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

**APPROVED** City Council Regular Meeting Minutes  
March 20, 2018  
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 Richard Bend
2. **THE PLEDGE OF ALLEGIANCE** – was recited.
3. **ROLL CALL:** Mayor Richard Bend, Council Members Richter, Palmquist, Ross, Nelson. **Quorum Present.**  
  
**ALSO PRESENT:** Nick Guilliams, Todd Hubner, Sean Delmore (City Engineers), City Administrator Ron Moore, City Attorney Fritz Knaak, City Accountant Tom Niedzwiecki (for first portion of the meeting), Planning Commission Chair Kris Kopitzke.
4. **APPROVAL OF AGENDA** – [some agenda items were discussed out of sequence]
  - A. Agenda for the Regular City Council Meeting of March 20, 2018  
Add item C7 “Discussion of PFC Settlement”  
**Motion/Second Bend/Ross To approve the Agenda of the March 20, 2018 Regular City Council Meeting. Passed 5-0.**
5. **APPROVAL OF MINUTES**
  - A. Minutes of the January 9, 2018 City Council Work Session **Motion/Second Bend/Nelson To approve the minutes of the January 9, 2018 City Council Work Session. Passed 4-0-1 (Ross abstain due to absence)**
  - B. Minutes of the January 9, 2018 Special City Council Meeting **Motion/Second Nelson/Richter To approve the minutes of the January 9, 2018 Special City Council meeting. Passed 4-0-1 (Ross abstain due to absence)**
  - C. Minutes of the January 30, 2018 City Council Work Session **Motion/Second Palmquist / Richter To approve the minutes of the January 30, 2018 City Council Work Session. Passed 4-0-1 (Ross abstain due to absence)**
  - D. Minutes of the February 20, 2018 Regular City Council Meeting **Motion/Second Ross/Richter To approve the minutes of the February 20, 2018 Regular City Council meeting. Passed 5-0.**
  - E. Minutes of the February 28, 2018 City Council Work Session. **Motion/Second Bend/Palmquist To approve the minutes of the February 28, 2018 City Council Work Session. Passed 4-0-1. (Ross abstain due to absence)**
  - F. Minutes of the February 28, 2018 Special City Council Meeting **Motion/Second Bend/Nelson To approve the minutes of the February 28, 2018 Special City Council Meeting. Passed 4-0-1. (Ross abstain due to absence)**
6. **PUBLIC INPUT** –  
Julie Zeidel 3055 St Croix Trail, provided information on light pollution.  
  
Teresa Lewandowski, 5888 Trading Post Trail, asked the Council to deny the preliminary plat application which is on the agenda.

54 Christian Dawson, 5888 Trading Post Trail, Conservation portion of the PLCD is valuable, but would like the  
55 council to stay true to the process and the Comprehensive Plan and uphold the Planning Commissions  
56 recommendations.

57  
58 Franz Hall, 5730 Trading Post Trail, former city planner and architect for Omaha, 27 yr residents of Afton.  
59 Spoke against the proposed PLCD development. Disputed items in the Mayor's findings, and stated that the  
60 traffic study done is inadequate.

61  
62 David Husebye, 5830 Osgood Ave Ct S, thanked the council for all the time involved in considering the  
63 development proposal. Concerned about groundwater movement under 60<sup>th</sup> street and impacts on potential  
64 paving. Also concerned on speed proposed for the road and traffic safety.

65  
66 Paul Wolner, 13446 50<sup>th</sup> St S, thanked the council members who will vote no on the proposed development  
67 proposal. The development goes against ordinances, the Planning Commission recommendations, the  
68 neighbors, and opens the door for development in Afton.

69  
70 Mary McConnell, 5680 Odell, spoke against the Carlson PLCD proposal as shown and stated she was in  
71 support of the 9 lot proposal. Disputed the mayor's findings. Encouraged the council to uphold the planning  
72 commission's recommendations.

73  
74 Patrick Leahy, 5680 Odell, provided diagrams of previous plans for the PLCD development and stated that  
75 little has changed despite feedback from the neighbors. He feels the Mayor held meetings with outside  
76 agencies prior to meeting with council member Richter or any of the neighbors, and that the Mayor's desire  
77 for the conservation easement is overwhelming all costs. He feels there should be balance and the plat should  
78 be denied.

79  
80 Lucia Wroblewski, 4081 Neal Ave S, has walked along Odell and Trading Post for 23 years. PLCD provisions  
81 state that development must be in harmony and benefit the surrounding area. Must not have adverse impact.  
82 Methods used for this proposal have eroded trust in the process and created division. The developer needs to  
83 mitigate some of these concerns and compromise.

