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

**APPROVED** City Council Regular Meeting Minutes  
June 21, 2016  
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 Bend.

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

**3. ROLL CALL:** Council Members Nelson, Ross, Richter, Palmquist and Mayor Bend. **Quorum Present.**

**ALSO PRESENT:** City Attorney Fritz Knaak, City Engineer Diane Hankee, Planning Commission Chair Barbara Ronningen, City Administrator Ron Moore and City Clerk Kim Swanson Linner.

**4. APPROVAL OF AGENDA –**

**A. Agenda for the Regular City Council Meeting of June 21, 2016** – Added Item 9B3, Afton Hills Drive repair; added Item 9C6, Charitable Gambling application from Lumberyard Pub; added Item 9C7, Form a City Grants Committee; added Item 9C8, Screening requirement added to ordinance language; added Item 10H, Easement Acquisition in a CLOSED SESSION; and, moved Item 7A, Sheriff’s Report, to after Item 4A, Approval of the Agenda, to accommodate the deputy’s schedule.

**Motion/Second: Palmquist/Richter. To approve the agenda of the June 21, 2016 Regular City Council Meeting as amended. Motion carried 5-0-0.**

**7A. Sheriff’s Monthly Report** – Deputy Jackson reported that citations are down this year compared to last year at this time (176 in 2015; 76 in 2016). There had been several daytime break-ins with entry through garages. Residents were again encouraged to be the eyes and ears of their neighborhood; do not hesitate to CALL 911 for suspicious activity or vehicles.

**5. APPROVAL OF MINUTES -**

**A. Minutes of the May 17, 2016 Regular City Council Meeting** –

**Motion/Second: Bend/Ross. To approve the minutes of the May 17, 2016 Regular City Council Meeting as presented. Motion carried 5-0-0.**

**B. Minutes of the June 13, 2016 City Council Work Session with the Public Works Committee** –

**Motion/Second: Bend/Ross. To approve the minutes of the June 13, 2016 City Council Work Session with the Public Works Committee as presented. Motion carried 5-0-0.**

**6. PUBLIC INPUT** – none.

**7. REPORTS/PRESENTATIONS -**

**A. Sheriff’s Monthly Report** – [was moved to after 4A]

**B. Tom Niedzwiecki, Budget Report** – [Report given when Mr. Niedzwiecki arrives from another meeting.]

**C. Lower St. Croix Fire District Report** – Deputy Chief Jim Stanley reported that the Fire Department offers CPR classes that members of the community can take. He reminded that the electronic sign can have community events advertised, such as the Strawberry Festival; the 4<sup>th</sup> of July event has been scheduled to be advertised. He reported that the LSCV Fire Dept bought a “new” used fire truck that is state of the art.

Jim Stanton, LSCV FD budget representative, reported that Afton’s 2017 levy will be \$49,843, however, the levy will be lowered by \$8,000 – 10,000 over eight years, totaling \$58,468. He noted that Fire Chief Chris Peterson will retire in 2017; the Department has opted to make the Fire Chief position full-time at that point. The FD

57 accountant will also retire from his day job, so that ancillary costs of professional development, etc. will be covered  
58 by the department.

59 **D. Natalie Warren – St. Croix River Association** – presented information on the projects being done: a 3-year  
60 project of education and outreach for realtors working along the riverway and providing training for them on  
61 subjects such as watersheds, flood plains and land stewardship. They are working with the County on getting the  
62 riverway boundaries as a GIS layer for properties. They are developing checklists with City Administrators, are  
63 getting involved in pre-application meetings and managing people’s expectations by developing an Frequently  
64 Asked Questions Guide to Riverway Landowners, for consistency and transparency. She noted the “Workshop on  
65 the River” is scheduled for September 14, 2016, from 4:00 – 8:00 p.m., topics will include stormwater and MIDS.

66 **E. Bob Sherman – new Executive Director of Youth Service Bureau** – presented information about the  
67 services provided to Afton residents. They requested the City contribute \$1,200 for the 1,100 services it provided in  
68 2015. The 2016 Budget included \$1,500 in the line-item for Other Fees for Service, which includes the Youth  
69 Service Bureau.

