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

APPROVED City Council Regular Meeting Minutes
April 16, 2019
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
7:00 P.M.

1. THE MEETING WAS CALLED TO ORDER at 7:00 P.M. by Mayor Bill Palmquist

2. THE PLEDGE OF ALLEGIANCE – was recited.

3. ROLL CALL: Mayor Palmquist, Council Members Wroblewski, Ross, Nelson, Perkins. **A Quorum was Present.**

ALSO PRESENT: Nick Guilliams (City Engineer), City Administrator Ron Moorse, City Attorney Fritz Knaak, Planning Commission Chair Kris Kopitzke, Accountant Tom Niedzwiecki

4. APPROVAL OF AGENDA –

Council member Ross added item C24 “Direct Sheriff to add extra patrol over Memorial weekend”.
Mayor Palmquist added Items C25 “culvert”, C26 “Compensation for drone operator”, & C27 “River Road”.
Move item C13 move to item C1.

Motion/Second Ross/Wroblewski To approve agenda for the April 16, 2019 Regular City Council meeting with additions noted. Passed 5-0.

5. APPROVAL OF MINUTES

A. Minutes of March 19, 2019 Regular City Council meeting

Motion/Second Ross/Wroblewski to approve the minutes of the March 19, 2019 Regular City Council meeting. Passed 4-0-1 (Perkins abstain due to absence)

B. Minutes of March 25, 2019 Special City Council meeting

Motion/Second Wroblewski/Ross to approve the minutes of the March 25, 2019 Special City Council meeting. Passed 5-0.

C. Minutes of March 25, 2019 Council Work Session

Motion/Second Ross/Wroblewski to approve the minutes of the March 25, 2019 City Council Work Session. Passed 5-0.

6. PUBLIC INPUT –

Jeff Walker, 1022 Indian Tr S. Spoke regarding the proposed gun ordinance. The Cedar Bluff development has small lots and a homeowners association which isn’t planning to enact rules. Only one person is complaining about the gun noise. Would ask council not to address the issue.

DeDe Armstrong, 3085 St Croix Tr. Spoke regarding the firearms ordinance - has concerns with how it is written in that it would be unlawful to use in self-defense. Also the language regarding firearms and use under age 18 conflicts with DNR which allows youth hunting.

Kathy Delaney, 14906 50th St S. Spoke about the gun ordinance - thought there already was an ordinance on the books about hunting in Afton, wants to be sure people are aware of DNR rules and that we are following state statutes. Also, if dogs are harassing hooved animals the owners are allowed to shoot.

54 Dave Heng, 12312 Meadow Bluff Trail. His neighbor has been firing numerous rounds next to their house,
55 often, repeated gunfire for 2 hours. Afraid for children playing outside. Would like reasonable view on what
56 is safe.

57
58 Duane Heng, 9524 Dale Road, Woodbury. His grandchildren live next to the person who is shooting. This is
59 not a hunting issue, the man is target shooting on his property. Issue is that those shells cannot leave his
60 property. What is a safe distance? Is concerned about the distance the bullets can travel as he is shooting into
61 the woods. There is a safety risk. He does not have enough space to shoot, cannot do in confined areas.

62
63 Jack Kollmer, 1248 Stagecoach Tr. Concerns with the firearms ordinance. Disagrees with the prohibition on
64 discharge of buckshot – preferred to use on coyotes on small parcels. Other items in the ordinance have
65 conflicting language, council needs to be aware of.

66
67 Randy Graham, 5912 Trading Post Trail. Would like to thank the council for addressing this issue of shooting,
68 surprised there is nothing on the books. Important that we have some sort of regulation and to get public input
69 on this.

70
71 Kathy Graham, 5912 Trading Post Tr. Noted that there are two different drafts of the ordinance and both have
72 good parts. The focus is on discharge, not hunting or ownership. This is a starting place for good ordinance.

73
74 Ann Dieperink, 19695 37th St S. For the first 10 years they lived in Afton, their house was shot at. Happy
75 someone is starting to look at the situation. Allows hunting on her land and supports hunters. Would also
76 like the council to consider non-lead regulations.

