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

APPROVED City Council Regular Meeting Minutes
May 21, 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 –

Add items 10c13 “unoccupied structures”; 10c14 “house at waste water treatment site”; move closed session to item 10c15.

Motion/Second Ross/Wroblewski To approve agenda for the May 21, 2019 Regular City Council meeting with changes noted.

5. APPROVAL OF MINUTES

A. Minutes of April 16, 2019 Regular City Council meeting

Motion/Second Ross/Wroblewski to approve the minutes of the April 16, 2019 Regular City Council meeting with spelling changes noted. Passed 5-0.

B. Minutes of April 15, 2019 Special City Council meeting

Motion/Second Palmquist/Ross to approve the minutes of the April 15, 2019 Special City Council meeting. Passed 5-0 .

C. Minutes of April 15, 2019 River Road Neighborhood Meeting

Motion/Second Ross/Perkins to approve the minutes of the April 15, 2019 River Road Neighborhood meeting. Passed 5-0.

D. Minutes of the April 25, 2019 Council Work session

Motion/Second Palmquist/Ross to approve the minutes of the April 25, 2019 City Council work session. Passed 5-0.

6. PUBLIC INPUT –

none

7. REPORTS/PRESENTATIONS –

A. Sheriff’s Monthly Report

none

B. Tom Niedzwiecki, Budget Report

Tom provided an overview of the April financial reports.

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C. Lower St. Croix Fire District Report

Council member Nelson reported the department is looking into getting a new fire truck.

8. PUBLIC HEARINGS

A. Ordinance Amending Section 14.1 Use & Discharge of Weapons

Mayor Palmquist opened the public hearing at 7:20 pm.
Administrator Moore provided a summary of the ordinance changes.

Louise Pesavento, ordinance proposal is too long, current regulations are sufficient. Council has spent too much time on this issue. Feels this is a land ownership issue which should have gone through the planning commission.

Steve Pesevento, current ordinance has worked for decades, trying to figure out what has changed. Neighbors should talk to each other if there is a problem.

Kris Haslund, 10th St S. Has lived in Afton her entire life. She is concerned about firearm noise, there is much more now than there used to ever be. Seems to be shooting at all hours. Neighbor shot her dog five years ago from his house. Feels something needs to be done.

Jodie Belknap, 13201 40th St S. Grew up in Afton, involved with hunting. Understands there are neighbors that you cannot approach. Feels this ordinance is very reasonable as it builds in safety measures and allows police to approach residents if there is a problem. In support of this passing.

Jen Wroblewski, 4081 Neal Ave. Has lived in Afton for 10 years. Would like to thank the council for looking at this issue. The changes do not seem too restrictive. These seem like common sense additions that offer more safety. Pro active thinking, would like to see the ordinance pass.

Dave Heng, 12312 Meadow Bluff Tr, Has neighbor who has been discharging firearms 150' from their home for target practice. Does not feel safe or safe for his children who play outside. Current city ordinance doesn't prohibit this.

Duane Heng, 9524 Dale Road, Woodbury, Dave's father. Is concerned over safety when shooting is occurring on a 2.5 acre lot. He has lost relatives to accidental shootings. No different in Afton, people can be careless with guns, often don't realize how far the bullets can go. Public safety issue. Need to have ordinances like this.

Kris Kopitzke, Afton Blvd. Feels there are two purposes for this ordinance are to protect neighbors from noise and from the bullet going where not intended.

Ben Keil, has lived in Afton for 6 years. Stated that there are places where this restriction may not make sense, but many places it does. This is about public safety.

Motion/Second Nelson /Ross To close public hearing. Passed 5-0.

Public hearing closed at 7:47 pm.

Mayor Palmquist and Administrator Moore read several emails that they had received which are in support of the changes in the ordinance from Ann Debrink, Randy & Kathy Graham, Richard Bend.

Motion/Second Wroblewski/Perkins to approve Ordinance 01-2019 amending Sec. 14-1 of the City Code regarding the use and discharge of firearms.

106 Discussion
107 Council member Nelson stated that we can't regulate reckless behavior, also has concern about regulating
108 target shooting on 5 acre lots.
109 Council member Wroblewski stated that the draft went from 1000 feet to 500 feet. She understands how far
110 these ammunition rounds can travel. Feels that this ordinance is the minimum requirement for safety.
111 Council member Perkins there is no acreage minimum in this. This ordinance seems reasonable and allows
112 police to do something if a person is reckless. Doesn't understand how this negatively affects someone's
113 rights.
114 Council member Nelson replied that some locations will fall within 500' even though they own large parcels
115 of land.
116 Council member Ross has no problem with guns but has problem with stupid behavior.
117 Doesn't want to write an ordinance to solve a problem, but this will allow the police to solve the problem.
118 Has slight problem with the 500' regulation.
119 Council member Perkins living in rural environment should not be basis to disregard public safety.
120 Mayor Palmquist stated that the state statute has been based on 500'. Having permission from your neighbor
121 will allow for closer use.
122 Jeff Walker 1022 Indian Tr, stated that the HOA in that community could prohibit discharge in that
123 development. 500' rule is too restrictive. Feels many parcels will be affected and landowners will not be
124 able to shoot on their own property.
125 Wroblewski stated that the police officers need to have rules to be able to enforce. We currently do not have
126 a law to prevent what is occurring.
127 Council member Nelson stated that 200' would be adequate to address this issue.
128 City attorney Knaak stated that the state statute says no discharge within 500' of occupied structure without
129 permission.
130 Council member Nelson asked why officers couldn't enforce that law?
131 Knaak replied there is confusion, commonly interpreted in hunting
132 Council member Wroblewski stated that this ordinance would clarify and match the state statute and make
133 it clearer for people.
134 Council member Ross asked why in this instance the deputies didn't act?
135 Knaak replied it is commonly assumed as a hunting regulation. Current regulation requires knowledge that
136 structure is occupied. This ordinance provided clarification and increases number of enforcement options.
137 Council member Wroblewski statute says occupied with human or livestock and on another persons private
138 land.
139 **Roll Call vote: Nelson nay, Ross Nay, Wroblewski Aye, Perkins Aye, Palmquist Aye. Passed 3-2**
140