70  
71 **Motion/Second: Richter/Palmquist. To contribute \$1,500 to the Youth Service Bureau for the anticipated**  
72 **services to Afton residents in 2016. Motion carried 5-0-0.**

73  
74 **8. CONSENT AGENDA –**

75 **A. Just and Correct Claims**

76 **B. 4M Fund Transfer – MAY - Resolution 2016-23**

77 **C. Authorization for Accountant to pay Utility Bills on AutoPay – Resolution 2016-24**

78  
79 **Motion/Second: Richter/Ross. To approve the Consent Agenda, including Resolution 2016-23 and 2016-24 as**  
80 **presented. ROLL CALL: All Ayes. Motion carried 5-0-0.**

81  
82 **9. CITY COUNCIL BUSINESS -**

83 **A. Planning Commission Report** – Chair Ronningen reported for the Planning Commission.

84 1. Chaim Teitelbaum Minor Subdivision Application at 15511 Afton Hills Drive -

85 **Applicant Request for Continuation** – Administrator Moore explained that at its June 6, 2016 meeting, the  
86 Planning Commission approved the minor subdivision with the recommendation that the existing driveway  
87 easement which serves a separate parcel to the south and bisects proposed Parcel C, be allowed to be used as the  
88 point of access for a future house on Parcel C by an Administrative Permit. As the applicant was not in attendance  
89 at the Planning Commission meeting, he did not have an opportunity to respond to this recommendation. The  
90 applicant has requested Council continue action to its July 19 meeting to enable the applicant to determine whether  
91 the recommendation would cause any problems regarding the existing easement agreement. The statutory review  
92 period for a subdivision is 120 days vs 60 days for other land use applications. The 120 day review period expires  
93 on August 16, 2016.

94  
95 **Motion/Second: Richter/Palmquist. To accept the request for continuation by Chaim Teitelbaum for a**  
96 **Minor Subdivision Application at 15511 Afton Hills Drive to the July 19, 2016 Regular Council meeting.**  
97 **Motion carried 5-0-0.**

98  
99 2. Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision

100 Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail – Applicant Withdrawal of Variance

101 **Application and Request for Continuation of Minor Subdivision Application** – Brown Trout LLC applied for a  
102 variance to allow a driveway on an easement through the adjacent property at 2573 Stagecoach Trail to serve a  
103 house on 15311 Putnam Boulevard and for a minor subdivision to rearrange the lot line between the parcel at 15311  
104 Putnam Boulevard and the parcel at 2573 Stagecoach Trail. The Planning Commission, at its June 6, 2016 meeting,  
105 recommended, on a vote of 7-0-0, denial of the variance application and the minor subdivision application based on  
106 the two parcels being under the same ownership and being nonconforming. Brown Trout LLC has now withdrawn  
107 its variance application due to a change in proposed access and has requested that the Council continue  
108 consideration of the minor subdivision application to the July 19, 2016 Regular Council meeting. The statutory  
109 review period for a subdivision is 120 days, which does not expire until August 16, 2016.

110  
111 **Motion/Second: Richter/Ross. To accept the withdrawal of the Variance Application and accept the request**  
112 **for continuation by Brown Trout LLC for a Minor Subdivision at 15311 Putnam Boulevard and 2573**  
113 **Stagecoach Trail S to the July 19, 2016 Regular Council meeting. Motion carried 5-0-0.**

114  
115 Chair Ronningen commented that she understands that the Council wanted to have less detail in their meeting  
116 minutes. However, she requested that more details be put into the Planning Commission minutes, as they will  
117 inform Council of the reasons why recommendations are made to them by the Planning Commission.

118  
119 **Council agreed to discuss the issue at the July City Council meeting or place on a work session agenda.**

120  
121 **B. Engineering Report** – Engineer Diane Hankee reported:

122 1. Staff Report/Council Update - 2016 Crack Fill and Seal Coat project quotes were received from two  
123 contractors. Astech Corp was the low bidder in the amount of \$29,450. Quotes were as follows:

	<u>Contractor</u>	<u>Grand Total Quote</u>
1.	Astech Corp.	\$29,450.00
2.	Allied Blacktop Company	\$56,557.00

124  
125 WSB followed up with the low quote received by Astech Corp. and found they had performed a field visit and  
126 identified less cracking than anticipated (2004 paved roadways). Additionally, Astech Corp. is currently  
127 experiencing a lower than anticipated workload and bid the project competitively. This work will use the excess  
128 seal coat rock stored at the City Garage on Stagecoach Trail.

