City of Afton

PLANNING COMMISSION AGENDA

December 7, 2015

7:00 pm

Please Note Meeting Start Time

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**
   - Barbara Ronningen (Chair)
   - Sally Doherty
   - Kitty Kilmer
   - Kris Kopitzke
   - Mark Nelson
   - Judy Seeberger
   - Lucia Wroblewski
   - Scott Patten
   - Jim Langan

4. **APPROVAL OF AGENDA**

5. **APPROVAL OF MINUTES**
   a. November 2, 2015 Meeting Minutes

6. **REPORTS AND PRESENTATIONS**
   a. Washington County Public Health Presentation Regarding the Land Application of Septage

7. **PUBLIC HEARINGS - None**

8. **NEW BUSINESS - None**

9. **OLD BUSINESS**
   a. Ordinance Amendment Prohibiting the Land Application of Septage
   b. Draft City Council Minutes - Update on City Council Actions

10. **ADJOURN**

This agenda is not exclusive. Other business may be discussed as deemed necessary.
A quorum of the City Council or Other Commissions may be present to receive information.

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
November 2, 2015, 7:00 PM

1. **CALL TO ORDER** –Chair Barbara Ronningen called the meeting to order at 7:02 p.m.

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

3. **ROLL CALL** – Present: Langan, Chair Ronningen, Kopitzke, Seeberger, Kilmer, Patten, Nelson and Doherty. **Quorum present.** Wroblewski, arrived at 7:05 p.m.

ALSO IN ATTENDANCE – City Administrator Ron Moorse, Deputy Clerk Kim Swanson Linner and, in Council Liaison Stan Ross' absence, Alternate Council Liaison Mayor Bend.

4. **APPROVAL OF AGENDA** – Commissioner Nelson wished to have a report on the Ordinary High Water Mark (OHWM) designation; it was added as Item 9d.
Motion/Second: Doherty/Kilmer. To approve the November 2, 2015 Planning Commission agenda as amended. Motion carried 9-0-0.

5. **APPROVAL OF MINUTES –**
   a. October 5, 2015 Planning Commission Meeting Minutes – On Line 122 the corrected line should read: "building that was built as a second dwelling unit/guest house." Chair Ronningen asked, regarding Lines 265 through 276, why the Conditions were placed before the motion, when they are normally after, as part of the motion. Deputy Clerk Swanson Linner will make the change for consistency.

Motion/Second: Patten/Nelson. To approve the October 5, 2015 Planning Commission Meeting minutes as amended. Motion carried 8-0-1 (Abstain: Seeberger.)

6. **REPORTS AND PRESENTATIONS – none.**

7. **PUBLIC HEARINGS – none.**

8. **NEW BUSINESS**
   a. Ordinance Amendment Prohibiting Land Spreading of Septage – Administrator Moorse summarized that at its October 5, 2015 meeting, the Planning Commission discussed the Washington County Septic Ordinance and its updated language regarding the land application of septage. The Commission also discussed the ordinance amendment adopted by the City of Cottage Grove that prohibits the land spreading of septage and designates the land spreading of septage as an environmental nuisance. The Planning Commission recommended to the City Council that a similar ordinance amendment be adopted in Afton and the City Council agreed at its October 20, 2015 meeting, directing the Planning Commission to draft an ordinance amendment prohibiting the land spreading of septage. Moorse provided draft ordinance language to that effect for discussion by the Planning Commission.

Chair Ronningen indicated that since last month's meeting more information has come to light about the practice of land spreading of septage. Ronningen recognized Lana Meyer to explain more about her company and the practice of land spreading of septage that they are approved to do.