77

78 **7. REPORTS/PRESENTATIONS –**

79

80 **A. Sheriff's Monthly Report**

81 none

82

83 **B. Tom Niedzwiecki, Budget Report**

84 Tom provided an overview of the March financial reports. He reviewed the city infrastructure fund in
85 detail.

86 Council member Ross asked about funds for payment to Century Link (in account waiting).

87

88 **C. Lower St. Croix Fire District Report**

89 Council member Nelson reported they are starting to talk about new ladder truck purchase.

90

91 **8. CONSENT AGENDA**

92 **A. Just and Correct Claims**

93 **B. 4M Fund Transfer March – Resolution 2019-21**

94 **Motion/Second Ross/Wroblewski to approve Resolution 2019-21 approving the 4M fund transfer for**
95 **March. Roll call: All aye, passed 5-0.**

96

97 **9. CITY COUNCIL BUISINESS**

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

99 1. Gary Swanson Application for minor subdivision and variance at 5550 Neal Ave

100 Administrator Moorse provided a summary: The applicant owns an 80 acre parcel at 5468 Neal
101 Avenue that includes a house and accessory buildings, and an adjacent 1-acre parcel to the south on
102 which are located a number of accessory buildings. The applicant also owns the 79 acre parcel at
103 5550 Neal Avenue, on which are also located a house and multiple accessory buildings. The applicant
104 operates a farm using all three parcels. The applicant has applied for a minor subdivision at 5550
105 Neal Avenue to divide a 5-acre parcel that includes a house and 3 accessory buildings, from the

106 existing 79-acre parcel. The proposed 5-acre parcel has 300 feet of frontage on Neal Avenue and has
107 direct access to Neal Avenue
108 Kopitzke stated the Planning commission was unanimous in recommending approval
109 **Motion/Second Wroblewski / Ross To adopt Resolution 2019-22 approving the Gary Swanson**
110 **application for minor subdivision and variance at 5550 Neal Avenue.**
111 Mayor Palmquist stated this is keeping ag buildings available for ag use.
112 Roll call: All Aye, Passed 5-0.

113
114 2. Election of Officers – Update
115 Nominations include Kopitzke for Chair, Doherty for Vice Chair. Waiting to see if Patten wants to
116 continue as Secretary.

117
118 3. PLCD Ordinance Review – Update
119 Chair Kopitzke provided an update on the review.

120 **B. Engineering Report – (Engineer Staff Report & Council Update)**
121 No report

122
123
124 **C. Administration – (some items taken out of order)**

125 1. Road Improvements for 2020 and Related Road Coring

126 It is recommended that core samples be taken on the roads recommended for improvements to
127 determine if the depth of asphalt is sufficient to enable a mill and overlay vs. a reclamation.

128 **Motion/Second Ross/Wroblewski to approve WSB for coring of the roads recommended for**
129 **improvement in 2020, at a cost not to exceed \$2,848. Passed 5-0.**

130
131 2. Soil Borings on 60th Street

132 The portion of 60th Street from Trading Post Trail to Neal Avenue, which is currently gravel, is
133 going to be paved by the developer of the Afton Creek Preserve subdivision. To determine if the
134 existing gravel base is adequate for paving, soil borings are needed along the road.

135 **Motion/Second Palmquist/Ross to approve WSB for soil borings on 60th Street in an amount**
136 **not to exceed \$4,500.**

137 Council member Wroblewski stated that the borings should be paid for by the Afton Creek
138 developer.

139 Mayor Palmquist stated that the city has to be sure it's done correctly.

140 **Motion withdrawn**

141 **Motion/Second Ross/Wroblewski to direct staff to inform the developer that they are**
142 **responsible for street boring with city engineer review. Passed 5-0.**

143
144 3. Bridge Repairs Update

145 City Engineer Guilliams reported that several bridge repairs are needed based on inspection. WSB
146 is still working with Valley Branch Watershed; no work can be done until after June 15.