84  
85 Nancy Turner, 13926 60<sup>th</sup> St S, specifically chose to live in Afton for the ordinances. Now her land is proposed  
86 to be surrounded by development. Zoning of the Shuster property was RR because it was a residential house,  
87 not Ag land. To change it to Ag land seems absurd – it will not be farmed.

88  
89 Doug Parker 4795 Trading Post Tr, disappointed in how the council has approached the PLCD proposal. The  
90 developer should not be getting credit for land that cannot be developed. The Council should not dismiss the  
91 Planning Commission's findings. There have been shenanigans through the entire process.

92  
93 Karen Weiss 13575 40<sup>th</sup> St S, Parks & Open Space Committee. Read from portions of the Parks Plan. The  
94 open space in this PLCD and the Odell parcel meet requirements as defined in the plan. On the whole this  
95 proposal meets the goals of a PLCD in an Ag area. Reality today is that ag land will not be able to be  
96 maintained as ag land into the future.

97  
98 Bob Dickie, 15887 S 35<sup>th</sup> St, City has worked hard to protect Kelle's creek which flows in his neighborhood.  
99 The city has always been committed to protect the ground and surface water in Afton, and that is likely the  
100 motivation behind wanting to preserve this portion of land.

101  
102 Administrator Moorse read letters from:  
103 James Rickard, 5650 Odell; Wrote against the PLCD development citing that it does not meet all of the  
104 standards as in the ordinance. Requests that the council uphold the Planning Commission's findings.

105

106 Randy & Kathy Graham, wrote against the PLCD development disputing several of the Mayor's findings.  
107 Disputed the data in the traffic study and asked the Council to uphold the Planning Commission's findings.  
108

109 Will & Sandra Carlson, wrote that the property on Odell is owned by a family member and that he has the  
110 financial means to meet development requirements.  
111

112 Jennifer Sorenson, Hydrologist, DNR, Letter regarding Trout Brook quality and habitat. Design elements of  
113 the proposed development preserve the quality and the DNR supports.  
114

115 Deb Ryan, St Croix River Association, Letter in support of the development and its preservation of the stream.  
116  
117

## 118 7. REPORTS/PRESENTATIONS -

### 119 A. Sheriff's Monthly Report

120 No report  
121

### 122 B. Tom Niedzwiecki, Budget Report

123 Tom provided the year-end, un-audited 2017 financial report. Also provided a summary of the February  
124 financial reports.  
125

### 126 C. Lower St. Croix Fire District Report

127 Jim Stanley, LSCV Fire Dept. On March 27 the Relief Association is holding training at 6:00 pm. He is  
128 working with Stan and with the County on upcoming city events and an incident management plan.  
129

### 130 D. Bob Dickie, Applicant for Parks Committee

131 Bob stated he would like to bring a historical perspective to the Parks Committee.  
132

## 133 8. CONSENT AGENDA

134 A. Just and Correct Claims

135 B. 4M Fund Transfer – January, February, and year-end

136 **Motion/Second Palmquist/Richter To approve consent agenda and Resolution 2018-13 approving**  
137 **January, February and year-end transfers. Roll call: All aye, passed 5-0.**  
138

## 139 9. CITY COUNCIL BUSINESS

### 140 A. **Planning Commission Report** – (PC report & Draft PC minutes)

141 1. Afton Creek Preserve Application for Rezoning, Preliminary Plat and Conditional Use Permit for a  
142 Preservation and Land Conservation Development (PLCD) Subdivision to create 18 lots on 219 acres  
143 of land at 14220 60th Street and parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002,  
144 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned  
145 (33.028.20.33.000X described in document No. 4142813).

146 • **Dedication of 5550 Odell Avenue as Parkland - Resolution 2018-14**

147 • **Rezoning - Resolution 2018-15**

148 • **Preliminary Plat – Resolution 2018-16**

149 • **Conditional Use Permit – Resolution 2018-17**  
150

151 Chair Kopitzke provided a summary of the Planning Commissions actions at their March meeting where  
152 they recommended the city council deny the dedication of parkland, the rezoning, and the preliminary  
153 plat for the Afton Creek Preserve.  
154