Lana Meyer, 5325 Manning Avenue, explained that Meyer Sewer Service has been in business for 30 years; she has been sole owner for 24 of those years, and she is not in favor of prohibiting the land spreading of septage. She owns a farm on Manning Avenue on which they are approved to spread septage on 13 of her 40 acres. She explained the land spreading of septage has many requirements dictated by the Federal Environmental Protection Agency (EPA), the State of Minnesota through the Minnesota Pollution Control Agency (MPCA) and Washington County, which reviews and approves permits for licensed maintainer businesses to land spread. Meyer's nephew detailed the training and technical information required of haulers to be able to land spread. He indicated that they treat their septage with lime, which is one of the treatment

methods prior to spreading. He indicated that, done properly, the septage should not have an odor. The septage must be monitored as to pH level prior to spreading. He reported on studies that have shown that farm crops that have used land spreading of septage as a natural fertilizer instead of chemical fertilizers have resulted in higher crop yields. The septage also does not contain the phosphorus that chemical fertilizers have that are harmful to water quality. Meyer indicated that one of the reasons for land spreading is the high cost charged to take septage to Pig's Eye treatment plant.

Ronningen thanked Meyer for coming to the meeting to explain the information about their business. She indicated, in light of this information, she is inclined to not prohibit the land spreading of septage.

Moorse offered that perhaps the city would want to have additional restrictions to the land spreading requirements, such as that the County notify the City about any companies and parcels that have approval for spreading septage; that, due to the odor nuisance, companies must use lime to treat the septage prior to spreading; that the septage must be disced in shortly after spreading; and that no inorganics be allowed to be spread.

Seeberger felt that the city is not qualified to set parameters, especially since the EPA and MPCA have set out the requirements that licensed haulers must adhere to.

Ronningen indicated she would like Washington County to attend the December meeting to talk about the revised septic ordinance, and in particular, answer questions about the land spreading of septage and how the City can expect notification of approved permits for land spreading of septage. She also wanted the revised Washington County Septic Ordinance made available to Commissioners.

Motion/Second: Doherty/Kopitzke. To withdraw the Planning Commission recommendation to the City Council to prohibit the land spreading of septage and to revisit the particulars of the revised Washington County Septic Ordinance, adopted in April 2015, in preparation for adopting the ordinance by reference in Afton, or amending as necessary. Motion carried 9-0-0.

9. OLD BUSINESS

a. Burning Permits in the Village Historic Site (VHS) District – Administrator Moorse summarized that at its October 5, 2015 meeting, the Planning Commission discussed the issue of burning permits for brush fires in the Village Historic Site (VHS) District. He explained the City does not currently have a policy regarding larger brush fires vs. recreational fires in the VHS District. While the Planning Commission discussed the option of prohibiting brush fires in the VHS District, the Commission also discussed possible standards for brush fires in the VHS. Staff gathered policies and ordinances for brush fires in other communities with small lots. Staff also received draft policies from the Lower St. Croix Valley Fire Department regarding brush burning fires in Afton's VHS. Moorse compiled a list of issues that the PC may want to consider for an ordinance.

Commissioners talked through issues such as the distance a brush fire could be from a structure and neighboring properties, the size a brush fire and/or its flame height should be, whether the Fire Marshall must do a site visit prior to approving a burning permit, and reiterating the nuisances of smoke and odors, and the hazards of flying embers.

Ultimately the commission preferred the simple list of requirements submitted by Fire Marshall Jim Stanley of the Lower St. Croix Valley Fire Department. Commissioners added items such as brush site assessment approval, a maximum brush pile size of six feet diameter by four feet, the nuisance and hazard statement, and they tweaked a few other minor items.

Motion/Second: Kopitzke/Wroblewski. To recommend to City Council the policy by the Lower St. Croix Valley Fire Department as amended concerning brush burning permits in the Afton VHS District. Motion carried 9-0-0.

b. Meeting Start Time Review – Chair Ronningen asked to hear commissioner feedback on the trial of having the 6:30 p.m. meeting start time as in recent months. Several members spoke that, while they can usually get to the early start time, it is definitely more comfortable with the 7:00 p.m. start time. Commissioners agreed to attempt to end the meetings by 9:00 p.m.

