribution of a site. Excavated soils are screened through 1/4-inch hardware mesh screen to assist in retrieval of artifacts. Detailed notes, photographs, and drawings are kept to assist in interpretation of site. Excavation continues until sterile soils are reached.

Test Units typically follow the excavation of shovel testing or in areas where a larger view of soils and stratigraphy is required. Test Units are one-meter-by-one-meter square holes excavated in five-to-ten-centimeter levels. Excavated soils are screened through 1/4-inch hardware mesh screen to assist in retrieval of artifacts. Detailed notes, photographs, and drawings are kept to assist in interpretation of site. Excavation continues until sterile soils are reached.

Exact locations and numbers will be determined upon the completion of the geophysical studies. For purposes of this proposal, it is assumed that at least twenty shovel tests and three test units will be required. Additional shovel tests and test units are included with a cost estimate should they be required.

**Task 1. Archaeological Shovel Testing**

Blondo Consulting will complete twenty shovel tests on a ten to fifteen meter interval grid across the location of the proposed stormwater pond, lift station, and along linear corridors where proposed stormwater and sanitary sewer lines are to be located. Additional shovel tests are estimated per five shovel tests.

*COST ESTIMATE (based on 20 shovel tests).....\$1,250.00*  
*Per Additional Five Shovel Tests.....\$250.00*

**Task 2. Archaeological Test Units**

Blondo Consulting will complete excavation of three one-meter-by-one-meter test units at the location of the proposed lift station. It is anticipated that test units will also be required within the proposed stormwater pond location. Additional Test units are estimated individually.

*COST ESTIMATE (based on three test units).....\$3,500.00*  
*Per Additional Test Unit.....\$1,000.00*

**Task 3. Preliminary Findings Report, Coordination, and Consultation Meetings**

Blondo Consulting will complete a report presenting preliminary findings and interpretations of field results. This report will be assist in determining if fieldwork is complete or if additional studies may be required.

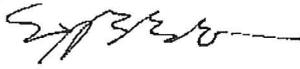
*COST ESTIMATE.....\$1,000.00*

The following assumptions are made in regards to the archaeological studies: no more than 100 artifacts will be recovered, analyzed, and catalogued; no deep testing (excavation in excess of one meter in depth) will be required; work will be done in coordination with Archaeophysics, MIAC, SHPO, and the Office of the State Archaeologist (OSA); no mound authentication activities will take place; all excavation will be outside the 20' buffer of the Rattlesnake Mound; and that if human remains are recovered - all work will cease and compliance with the Private Cemeteries Act (Minnesota Statute 307.08) will take place.

A signed and returned copy of this proposal and general conditions will serve as our authorization to proceed. Fees estimated in this proposal are based on our assumptions that

you will authorize this work by April 9, 2016. Please let me know if you have any questions or comments regarding this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Blondo', with a horizontal line extending to the right.

Steven J. Blondo MA  
Blondo Consulting, LLC