147
148 4. Town Square Park Drainage Improvement

149 During heavy rain events, Town Square Park experiences substantial pooling of water in the area
150 south of the ballfield. A low-cost solution was tried in 2018, but it did not solve the drainage
151 problem. The City Engineer has prepared a drainage solution that involves a drain and a storm
152 sewer line connecting to the storm sewer in St. Croix Trail. The proposed solution cost estimate is
153 \$22,940. This cost could be funded with Park Dedication funds.

154 Council member Wroblewski asked how often this happens? Is it a large problem?

155 Council member Nelson asked if we have given the low cost solution enough time to work?

156 Council member Ross stated that the solution tried last year didn't help. Spent a little money to
157 solve big problem, wasted money because it failed. Park will need restoration work.

- 158 Mayor Palmquist asked if the area can be graded?
159 Council member Ross stated that the sidewalk is a natural dam
160 Council member Perkins asked if this would come out of park dedication funds? What other
161 priorities are there? (yes, and funds can only be spent on capital improvements)
162 Other options were discussed
163 Council member Perkins suggested having a walking meeting to see some of these items.
164 **Motion/Second Palmquist/ Ross to authorize staff to obtain bids for the Town Square Park**
165 **drainage solution.**
166 Council member Ross added friendly amendment “**to have completed by mid-June**”. (accepted)
167 Council member Nelson asked if the current fix isn’t working? (Ken Johnson, Public Works replied
168 that it works to small percent, but not as well as we’d like it too).
169 **Vote: Passed 5-0.**
170
171 5. Ditch at 50th Street and St. Croix Trail
172 Working with the County to develop safety improvements
173
174 6. City Dock Structure Improvements
175 Stabilizers need to be replaced. Specific costs are being figured out, work to be done next winter.
176
177 7. Sale of Flood Pumps
178 The Council has authorized the sale of one of its two diesel-powered flood pumps by auction at a
179 minimum price of \$8,000. Bids are currently being accepted for the pump, and will continue to be
180 accepted through April 22.
181 The Council has also discussed the possible sale of the second diesel-powered flood pump. This
182 pump is mounted on a trailer, similar to the pump being offered at auction. However, the pump
183 itself is owned by the DNR, so cannot be sold. The pump can be transferred to another public
184 entity. The trailer and accessories can be sold to the public entity to which the pump is transferred.
185 The value of the trailer and accessories is estimated at about \$4,500. Staff is requesting direction
186 from the Council regarding whether the pump and trailer should be retained or whether the pump
187 should be transferred back to the DNR and the trailer sold.
188 Council member Nelson stated he would return the pump to the DNR.
189 Mayor Palmquist asked why we are looking to get rid of the pump?
190 Council member Ross stated the city is running out of room in the garage.
191 Johnson stated that both of the new pumps would have to fail for it to be needed. Also the levee
192 would have to be modified to park the pump there to use. It is a back-up to the other 2 pumps.
193 **Motion/Second Ross/Nelson to direct staff to return the DNR pump and sell the trailer. Passed**
194 **3-2 (Palmquist, Wroblewski Nay).**
195
196 8. Maintenance of St. Croix Trail Boulevard Turf
197 The new grass in the boulevard area along St. Croix Trail will need to be adequately watered
198 particularly at key times of the summer, in order for it to survive and thrive. It will also need to be
199 regularly mowed. Staff recommends an early effort to strongly encourage the property owners
200 along St. Croix Trail to adequately maintain the grass, including watering and mowing. The City
201 may also want to have a plan for quickly dealing with situations where the grass is not being
202 adequately watered. While staff recommends the City not be involved in watering the grass, the
203 City may be the provider of last resort in some cases. If that is a possibility, staff recommends the
204 Council consider putting in place a fee for this service that can be assessed to the property if not
205 paid.
206 Mayor Palmquist asked if we can require people to maintain grass on land they don’t own?
207 Attorney Knaak replied that the city can require, but will take a specific ordinance.
208 Council member Perkins asked why there is high maintenance grass planted there?