Meetings will return to the 7:00 p.m. start time, as the half-hour later time allows many commissioners the time needed to travel from work, for getting some supper and attending to other family needs, while still having the ability to arrive at meetings on time.

c. Draft City Council Minutes - Update on City Council Actions – Mayor Bend reported that the Council approved the three applications recommended by the Planning Commission for approval. He noted that the Wilcoxes had submitted a letter to the City to continue their application to the November City Council meeting in advance of last month's meeting, therefore, no discussion or action was taken on it. The application will not need to come before the Planning Commission again, as it now needs to be heard at the Council level.

d. Determination of OHWM by the DNR – Commissioner Nelson asked staff if the Department of Natural Resources (DNR) has been able to give the City a definitive Ordinary High Water Mark (OHWM) to be used consistently, as in one recent application a number of different OHWM elevations were quoted.

Moorse reported that the City Engineers have confirmed with the DNR at what elevation the City should be using for an OHWM. He did not have the elevation, but will provide that information to the Commission.

8. ADJOURN –

Motion/Second: Patten/Nelson. To adjourn the meeting at 8:14 p.m. Motion carried 9-0-0.

Respectfully submitted by:

_____

Kim Swanson Linner, Deputy Clerk

To be approved on December 7, 2015 as (check one): Presented: _____ or Amended: _____

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

Planning Commission Memo

Meeting: December 7, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: November 30, 2015

Re: Ordinance Amendment Prohibiting the Land Application of Septage

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Background

At its October 5, 2015 meeting, the Planning Commission discussed the Washington County Septic Ordinance, and its updated language regarding the land application of septage. The Commission also discussed the ordinance amendment adopted by the City of Cottage Grove that prohibits the land spreading of septage and designates the land spreading of septage as an environmental nuisance. The Planning Commission recommended to the City Council that a similar ordinance amendment be adopted in Afton.

The City Council, at its October 20, 2015 meeting, discussed the Planning Commission's recommendation and agreed that a similar ordinance amendment should be adopted. The Council referred the issue back to the Planning Commission to hold a public hearing regarding the ordinance amendment. Because the Council action occurred after the deadline for publishing a public hearing notice for the November 2 Planning Commission meeting, the hearing could not be scheduled at the November 2 meeting. The attached draft ordinance amendment was provided to the Planning Commission.

At its November 2 meeting, the Planning Commission heard a presentation by representatives of Meyer Sewer Service in support of the land application of septage. The Planning Commission requested that staff invite representatives from the Washington County Public Health Department to provide information regarding the land application of septage. Washington County Public Health Department staff will attend the December 7 Planning Commission meeting to provide a presentation and to answer questions from the Planning Commission. Dave Gustafson, who works for the University of Minnesota Extension as a member of the Onsite Sewage Treatment Program Team, may also be able to attend the December 7 Planning Commission meeting to provide information regarding the land application of septage.

Next Steps

Prior to making a recommendation concerning the ordinance amendment regarding the land application of septage, the Planning Commission will need to hold a public hearing to obtain input from the public regarding the ordinance amendment. The Commission may also want to discuss whether any additional information is needed to enable the Commission to make a recommendation.

Planning Commission Direction Requested:

Motion regarding scheduling a public hearing regarding the ordinance amendment for the January 4, 2016 Planning Commission meeting.

ORDINANCE XX-2015

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING
SECTION 12-83 SEPTIC PERMITS AND SECTION 12-206 ENVIRONMENTAL NUISANCES TO PROHIBIT THE LAND SPREADING OF SEPTAGE

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:
The following sections shall be amended by adding the underlined language shown below.

Sec. 12-83. Septic permits.[58]

E. Land Spreading Domestic Septage Prohibited: No person or entities shall land spread domestic septage on any property within the incorporated area of Afton, Washington County, Minnesota.

Sec. 12-206. Environmental nuisances.

F. Land spreading domestic septage on any property within the incorporated area of Afton, Washington County, Minnesota.

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

DRAFT City Council Regular Meeting Minutes
November 17, 2015
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
7:00 P.M.

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1. **THE MEETING WAS CALLED TO ORDER** at 7:00 P.M. by Mayor Pro Tem Joe Richter.