155 Administrator Moose provided an overview of the items requiring Council action as listed above.

156 Bob Kirmis, City Planner, provided a summary of his report and also noted that the applicant has made  
157 changes to eliminate the need for variances since the previous consideration.  
158 Council member Richter asked about the PLCD ordinance regarding the street connection parcel and the  
159 process.  
160 Kirmis answered that the 5 acre lot would not be considered a part of the PLCD, but has to be considered  
161 separately.  
162 Mayor Bend asked if it was typical to re-purpose a lot to connect to a new subdivision?  
163 Kirmis responded that cities can to re-purpose or knock down homes depending on situation.  
164 Council member Richter asked if Kirmis disagreed with the City Attorney who'd stated that this was  
165 unusual.  
166 Kirmis responded that it is unusual in this case, but not unusual to have multiple parcels of land that  
167 comprise a development.  
168 Nick Guilliams, City Engineer, provided a summary the engineering report and stated that approval of the  
169 prelim plat is recommended based on traffic and stormwater management findings.  
170 Council member Palmquist asked if the traffic findings would be the same if there was only 1 access point  
171 off of 60<sup>th</sup> street?  
172 Delmore answered that the amount of traffic that would be generated could be handled.  
173 Council member Richter asked about the definition of "local road" and if the road classification would  
174 change?  
175 Delmore answered it will not change the functionality of the road. The increase in traffic is 1 car every  
176 7.5 minutes. From an engineering standpoint this is a small amount of traffic.  
177 Council member Ross asked about the access off of Odell and if 60<sup>th</sup> was paved, which road would get  
178 more use  
179 Delmore answered that people will take the easier route, will tend toward paved roads even if the unpaved  
180 is shorter. From an engineering and traffic safety standpoint, traffic volumes will remain low density  
181 based on the size of the parcel.  
182 Council member Nelson asked about two access points and the impact on vehicle trips.  
183 Council member Richter asked about traffic numbers and safety and whether there is consideration for  
184 pedestrians walking in the road since there are no sidewalks.  
185 Delmore answered that the base for safety is the volume of traffic. A pedestrian study could be done. This  
186 is a local residential road, adding a car every 7.5 minutes would not make it unsafe.  
187 Mayor Bend asked about the Planning commission concern over the possibility of left-hand turns onto  
188 60<sup>th</sup>.  
189 Delmore explained that the design of the intersection would discourage a left turn. Also traffic heading  
190 north would use the other access. Signage can be modified at this site regarding the curves.  
191 Council member Palmquist asked if a left turn could be done safely at this location?  
192 Delmore answered that moving the access to the west and improving sitelines and grading could help.  
193 Mayor Bend asked if the current plan exits meet applicable requirements.  
194 Delmore answered yes.  
195 Council member Ross asked about the City's ability to set the speed limit.  
196 Delmore explained that the city can set the speed limit based on spacing of houses and access points to  
197 the houses.  
198 Richter asked if having differing speed limits would be confusing along the same road.  
199 **Motion/Second Richter/Palmquist To adopt Resolution 2018-14 denying the acceptance of the**  
200 **dedication of the five-acre parcel at 5550 Odell avenue as parkland with the reservation of a 60**  
201 **foot wide public road right-of-way easement.**  
202 Discussion  
203 Council member Palmquist stated he is against accepting parkland to tear down a house turn into a road.  
204 If there were fewer lots, perhaps the park dedication fee could be waived. Also 60<sup>th</sup> street would not need  
205 to be paved with less vehicles. Have the conservation easement wrap around the horse farm and connect.  
206 Would like to find a sensible solution.