129  
130 **Motion/Second: Richter/Ross. To accept the quote of the low bidder Astech Corp in the amount of \$29,450**  
131 **for the 2016 Crack Fill and Seal Coat project. Motion carried 5-0-0.**

132  
133 2. Status of Wastewater Treatment System Bids – Administrator Moorse explained that the City received  
134 bids for the wastewater treatment system earlier this spring, but has not awarded the bid because of the timing of  
135 the Section 106 Process and the certification of the bids by the MPCA. The low bid contractor has extended his bid  
136 to remain valid until July 1. Staff and Wenck Associates have been working with the contractor to further extend  
137 his bid through July to enable the bid to be certified by the MPCA and to clarify the amount of flexibility the City  
138 has, and any risks to the City, of awarding the bid prior to the final completion of the Section 106 Process. Work  
139 continues on these issues with the City Engineer and Environmental Attorney, as well as with the Minnesota  
140 Pollution Control Agency and the Public Facilities Authority.

141  
142 **A Special City Council meeting was scheduled for Thursday, June 30, at 3:30 p.m. for discussion of the issues**  
143 **related to the award of the wastewater treatment system bid.**

144  
145 3. Afton Hills Drive repairs – Council Member Ross had this item added to the agenda. He stated that he  
146 was unaware of a “city road plan” and so the City Council had a work session with the Public Works Committee to  
147 review the road work needed and to prioritize the work. He stated he is in favor of pothole filling to hold over Afton  
148 Hills Drive until such time that a reconstruction can be budgeted, assuming that the road can be prioritized.

149  
150 **Motion/Second: Bend/Nelson. To authorize pothole filling not to exceed \$11,000 for the patch repair on**  
151 **Afton Hills Drive as previously described at the May City Council meeting.**

152  
153 Council Member Richter, Chair of the Public Works Committee, felt the “smear coat” would likely fall apart  
154 after one winter and felt this “fix” did not address the underlying problem of the culvert and water drainage  
155 damaging the road.

156 Ken Johnson, Public Works Supervisor, was asked if the culvert was included. He stated the culvert repair was  
157 within the budget.

158

159 **Motion carried 3-1-0 (Nay: Richter).**

160

161 **C. Administration –**

162 1. Designation of Cemetery Road as a Minimum Maintenance Road – Resolution 2016 -25 –

163 Administrator Moose explained that the roadway that bisects the property at 15711 Upper 34<sup>th</sup> Street and continues  
164 up a steep hill to the Mount Hope Cemetery is substantially substandard. In 2011 the City claimed a prescriptive  
165 easement over the road based on the long term use of the road to provide public access to the Cemetery. At the May  
166 17 Council meeting, a petition from two property owners along the road was presented requesting the City to  
167 upgrade and take over maintenance of the road. No residents at the top of the hill had signed the petition. Moose  
168 continued that the City has not maintained this road, as it has been maintained by the residential property owners  
169 who use it for access to their properties. At its May 17 meeting, the Council directed the City Attorney to draft a  
170 resolution designating the road as a minimum maintenance road.

171

172 **Motion/Second: Palmquist/Nelson. To adopt Resolution 2016-25 designating the road that bisects the**  
173 **property at 15711 Upper 34<sup>th</sup> Street and serves Mount Hope Cemetery as a minimum maintenance road.**  
174 **This designation includes posting signage to that effect at the beginning of the road to inform conditions.**  
175 **ROLL CALL: All Ayes. Motion carried 5-0-0.**

176

177 2. Resolution to Disband High Speed Internet Committee – Resolution 2016-26 – At its May 17 meeting,  
178 Council directed staff to draft a resolution disbanding the High Speed Internet Committee, as it had completed its  
179 work. Council Member Ross reported that the internet expansion project is to commence in two weeks and be  
180 completed by September.