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

3. **ROLL CALL:** Nelson, Ross, Palmquist and Mayor Pro Tem Richter. Absent: Bend. **Quorum Present.**

   ALSO PRESENT: City Attorney Fritz Knaak, City Engineer Diane Hankee, City Administrator Ron Moorse and Deputy Clerk Kim Swanson Linner. City Accountant Tom Niedzwiecki joined the meeting in progress.

4. **APPROVAL OF AGENDA –**

   A. Agenda for the Regular City Council Meeting of November 17, 2015 – Item 5.D. was added: Minutes of the November 12, 2015 City Council Work Session. Item 7A, Sheriff's Monthly Report, was moved up to after the approval of the minutes, Item 5.E to accommodate the Deputy present.

Motion/Second: Palmquist/Ross. To approve the agenda of the November 17, 2015 Regular City Council Meeting as amended. Motion carried 4-0-0.

5. **APPROVAL OF MINUTES -**

   A. Minutes of the September 15, 2015 Regular City Council Meeting Minutes –

Motion/Second: Palmquist/Ross. To approve the minutes of the September 15, 2015 Regular City Council Meeting as presented. Motion carried 4-0-0.

   B. Minutes of the October 19, 2015 City Council Work Session –

Motion/Second: Palmquist/Nelson. To approve the minutes of the October 19, 2015 City Council Work Session as presented. Motion carried 4-0-0.

   C. Minutes of the October 20, 2015 Regular City Council Meeting –

Motion/Second: Palmquist/Ross. To approve the minutes of the October 20, 2015 Regular City Council Meeting as presented. Motion carried 3-0-1 (Abstain: Richter).

   D. Minutes of the November 12, 2015 City Council Work Session – Council Member Nelson felt some details had been left out.

Staff will review and revise the draft minutes and place them on December 15 meeting agenda.

   E. Sheriff's Monthly Report – Deputy Bell reported; there were 122 ICR's for the month. He cautioned residents about burglaries and thefts which increase this time of year. Residents should be especially careful about mailing from the Post Office, not from a rural mailbox, and have packages delivered when someone will

be home, or pick them up from the Post Office during the holiday season. Vehicles have been reported stolen; don't leave your shopping and gifts in your vehicle; keep them out of sight. There was a bear sighting on 15th Street recently.

6. PUBLIC INPUT – Bob Zeidel, 3055 St. Croix Trail S, spoke about traffic through the Village. He felt St. Croix Trail has become noisy and a drag strip. He would like the city to enforce the noise ordinance. Council advised that residents call the Sheriff when noise and speeds are problematic.

7. REPORTS/PRESENTATIONS -

A. Sheriff's Monthly Report – [The report was moved up to 5E].

B. Jim Bougie, Finance Committee Report – Bougie indicated the cash flow report showed an $84,204 deficit at year-end, because the road debt payment was not put into last month's cash flow report. Next month a $13,000 bridge loan payment will be paid, making the deficit even more. Moorse indicated the city may be getting a DNR payment by the end of the year and mentioned the December property taxes will also be received.

C. Tom Niedzwiecki Budget Report – [This item will "float" until Mr. Niedzwiecki arrives from another meeting.]

D. Lower St. Croix Fire District Report – items were discussed at last week's Work Session.

8. CONSENT AGENDA – 8C and 8D were removed.

A. Just and Correct Claims

B. 4M Fund Transfer - OCTOBER - **Resolution 2015-73**

C. Transplant Trees in Town Square Park

Motion/Second: Palmquist/Ross. To approve the Consent Agenda as amended, including Resolution 2015-73. ROLL CALL: All Ayes. Motion carried 4-0-0.

D. 2016 Liquor License Renewals – Afton St. Croix Companies and Sail Away Café – Council Member Ross had questions about the liquor licenses and whether the Afton St. Croix Company should have more than one license. It was noted that the State Alcohol and Gambling Enforcement staff in 2010 determined that the entire Afton St. Croix Company establishment meets state statute for premises that are "compact and contiguous." It was also noted that Afton is allowed up to five (5) liquor licenses, and it was not seen as beneficial to give more liquor licenses to Afton St. Croix Company if the City would like to encourage more businesses that wish to have liquor licenses.