207 Council member Ross commented that he agrees with Palmquist on many of these. He would not waive  
208 the park dedication fee. Paving 60<sup>th</sup> St would cost the city roughly \$300,000.  
209 Council member Palmquist stated he has never waived a park dedication fee; however there is twice the  
210 amount of land protected by conservation easement.  
211 Council member Nelson stated he likes this design with the two accesses and land conservation.  
212 Council member Richter stated he agrees with Palmquist on most of the points. He asked about the  
213 proposal showing 9 lots.  
214 Mayor Bend stated that a super majority is needed to accept the parkland dedication. The council needs  
215 to determine if we want an access at that location and do we want to accomplish in that way? He  
216 commented that this development will preserve over 100 acres large amount of land in open space with  
217 great environmental benefits which is the objective of our ordinances, Parks Plan, and Comprehensive  
218 Plan, at no cost to the public. Individual impacts may be painful but from a planning standpoint and long  
219 term preservation, it is advisable.  
220 Council member Richter stated we are ignoring the intent and aspects of the PLCD language because  
221 there is a greater purpose out there.  
222 Council member Nelson commented that we need to have a longer vision rather than just the next 10  
223 years.  
224 Council member Richter stated he voted for the PLCD language, but you can't pick out certain items.  
225 Mayor Bend suggested putting a condition in the development agreement regarding acquiring a parcel  
226 and an easement for access.  
227 Council member Richter stated there are other ways to hold an easement or trust such as with WA County  
228 and the 9 lot, 2 phase approach. We need not be stuck on this design.  
229 Palmquist stated that he trusts four agencies, MN Land Trust among them, to hold a conservation easement  
230 with public money. He needs that level of certainty.  
231 Wayne, MN Land Trust Representative, provided background information on the MN Land Trust and  
232 typical project criteria. The land trust hasn't secured a conservation easement on a development in the  
233 past 11 years, partly due to economic downturn, also because of lessons learned and what constitutes a  
234 good development; with conservation aspects being primary. 3-4 projects /year are turned down often  
235 because the land trust is brought in late after the design is done. On this project they were brought in  
236 early. Focused on trout stream protection and large block area for better habitat and easement  
237 defensibility. Ecologically this design is good.  
238 Council member Richter asked if other entities can hold easements. Wayne answered yes, MN Land Trust  
239 holds 90% of the private. County governments can hold, BWSR, etc. Land Trust often co-holds with  
240 public entities.  
241 Council member Palmquist asked about having two easement parcels connecting. Wayne replied that it  
242 depends on the design, there can be value.  
243 Mayor Bend asked about other option with 9 lots and a long narrow conservation easement area, would  
244 anyone want to hold an easement like that. Wayne replied that the MN Land Trust would not be interested  
245 but cannot speak on behalf of any others.  
246 Richter call the question  
247 Mayor Bend asked Attorney Knaak for input on how the access can be allowed.  
248 Attorney Knaak replied that any conveyance to the city requires acceptance, needing 4/5<sup>th</sup> vote. Council  
249 could make the approval of development conditional to access.  
250 Council member Palmquist re-stated his position of not through Odell and no more than 14 lots.  
251 Mayor Bend asked Palmquist for clarification on what he is willing to support  
252 Council member Palmquist replied no more than 14 lots and shift lots north, easement around horse  
253 property.  
254 Joe Bush, developer, plan shown is no cost to the city, is best for conservation. Density could go up to 21  
255 on this parcel, Mr. Carlson and family have lived in this community for years, access on Odell is benefit  
256 for traffic and safety. Mr. Carlson is willing to give easement for road access if that is a condition.  
257

258 Motion Vote: **To adopt Resolution 2018-14 denying the acceptance of the dedication of the five-acre**  
259 **parcel at 5550 Odell Avenue as parkland with the reservation of a 60 foot wide public road right-**  
260 **of-way easement. Roll Call:**  
261 **Nelson nay**  
262 **Ross aye**  
263 **Richter aye**  
264 **Palmquist aye**  
265 **Bend nay**  
266 **Motion passed 3-2.**

267  
268 Rezoning  
269 **Motion/Second Palmquist/Nelson to adopt Resolution 2018-15 approving the JP Bush homes**  
270 **application to rezone the five-acre parcel at 14622 60<sup>th</sup> street from rural residential to**  
271 **agricultural. Roll call:**  
272 **Ross aye**  
273 **Richter nay**  
274 **Palmquist aye**  
275 **Nelson aye**  
276 **Bend aye**  
277 **Motion passed 4-1.**

278  
279 **Motion/Second Bend/Palmquist to Table Consideration of the Afton Creek Preserve Preliminary**  
280 **Plat. All aye, passed 5-0.**

281  
282 B. Engineering Report – (Engineer Staff Report & Council Update)  
283 No Engineers report

284  
285 **C. Administration –**

286 1. Process for Appointments to Planning Commission  
287 Administrator Moorse provided the following information:  
288 There are currently two vacant positions on the Planning Commission. Five applications have been  
289 received for the two positions. The applications are attached. Also attached is a table showing the  
290 current Planning Commission members by Ward. Below the table are the requirements regarding  
291 membership on the Commission. One requirement is that each ward shall be continually represented by  
292 at least one member residing in such ward, with no more than 3 members from any one ward. Currently,  
293 there are three members from Ward 3, so an additional member cannot be appointed from Ward 3 at this  
294 time. There are currently two members from Ward 2, so one additional member could be appointed from  
295 Ward 2 at this time. There is currently one member each from Wards 1 and 4.

296  
297 Of the current applicants, two are from Ward 1, one is from Ward 2, one is from Ward 4 and one is from  
298 Ward 3. The applicant from Ward 3, Laurel Ross, has been advised that, because there are currently 3  
299 members on the Commission from Ward 3, she is not eligible for appointment at this time.