209 Administrator Moorse replied that it its county land and the city is required to replace the grass if it
210 dies. The County has guidelines on what can be planted there.

211 **Motion/Second Palmquist/Wroblewski to have staff explore options for boulevard grass**
212 **maintenance. Passed 5-0**

213 Suggestion to put information in newsletter to remind people to water.
214

215

9. Purchase of Mower

216 The City currently has a John Deere tractor mower that is used for all mowing needs, including the
217 parks and the levee. In 2018, it also began to be used for snowblowing of the new sidewalks in the
218 Downtown Village area. Ken Johnson, Public Works Supervisor, is concerned that both the
219 mowing and snowblowing workload will reduce the life of the current mower. He also would like a
220 mower that is more efficient in the parks and on the levee. Ken has recommended that a zero turn
221 mower be purchased to increase the efficiency of mowing, and to reduce the use of the current
222 mower to extend its life. The replacement cost for the current mower would be \$16,000. The cost
223 of the John Deere zero turn mower is \$9,900.

224 **Motion/Second Palmquist /Ross to authorize purchase of the John Deere Z950M ZTrak**
225 **mower at a cost of \$9,900.**

226 Council member Nelson noted this is commercial grade.

227 Mayor Palmquist amended the motion to “**pending staffs receipt and approval**”. (accepted)

228 **Vote: Passed 5-0**
229

230

10. Accounting Services Update (taken out of order)

231 Waiting for 1 more proposal. Ron will schedule interviews at a work session.
232

233

11. Removal of Trees at Rinta Park

234 In 2018, Barbara Ronningen, who coordinates the Rinta Park community gardens, requested the
235 removal of approximately 15 trees along the east edge of the gardens that overshadow the gardens.
236 The cost of the removals would be funded from the Park Maintenance budget. The City Forester
237 has advised that the trees proposed to be removed are not quality trees and he recommends their
238 removal. Tri County has recently indicated the price quote of \$800 is still valid.

239 **Motion/Second Wroblewski/Perkins to approve \$800 for Tri County to remove approximately**
240 **15 trees along the east edge of the Rinta Park Community Gardens. Passed 4-1 (Ross nay)**
241

242

12. Social Media Policy

243 **Motion/Second Palmquist/Ross to adopt the League of Minnesota Cities social media policy.**
244 **Passed 5-0.**
245

246

13. Firearms Ordinance (taken out of order as item 1)

247 Mayor Palmquist stated that no action was planned for tonight, want to take multiple months to
248 review.

249 Administrator Moorse provided a summary of the draft ordinance

250 Council member Ross stated there are laws stating you cannot shoot across property lines.

251 Attorney Knaak stated that State law prohibits any discharge within 500 feet of any residence,
252 blanket prohibition.

253 Mayor Palmquist stated that he’d understood that was a hunting ordinance.

254 Knaak stated the prohibition is blanket. There are exceptions regarding wild animals where it is
255 allowed. If in residential neighborhood, cannot discharge.

256 The landowner said the deputy was not familiar with Afton regulations when called.

257 Council member Wroblewski stated the law is not clear since it is in the hunting area.

258 Mayor Palmquist stated that this needs more research, many cities and counties have these types of
259 ordinances.

260 Knaak stated that the city has authority over discharge and otherwise has to conform with state law.
261 City could regulate discharge within 1000' rather than 500'.
262 Council member Wroblewski first thing is to be sure anything can be used for self-defense. This is
263 not about hunting, but about sensible regulation. This is a first draft.
264 Mayor Palmquist stated this is not the only complaint that has come in, there have been other issues
265 in other locations.
266 Council member Nelson stated that there have been many good comments tonight and agree that we
267 should talk to sheriff about 500 ft rule.
268 Knaak cited MN law 97.b.01 trespass:. "occupied by human or livestock."
269 **Motion/Second Ross/Nelson to have staff contact Sherriff office to clarify Afton's position and**
270 **make sure they are aware; send letter to property owner.**
271 Council member Perkins requested the Sheriff make a visit.
272 Knaak recommended leaving it to their discretion.
273 Council member Wroblewski would like to clarify regarding occupancy
274 Council member Nelson stated the motion can give relief and we can keep working on the
275 ordinance.
276 **Motion vote: Passed 5-0.**
277 Mayor Palmquist suggested continuing to work session and set dated for a public hearing.