Motion/Second: Palmquist/Nelson. To approve the 2016 Liquor License renewals for Afton St. Croix Company and Sail Away Cafe. Motion carried 4-0-0.

E. Lighting Plan Final Layout – Council Member Ross had talked to the lighting engineer and his advice to the city was that the poles need to remain the height as drawn (14 feet), so there is clearance to the bottom of banners and adequate height above the street. Council felt the revised plan layout for the reduced number of lights (26 from the original 36) looked good. Council was uncomfortable with approving higher poles and asked to get more information about a shorter pole. The engineers will get more information from the landscape engineers on the height of the pole and the distance from the edge of curb.

Motion/Second: Palmquist/Nelson. To approve the Lighting Plan Final Layout. Motion carried 4-0-0.

9. CITY COUNCIL BUSINESS -

A. Planning Commission Report – Barbara Ronningen was in attendance for the Planning Commission.

1. Jessie Wilcox After-the-fact Variance Application at 14725 Afton Boulevard S. – **Resolution 2015-74** – Chair Ronningen explained that this application had a Public Hearing at the October Planning Commission

meeting, where the Planning Commission recommended denial, on a vote of 8-0-0, and also recommended that the applicant work with the City to remedy the situation without the need for a variance. She summarized the findings of the Planning Commission on which the recommendation was based; those being: the application did not meet the variance requirements; the Commission felt it would confer special privileges on the property not afforded to others; they felt that more variances were required than the excessive square footage for accessory buildings; and, the applicant stated the variance was for economic reasons, per the applicant's own answer to the variance questionnaire, which is not a qualifying practical difficulty to issue variances. Ronningen stated she understood the applicant provided more information for Council consider, and indicated Administrator Moorse could speak to that.

Administrator Moorse summarized that the application for an after-the fact variance was to enable two existing accessory buildings that exceed the maximum allowed total square footage to remain on the property. He indicated that several neighbors at the Public Hearing questioned whether the property was 10 acres. He contacted Washington County to have them review the parcel; they and the City Attorney concurred that the parcel is 10 acres, which allows a maximum of 2,500 sq. ft. of accessory buildings. The two existing accessory buildings total 3,020 sq. ft., which is 520 sq. ft. over the maximum allowed. The smaller accessory building was built as a second dwelling unit/guest house and contains a kitchen, a living room, a bathroom, and a loft area. City Code requires that "There shall be no more than one residential dwelling unit on any one parcel of land. Code contains three exceptions, none of which this building meets.

Moorse indicated that should the Council allow the structure to remain, the approval should include conditions to ensure the structure cannot be used as a second dwelling unit, such as requiring a declaration signed by the property owner and recorded against the property indicating that the structure will not be used as a dwelling unit or a guest house, and that it will not be rented. He indicated the conditions could also include internal changes to the structure so that it cannot readily be used as a dwelling unit, including changes to the kitchen area, such as removing the appliances, eliminating access to the loft area, and prohibiting closets.

The information provided by the applicant in response to the Planning Commission's 10/5/15 recommendation and findings on the variance request at 14725 Afton Blvd South were as follows:

1. <u>Pole barn in front of primary structure needing a variance</u>: This pole barn was permitted, inspected and received final approval 8/20/04. It was situated in front of the primary structure since it was built and approved.
2. <u>Larger square foot variance required than requested</u> if the parcel was found to be less than 10 acres. Washington County verified the parcel is 10 acres; the city allows 2,500 s.f. accessory structures. Requested variance is for 520 s.f. in excess of code. Pole barn 40 x 56 = 2,240 s.f. Second accessory structure 30 x 26 = 780 s.f. Total of 3,020 s.f. – 2,500 = 520 s.f. in excess.
3. <u>Special privilege of having a second dwelling</u>. Applicant is willing to modify structure as required by City to classify as shop, in addition to inspections as required.
4. <u>Variance Questionnaire and reply stating 'yes' to economic reasons.</u> Applicant did not understand the question as the City defines economic. The primary reason for the requested variance is to allow the buildings to stand as they have since 2004. The property was purchased in part due to the separation of the primary residence and the nearest accessory structure and would like to maintain them as is. The applicant would like to use the nearest accessory as a shop. We also want to remodel the primary house and need to resolve this issue first.