181

182 **Motion/Second: Palmquist/Ross. To disband the City’s High Speed Internet Committee per Resolution 2016-**  
183 **26, as it has completed its work. Motion carried 5-0-0.**

184

185 3. Amend Regulations to City-Owned Cemeteries - Ordinance 07-2016 and Summary Ordinance 06-  
186 2016 – Administrator Moose reported that the Council, at its May 17, 2016 meeting, adopted an ordinance for the  
187 maintenance and operation of City Cemeteries. Because the ordinance is lengthy, a summary ordinance was needed  
188 to enable cost-effective publication of the ordinance. **Summary Ordinance 06-2016** was provided. In addition, a  
189 review of the ordinance language determined a revision was needed for the language related to the allowance of  
190 future burials. Rather than indicating the City does not expect either cemetery will be used on an ongoing basis for  
191 burial purposes, the language needs to indicate the City will not approve any future burials beyond those already  
192 approved. This language is needed because state statutes require that, if the City approves the request of one person  
193 to be buried, it cannot deny the request of another person to be buried. **Ordinance 07-2016** reflected the  
194 amendment language.

195

196 **Motion/Second: Palmquist/Bend. To adopt Summary Ordinance 06-2016 and Ordinance 07-2016 amending**  
197 **Section 16-27 of the City Cemetery Operation and Maintenance ordinance. ROLL CALL: All Ayes. Motion**  
198 **carried 5-0-0.**

199

200 4. Hiring of Contracted Videographer for Planning Commission and City Council meetings –

201 Administrator Moose indicated that Mark Nelson had served as a contracted videographer to operate the video  
202 recording equipment during Council meetings for a number of years and that he has chosen not to continue in that  
203 role and requested the City hire a replacement. Also, Pat Joyce, former Office Assistant, videotaped the Planning  
204 Commission meetings prior to his retirement. Therefore, the City needs a videographer for both the City Council  
205 and the Planning Commission meetings. The hourly rate paid to Mark Nelson was \$20 for the first hour and \$12 for  
206 all additional hours. The hourly rate paid to Pat Joyce was his regular rate of \$14.44 per hour. The market rate for  
207 contracted part-time videographers is higher than those rates. An outline of rates paid by nearby cities was  
208 provided: Lakeland: \$100 per meeting for Council meetings which generally are two hours long; Lakeland  
209 Shores: \$75 per meeting; Lake Elmo: A minimum of \$55 per meeting up to 4 hours and additional pay for a  
210 meeting longer than 4 hours.

211 Staff recommended an hourly rate of \$25 per hour. This would make the cost for the average Planning  
212 Commission meeting \$50, as those meetings normally do not extend beyond two hours. The cost for Council  
213 meetings would be between \$75 and \$100 depending on the length. The City received two applications and staff  
214 recommended hiring Spencer Klover, due to his educational background and experience in videography. Staff  
215 believed it was important to have a person in this role who has some educational background in videography, so  
216 that, as the city upgrades the audio equipment and possibly the video equipment, the person can readily learn how  
217 to operate the equipment. Moorse explained the General Fund Budget includes \$1,000 for the contract  
218 videographer. Cost estimates for City Council meetings at 3.5 hours long would be \$1,050. Planning Commission  
219 meetings at 2 hours would cost an additional \$600.

220  
221 **Motion/Second: Palmquist/Richter. To authorize hiring Spencer Klover as a contracted videographer to**  
222 **make recordings of the City Council and Planning Commission meetings at an hourly rate of \$25.00. Motion**  
223 **carried 5-0-0.**

224  
225 5. Reimbursement and/or Contribution for Plants at the City “gateway” signs – Administrator Moorse  
226 explained that the volunteers planting the “gateway” signs at the north and south ends of the City have requested  
227 reimbursement. It was reported to city staff that the AABA had paid Little Foot Farms \$750 in the past to maintain  
228 the sign garden for the season.

229 Council reviewed the background of the “gateway” signs in that the city was asked to contribute funds to build  
230 the signs, which it did, but that the Afton Area Business Association (AABA) owns the signs and therefore  
231 maintenance is the responsibility of the AABA.

232  
233 **Motion/Second: Bend/Richter. To DENY the request for reimbursement for plants purchased to beautify the**  
234 **City “gateway” signs and to DENY the request for the City to contribute an amount annually for the**  
235 **“gateway” sign plants. Motion carried 5-0-0.**

236  
237 6. Charitable Gambling Application from Merrick, Inc. for Lumberyard Pub – Council Member Palmquist  
238 reported that the City received an application for charitable gambling and the Lumberyard Pub has indicated that  
239 their proceeds go to local non-profit organizations such as the River Valley Riders and the Afton Historical  
240 Museum.