278
279 14. Light Pole Banners

280 The AABA and the Re-Discover Afton committees would like the city to finance the creation of 26
281 light pole banners with a summer / pollinator friendly / eco theme that can be used every year
282 during the summer. As a point of reference, the AABA paid for the Christmas banners and the
283 Jessie Diggins committee paid for the red, white and blue light pole banners. The cost would be
284 approximately \$3000.

285 **Motion/Second Nelson/Wroblewski to deny request.**

286 Mayor Palmquist stated he could support the city contributing for half but not paying for all.
287 Council member Ross stated the Rediscover Afton committee would like to have the village
288 decorated for the event.

289 Mayor Palmquist stated he would support if they were pollinator focused and council can review
290 prior.

291 **Motion withdrawn**

292 **Motion/Second Palmquist/Ross to approve contributing to the purchase of light pole banners**
293 **with a pollinator / eco-friendly design approved by the city in an amount not to exceed \$3000.**
294 **Passed 4-1. (Wroblewski nay).**

295
296 15. Parks Committee Recommendations regarding Bees and Pollinators and Large Planted Pots at Town
297 Square Park – **Resolution 2019-23**

298 Resolution to promote a healthy environment for bees and pollinators. The resolution
299 includes information regarding the need to promote a healthy environment for bees and
300 pollinators and actions the City can take to address that need.

301 **Motion/Second Wroblewski/Perkins to approve resolution 2019-23 promoting a**
302 **healthy environment for bees, pollinators, beneficial insects and people too. Roll call:**
303 **All aye, passed 5-0.**

304
305 The Park Committee has recommended purchasing large planted pots to be placed around the
306 hemisphere at Town Square Park, at a cost of \$500.

307 **Motion/Second Palmquist/ Nelson to approve the purchase of large planted pots to be**
308 **placed around the hemisphere at Town Square Park, at a cost not to exceed \$500.**
309 **Passed 5-0.**

310
311

- 312 **Motion/Second Palmquist/Ross to have staff look into implementing a pollinator-**
313 **friendly pilot program. Passed 5-0.**
314
- 315 16. Large Planted Pots at 33rd Street and St. Croix Trail
316 The Re-Discover Afton committee would like to place two to four of the same planted pots at the
317 intersection of 33rd and St. Croix Trail for the event, and is requesting that the City purchase the
318 panted pots at a cost of approximately \$500.
319 Council member Perkins recommended looking at this one request next year.
320 **Motion/Second Wroblewski/Palmquist to not approve and revisit next year. Passed 5-0.**
321
- 322 17. Referral of Sanitary Sewer Ordinance Amendments to the Planning Commission
323 **Motion/Second Nelson/Ross to refer amendments to the sanitary sewer ordinance to the**
324 **Planning Commission. Passed 5-0.**
325
- 326 18. City Council Audio/Video System Improvements
327 At its March 19, 2019 regular meeting, the Council reviewed options for Council Chambers
328 Audio/Video improvements. The Council approved replacement of the existing camera, and the
329 replacement of the existing DVD players with a new software system for recording and for
330 controlling the video inputs during recording, at a total cost not to exceed \$6,000. This package of
331 improvements was a portion of one of the options proposed by the contractor, Z Systems. The
332 contractor has indicated that the cost of this portion of the option, including labor, is \$6,900. In
333 order to move forward with the selected option, the Council needs to authorize the expenditure of an
334 additional \$900.
335 **Motion/Second Ross/Nelson to authorize additional \$900 for total of \$6,900 for Council**
336 **Chambers Audio/Video improvements. Passed 5-0.**
337
- 338 19. Planning Commission Member Reappointments (Bowman, Langan)
339 **Motion/Second Ross/Nelson to reappoint Roger Bowman and James Langan to additional**
340 **three-year terms on the Planning Commission expiring on February 15, 2022. Passed 5-0.**
341
- 342 20. Appointment of Grant Jensen to the Parks Committee
343 **Motion/Second Ross/Nelson to appoint Grant Jensen to the Parks Committee for a three-year**
344 **term expiring on March 31, 2022. Passed 5-0.**
345
- 346 21. Appointment of Cole Cernohous to Seasonal Maintenance Employee Position
347 **Motion/Second Ross/Palmquist to appoint Cole Cernohous to a seasonal maintenance position**
348 **at a pay rate of \$12.00 per hour, with a start date of May 1, 2019. Passed 5-0.**
349
- 350 22. Excess Liability Coverage and Statutory Liability Limits
351 **Motion/Second Wroblewski/Ross to not waive the monetary limits on tort liability established**
352 **by Minnesota Statutes, Section 466.04. Passed 5-0.**
353
- 354 23. Schedule Council Work Sessions
355 A work session will be scheduled for Thursday April 25 at 5:00.
356
- 357 24. Sheriff patrols
358 **Motion/Second Ross/Palmquist to add extra speed patrols over Memorial Day weekend on Hwy**
359 **21. Passed 5-0.**
360
- 361 25. Culvert
362 **Motion/Second Ross/Palmquist to authorize public works to install culvert at 35th & St Croix**
363 **trail. Passed 5-0**