Richter, wishes the city could protect itself to ensure when a property is sold, that all items on the property is compliant and legal.

*Atty Knaak stated that allowing the resident to get special treatment.

The city staff advised that the acc bldg. could allow access to inspect to ensure there are not code compliance problems.

Ross wanted the city to follow up in six months.

Ronningen stated there were some irregularities in the electrical wiring, and recommended that the Electrical Inspector should inspect.

Septic must be reviewed to make sure it is adequate for the number of bathrooms on the property.

Motion/Second: Palmquist/Nelson. To approve the Jessie Wilcox After-the-Fact Variance Application at 14725 Afton Boulevard S, with Findings added per City Administrator Moorse, and per Resolution 2015-74. ROLL CALL: All Ayes. Motion carried 4-0-0.

1. Brush Burning Permits in the VHS District – Administrator Moorse reported that at its September 15, 2015 meeting, the City Council discussed the issue of burning permits for brush fires vs. recreational fires in the Village Historic Site (VHS) District because of the smaller lot sizes. He indicated that while the City has regulations regarding recreational fires, the City does not have a policy regarding larger brush fires in the VHS District. The City Council referred the issue of burning permit regulations in the VHS District to the Planning Commission for review and a recommendation at their November 2, 2015 meeting; they reviewed regulations from several area cities, as well as a set of regulations from the Lower St. Croix Valley Fire Department. The PC preferred the Fire Department list of regulations, with the addition of requiring the fire to be extinguished. Commissioners also felt a six foot burn pile was too high for the VHS, therefore, they recommended that the height of a burn pile is limited to 4 feet.

Council added an item #10: Materials (brush) must come only from said property getting the burning permit.

Motion/Second: Palmquist/Ross. To approve regulations for burning permits in the VHS District as presented, with the addition of #10. Motion carried 4-0-0.

[Land Spreading of Septage was not on the agenda.] Council Member Palmquist brought up the topic of Land Spreading of Septage, stating he felt the city did not follow the procedures as directed by Council to have a Public Hearing on a draft ordinance prohibiting the land spreading of septage. Chair Ronningen reminded Council that the "Right to Farm" ordinance allows odors and land spreading of septage on farm land. The Planning Commission has invited the County come to their December 7 meeting to talk about the changes to the Septic Ordinance that they adopted in April 2015.

Item 7C, Accountant Tom Niedzwiecki Budget Report was heard at this time. His report focused on funding sources for repaying the bond. The only debt remaining to be addressed will be the PFA loan of $3.3 million at 1.5% for 20 years. The Downtown Improvements temporary bond is for $3.7 million. There is a gap, but it is not anticipated to spend the entire $3.7 million, so the numbers may work out. The City could pay back $800,000 from money that the city does not spend; the remaining amount will need to be refinanced for the long-term.

1. Levy - $95,000	27%
2. Special Assessments -$2.16 million for 20 years	47%
3. Valley Branch Watershed District - $50,000 for 10 years = $500,000	14%
4. Additional City Levy - $98,000	12%
	100%

Council would like to discuss funding sources further in a Work Session alongside the Engineer's funding numbers.

B. Engineering Report -

1. Staff Report/Council Update

a. City Hall Parking Lot Americans with Disabilities Act (ADA) Compliance Improvements – City Engineer Diane Hankee reviewed that the Americans with Disabilities Act (ADA) requires that public facilities provide accommodations suitable for people with physical disabilities when undergoing reconstruction projects. The parking lot for City Hall is integral with 30th Street which is being reconstructed as part of the Downtown Improvement Project. Due to the grades on the site, the engineers analyzed multiple options. The recommended lowest cost and least impact option was the On-Street Option. City Council had previously reviewed the options at the November 12th City Council Work Session.