241 Mayor Bend suggested that since this was just handed out to Council at the meeting, that staff draft a memo of  
242 conditions for the Lumberyard Pub to follow in regards to appropriate uses of funds and operations expected.

243 Council members felt that state statute detailed the conditions that must be followed for charitable gambling  
244 and that Council may not have the discretion or authorization to regulate it further.

245 **The issue was placed on the agenda for the scheduled June 30 Special City Council Meeting.**

246  
247 7. Form a Grants Committee – Mayor Bend suggested that the City form a Grants Committee that could  
248 work on applying for grants to benefit the community in the arts, city beautification and environmental efforts.

249  
250 **Motion/Second: Bend/Nelson. To authorize that a City Grants Committee be formed and have a draft**  
251 **mission statement for Council to consider at its July meeting. Motion carried 5-0-0.**

252  
253 8. Screening Ordinance Language – Mayor Bend suggested that the City discuss new requirements for  
254 screening structures from roads to provide flexibility of design and to retain rural character.

255 It was suggested that the issue be sent to the Planning Commission for a recommendation.

256  
257 **D. Committee Reports -**

258 1. Public Works – Richter commented that he’d like the committee to review and reconcile the old road  
259 CIP with the new road CIP. It was suggested that staff update the CIP and keep it on file in City Office records.

260 2. Personnel – Ross reported that a recommendation for the document storage and task management  
261 software will be at the July CC meeting.

262 3. Parks – Palmquist reported that the committee has requested \$1,000 from the Parks Dedication Fund to  
263 have construction drawings completed in order to get an accurate bid.

264 Richter reminded that items incurring costs from the city should be on the Administrative portion of the agenda,  
265 with background information for Council to consider.

266  
267 **Motion/Second: Palmquist/Richter. To authorize \$1,000 from the Parks Dedication Fund to have**  
268 **construction drawings completed in order to get an accurate bid for the Town Square Park restroom**  
269 **building. Motion carried 5-0-0.**

270  
271 4. HPC/DR – Moorse reported they are getting 13 properties for the local designation process sent to State  
272 Historic Preservation Office. The Commission has two more to complete; Council should have some to approve at  
273 the July CC meeting.

274  
275 5. Natural Resources and Groundwater – the committee is proceeding with the well testing.

276  
277 **7B. Tom Niedzwiecki, Budget Report** – Mr. Niedzwiecki reviewed the Financials with Council and staff in  
278 preparation for the 2017 Budget process.

279  
280 **10. COUNCIL, CONSULTANT AND STAFF REPORTS, ANNOUNCEMENTS AND UPDATES**

281 **A.** Ward 1 Council Member Palmquist –none.

282 **B.** Ward 2 Council Member Richter – none.

283 **C.** Ward 3 Council Member Ross – none.

284 **D.** Ward 4 Council Member Nelson – none.

285 **E.** Mayor Bend – none.

286 **F.** City Attorney Knaak – Prosecution Report is on file.

287 **G.** City Administrator Moorse – none.

288 **H.** Easement Acquisition – **Motion/Second: Nelson/Palmquist. To enter into a CLOSED SESSION at 9:44**  
289 **p.m. to authorize an offer for easement for the Knutson property. Motion carried 5-0-0.**

290  
291 **Motion/Second: Nelson/Richter. To come out of CLOSED SESSION at 9:59 p.m. Motion carried 5-0-0.**

292  
293 **11. ADJOURN –**

294  
295 **Motion/Second: Nelson/Richter. To adjourn the meeting at 10:00 p.m. Motion carried 5-0-0.**

296  
297 Respectfully submitted by:

298  
299  
300 \_\_\_\_\_  
301 Kim Swanson Linner, City Clerk

302  
303 **Approved by Council (on July 19, 2016) as (check one): Presented:  X  Amended: \_\_\_\_\_**

304  
305  
306 **Signed by Mayor Richard Bend \_\_\_\_\_ Date \_\_\_\_\_**