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- 26. Drone operator
Motion/Second Palmquist/Ross To pay drone operator \$300 for photos and video and also Spencer Klover for 4 hours of his time in making the flood video. Passed 5-0.

- 27. River road
At the April 15 meeting residents indicated they want to move ahead with plan for replacement of sewer lines, construction in 2020.
Council member Nelson stated that is sounds like fall is best time to do the project. We need to find out where we are with DNR and county money.
Council member Ross stated that we need the plans to know costs.
Council member Wroblewski agreed about the fall timeframe, and noted the residents have already been assessed.
Motion/Second Ross/Nelson to direct staff to authorize WSB to provide a quote to create a bid package with the intent that the project is to be completed in 2020, contingent on city’s financial situation.
Mayor Palmquist friendly amendment: **“with the understanding owners have already been assessed for this work.” (accepted)**
Council member Perkins stated that the owners care about timing and want it done sooner rather than later. Have been assessed and don’t know timeframe of when it will work. Friendly amendment **“project completed by 2020 or sooner” (accepted)**
Vote: Passed 5-0.

D. Committee Reports

- 1. Public Works – no report
- 2. Personnel – no report
- 3. Parks – roadside clean up and park clean up on agenda
- 4. Heritage Preservation Commission / Design Review – grant application in, meeting tomorrow
- 5. Natural Resources and Groundwater – water sampling

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

- A. Ward 1 Council Member Perkins – no report
- B. Ward 2 Council Member Wroblewski – Xcel substation, attended water consortium meeting, native plant sale on June 8
- C. Ward 3 Council Member Ross – Valley Creek is done getting their service installed from Century Link. Sentence to service may take down trees for free.
Motion/Second Ross/Palmquist to have staff check with Sentence to Serve prior to awarding bid for tree removal. Passed 5-0.
- D. Ward 4 Council Member Nelson – no report
- E. Mayor Palmquist – attended Asian carp program
- F. City Attorney Knaak – condemnation process in progress. Diggins matter is resolved. Abandoned house.
- G. City Administrator Moorse – no report

11. ADJOURN

Motion/Second Nelson/Ross to adjourn. Passed 5-0.

Meeting adjourned at 10:35 PM

Respectfully submitted by:

416 JY

417 Julie Yoho, City Clerk

418

419

420 Approved by Council May 21, 2019 as (check one): Presented: x Amended: _____

421

422

423 Mayor Bill Palmquist _____ Date _____

424