Motion/Second: Nelson/Palmquist. To authorize the City Hall improvements to comply with the American Disabilities Act (ADA) improvements for the On-Street Parking Option to be included in the Downtown Improvement Project. Motion carried 4-0-0.

2. Downtown Improvement Project Update – Engineer Hankee reported that the Cultural Resources Report is completed. The construction plans have been reviewed by the Minnesota Department of Transportation (MNDOT) and there were only a few minor comments to be addressed. There are still 5 out of 18 permits to obtain; these will be submitted once the data needed is obtained (final plans). The Sanitary permit should be issued in the near future. Project specifications will be worked on now that the plans are close to final. The 33rd Street plans will be brought back to Council for discussion and to work with, now that the one-way street option will not be considered.

C. Administration –

1. Tri County Request to Lease Space in the Stagecoach Trail Public Works Garage – Administrator Moorse reported that Tri County, with whom the City has a contract for snow removal, has requested to lease two stalls in the City's Public Works Garage located on Stagecoach Trail. Tri County would like to store two pieces of snow removal equipment (large John Deere tractors) at this location, so they would be closer to locations where they will be used. Public Works Supervisor, Ken Johnson, has indicated two stalls could be made available if there was an alternative location to store a large trailer. Tri County has indicated they have a pole barn for storage of the trailer at no cost for the winter; the trailer will be used at the end of winter to move the warming house from the ice rink. Public Works provided some stall rental rates at $100 – 200 per month, about $3-4/square foot. Moorse indicated that, if the Council is supportive of a lease arrangement, the City Attorney could draft a lease agreement for an initial lease term of six months, so that an evaluation regarding how the lease worked can be completed before considering a longer term.

Council asked Public Works Supervisor Ken Johnson what he thought of the idea. Johnson felt that the City would get better service because the equipment would be closer to the areas they will use it on. Tri County will plow the garage parking lot instead of City Public Works staff.

The garage is heated because of the diesel gas on the tractor.

Nelson preferred to have a trade on a stall to trade a spot for the trailer, so to only charge for one stall.

Other council members felt the City should charge a fair price for the heated garage stalls.

The agreement should include a "damage" clause for each party's equipment and to include the heating costs in proportion to the area used.

Motion/Second: Palmquist/Ross. To authorize staff to negotiate with Tri County to lease two stalls in the City's Public Works Garage on Stagecoach Trail. Motion carried 4-0-0.

2. Schedule Council Work Session - Administrator Moorse explained that there are a number of items for Council action at its December 15, 2015 meeting, and that it would be helpful to have discussions of these items in a work session in advance of the Council meeting. The items include the adoption of the 2016 budget and tax levy, a cooperative agreement with the County regarding the CR 21 project, and an agreement with the Afton Historical Museum regarding services and funding.

Council scheduled a Work Session for Tuesday, December 8 at 12:30 p.m.

3. Community Development Block Grant Application for Town Square Park Restroom – **Resolution 2015-75** – Administrator Moorse explained that the Parks Committee developed a plan and design for a new restroom facility in Town Square Park to replace the current outhouse located in the southwest corner of the park. The total cost of the restroom facility, including connection to the sanitary sewer system and to the well, is $67,300. He explained an application for grant funding through the Community Development Block Grant (CDBG) Program is for the amount of $39,900 has been submitted, leaving $27,400 to be funded by the City out of the Park Fund. The City already has a levy in place for the $12,500 cost of the sewer unit for the Town Square Park. This makes the City's total funding contribution equal to the grant amount, which enables the

project to earn more points in the application evaluation process. Moorse shared that during the process of gathering information for the preparation of the grant application, two findings stood out. One is the age and primitiveness of the existing outhouse. The other is that the number of elderly residents in Afton increased by 58% between the years 2000 and 2010. While Town Square Park has a number of amenities to serve the public, it does not have a restroom facility designed to meet the needs of elderly and disabled persons. Moorse provided an excerpt from Minnesota Statutes 462.358, which addresses how park dedication fees can be used. Subdivision 2b(g) provides that *"Cash payments received must be used only for acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space."* In discussing this statutory language with a League of Minnesota Cities attorney and the City Attorney, they both indicated the improvements funded need to be within the boundaries of a park or trail corridor.