300  
301 Council member Ross stated he would like to have balance among the wards.

302 **Motion /Second Ross/Nelson to appoint Annie Perkins from Ward 1 and Justin Sykora from Ward**  
303 **4 to the Planning Commission.**

304 Discussion

305 Council member Richter asked where Justin lives. Nelson stated residency is confirmed.

306 Motion vote: Passed, 5-0.

307

308 2. Bob Dickie Application to serve on the Parks Committee

309 Bob Dickie has applied to serve on the Parks Committee. The Committee currently has six members  
310 plus two Council Liaisons. If the Council decides to appoint Bob Dickie to the Parks Committee, it is  
311 recommended that he be appointed to a three-year term expiring on March 15, 2021.

312 **Motion/Second Palmquist/Bend to appoint Bob Dickie to the Parks Committee. Passed 5-0.**

313  
314 3. Interim Extension of Building Inspection Services Agreement

315 The Council has determined that an RFP process should be conducted for building inspection services in  
316 2018. The current building inspection services contract expires on March 31, 2018. Staff has discussed  
317 the RFP process and the building inspection services agreement expiration date with the Building  
318 Inspector, Duane Stensland, who agreed to an extension of the current contract through 2018 while the  
319 RFP process is conducted.

320 **Motion/Second Nelson/Palmquist to extend the current building inspection contract through the**  
321 **end of 2018. Passed 5-0.**

322  
323 4. Afton Historical Museum Proposal for Review of Property File Documents

324 Staff is preparing to have all documents in the property files scanned for input into Laserfiche and then  
325 shredded. The Afton Historical Museum believes it is important that, prior to shredding, the files be  
326 reviewed to identify original documents with historic value, so that those original documents can be  
327 preserved. Cities Digital, who will be doing the scanning, has indicated they will deliver the property  
328 files back to the City or to the Museum after the documents are scanned. The Museum has provided the  
329 attached proposal for review of the files. The proposed cost is \$70 per box of files, which the Museum  
330 estimated at 60 boxes. Cities Digital believes it will be closer to 80 boxes of files. The total cost would  
331 be between \$4,200 and \$5,600.

332 **Motion/Second Ross/Nelson to table item until next month. Passed 5-0.**

333  
334 5. Update Regarding the Planning Process for Jessie Diggins Day

335 Council member Ross provided an update on the planning process for Jessie Diggins Day, May 12.

336 Council member Richter asked about funding and who is organizing?

337 Council member Ross replied the estimate is \$15,000 and the Afton Parade Committee is organizing and  
338 has already applied for permits.

339 **Motion/Second Palmquist/Richter To Declare May 12 Jessie Diggins Day. Passed 5-0.**

340  
341 6. Removal of Outhouses at Town Square Park

342 With the construction of the new restroom building in Town Square Park, the two old outhouses should  
343 be removed. Tri County has provided a price quote of \$2,800 to remove the two outhouses.

344 **Motion/Second Nelson/Ross to authorize Tri County to remove the two outhouses at a cost of**  
345 **\$2800.00. Passed 5-0.**

346  
347 7. Discussion of PFC Settlement

348 Council member Palmquist would like to receive enough of the allocation to install reverse osmosis filter  
349 systems in affected houses.

350 Council member Nelson would like to have money set aside in case the situation changes in the future and  
351 more homes are impacted.

352 City Engineer Todd Humber suggested a work session to discuss further.

353  
354 **D. Committee Reports**

355 1. Public Works – no report

356 2. Personnel – no report

357 3. Parks – no report

358 4. Heritage Preservation Commission / Design Review – no report

359 5. Natural Resources and Groundwater – no report

360

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

- 362 A. Ward 1 Council Member Palmquist – no report  
363 B. Ward 2 Council Member Richter – no report  
364 C. Ward 3 Council Member Ross – no report  
365 D. Ward 4 Council Member Nelson – no report  
366 E. Mayor Bend – library planning meeting was held  
367 F. City Attorney Knaak – no report  
368 G. City Administrator Moorse – no report

369

370 **11. ADJOURN –**

371 **Motion/Second Bend/Ross to adjourn. Passed 5-0.**

372

373 Meeting adjourned at 11:00 pm.

374

375

376

377 Respectfully submitted by:

378

379

380

381 \_\_\_\_\_  
Julie Yoho, City Clerk

382

383

384

385 Approved by Council (April 17, 2018) as (check one): Presented:  X  Amended: \_\_\_\_\_

386

387

388 Mayor Richard Bend \_\_\_\_\_ Date \_\_\_\_\_

389

390