Council Member Ross spoke of the presentation to the AABA meeting, where business owners originally did not like the location, but when they heard there would be no smell, they liked that it could be part of a gateway into the park. He advised to also provide an external 50 amp service for events. An advantage of the proposed park restroom building is that the outdoor skating rink could be flooded from there.

Motion/Second: Nelson/Palmquist. To approve Resolution 2015-75 in support of the Community Development Block Grant (CDBG) application and to commit $27,400 from the Park Dedication Fund toward the construction cost of the restroom facility and $12,500 toward the cost of the sewer unit to serve Town Square Park. ROLL CALL: All Ayes. Motion carried 4-0-0.

4. 2012 Park Plan – Administrator Moorse explained that copies of the 2012 Parks Plan were made available to council members after last month's meeting, so that Council could review the updated draft. The progression of the Updated Park Plan was verified by staff after the last meeting. The Planning Commission reviewed and held a Public Hearing on the Parks Plan on February 4, 2013; the Plan was revised to reflect the Planning Commission's updates. The Park Plan was on the February 19, 2013 City Council agenda, but was tabled at the meeting. City Council then reviewed and discussed the Park Plan in a Work Session on May 23, 2013. Former Mayor Pat Snyder agreed to write up the comments into a "red-inked" version which were submitted to city staff on August 13, 2013 to be reviewed by the Parks Committee. The Parks Committee, in spending a year reviewing their update to the Park Plan, decided not to discuss the handwritten comments by the former mayor.

Council acknowledged that Mayor Bend was intending to review the entire Park Plan and former Mayor Snyder's comments and bring his ideas back to Council. Since the Mayor was not in attendance at the meeting, they felt it best to table the discussion until the next Council meeting.

Motion/Second: Palmquist/Ross. To table the 2012 Park Plan discussion to the December 15 meeting. Motion carried 4-0-0.

D. Committee Reports -

1. Public Works – Richter asked Public Works Supervisor Ken Johnson if there were any issues to be concerned about. Johnson stated everything is under control and they are just "waiting for winter." The 42nd St culvert was installed; but the 15th Street culverts may not get in before winter.
2. Personnel – They are looking at definitions for document tracking and document storage. Also, Ron would like to have a luncheon for Pat's retirement on December 15.
3. Parks – none.
4. HPC/DR – meeting tomorrow, Wed. Nov 18 about the local designation nominations city-wide, with Consultant Tom Zahn.
5. Natural Resources and Groundwater – meeting tomorrow night, Wed. Nov 18.
6. High Speed Internet –the city will find out about the High Speed Internet grant on December 15.

7. Downtown Improvement Finance Sub-Committee – Richter and Ross are tracking the Downtown Improvement Project expenses; Tom N will be reorganizing past expenses into separate accounts that should make it more convenient to track going forward.

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

A. Ward 1 Council Member Palmquist – felt the city did not follow the process they set out on the land spreading of septage.

B. Ward 2 Council Member Richter – heard a complaint about shooting weapons in Afton; MN Statutes 471.633 Firearms, legislature preempts all authority, except for firing weapons.

C. Ward 3 Council Member Ross – had also heard from the resident about shooting weapons.

D. Ward 4 Council Member Nelson – was also called by the resident about weapons and deer hunting in Afton, especially if it is not on a resident's own property.

E. Mayor Bend – absent.

F. City Attorney Knaak – Prosecution Report on file.

G. City Administrator Moorse – none.

11. ADJOURN –

Motion/Second: Nelson/Palmquist. To adjourn the meeting at 9:25 p.m. Motion carried 4-0-0.

Respectfully submitted by:

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Kim Swanson Linner, Deputy Clerk

Approved by Council (on December 15, 2015) as (check one): Presented: _____ Amended: _____

Signed by Mayor Richard Bend_____ Date_____