141 9. CONSENT AGENDA

142 A. Just and Correct Claims

143 B. 4M Fund Transfer April – Resolution 2019-24

144 **Motion/Second Ross/Palmquist to approve Resolution 2019-24 approving the 4M fund transfer for**
145 **April. Roll call: All aye, passed 5-0.**
146

147 CITY COUNCIL BUISINESS

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

149 1. Comments regarding Lake St Croix Beach Draft 2040 Comprehensive Plan

150 The Planning Commission recommended the following comments:

- 151 1) Afton appreciates that Lake St. Croix Beach has a Surface Water Management Plan and would
152 like to see an updated implementation plan.
- 153 2) Afton requests that Lake St. Croix Beach increase its diligence in protecting groundwater,
154 including ensuring septic systems are compliant with State and County requirements.
- 155 3) Afton requests that the Comprehensive Plan include the exploration of a municipal sanitary
156 sewer system and recognize the need for a pathway to a sanitary sewer system.

- 157 4) Afton offers its experience and knowledge regarding the funding and construction of a sanitary
158 sewer system.
159 5) Afton appreciates the single-family residential development along the western border of Lake
160 St. Croix Beach and requests that the current density remain.
161

162 **Motion/Second Wroblewski/Perkins to submit comments to Lake St Croix Beach regarding**
163 **their Draft 2040 Comprehensive Plan as recommended by the Planning Commission.**

164 Council member Nelson asked about item 5 regarding density

165 **Motion vote: passed 5-0.**
166

- 167 2. Election of Officers – Update
168
169 3. PLCD Ordinance Review – Update
170 Chair Kopitzke provided an update on the review.
171

172 **B. Engineering Report – (Engineer Staff Report & Council Update)**

173 1. River Road Sanitary Sewer

174 WSB recommends bidding in the fall due to current high construction costs.

175 **Motion/Second Ross/Palmquist to authorize WSB to prepare construction documents with**
176 **bidding services to being in August with cost not to exceed \$34,786.00.**

177 Council member Perkins expressed concern over the timing since homes have been assessed and are
178 not receiving service. She is unable to connect to partial service.

179 Council member Ross stated there are two homes that are not connected, the others are and are being
180 charged a lower fee. The City has paid for the lift station and pipes.

181 Discussion was held on the timing of the bid and the availability of contractors. Costs could be
182 \$100,000 more to get the bids right now vs. waiting until fall. It was suggested Perkins could use a
183 holding tank in the short term until she is able to connect, or stay independent if there is room for a
184 secondary septic site.

185 **Motion vote: Passed 5-0.**
186

187 2. Change Order No. 12 – Downtown Village Improvement Project

188 **Motion/Second Ross/Nelson to approve change order No. 12 for the Downtown Improvement**
189 **project to Geislinger & Sons in the amount of \$19,480.50. Passed 5-0.**
190

191 3. Pay Voucher No. 21 from Geislinger & Sons Inc.

192 **Motion/Second Ross/Nelson to approve Pay Voucher No 21 to Geislinger & Sons in the amount**
193 **of \$243,569.22. Passed 5-0.**
194

195 **C. Administration –**

196 1. Mike Orth & Cynthia Kivisto Application for Simple Subdivision at 16226 53rd St

197 Michael Orth and Cynthia Kivisto own the parcel at 16226 53rd Street. They also own the parcel
198 with PID# 028.20.21.0026 that is directly adjacent to the east, and which extends east of Swede Hill
199 Road. The 53rd Street parcel is developed with a house. The parcel with PID# 028.20.21.0026 is an
200 undeveloped parcel subject to a conservation easement held by the DNR which prohibits the
201 development of the land and protects the land as open space.

202 The applicants have applied for a simple subdivision for a lot line rearrangement to divide the parcel
203 with PID# 028.20.21.0026 in two and add the portion of the parcel west of Swede Hill Road to their
204 parcel on 53rd Street (to become Parcel A). The portion of the parcel east of Swede Hill Road
205 (Parcel B) is to be sold to the owners of the parcel directly adjacent to the southern boundary of
206 Parcel B.

207 Mayor Palmquist asked for clarification on the conservation easement

208 Council member Perkins asked for clarification on the subdivision

- 209 Council member Wroblewski asked about the reason for keeping 2 PIDs (tax implications)
210 **Motion/Second Palmquist/Nelson to adopt Resolution 2019-25 approving the simple**
211 **subdivision at 16226 53rd Street and parcel with PID# 35.028.20.21.0026.**
212 **Council member Wroblewski asked about adding 6th condition:**
213 **“conservation easement shall be retained if property is ever sold” (friendly amendment –**
214 **Accepted). Roll call: all aye, Passed 5-0**
215
216 2. Selection of Accounting services provider
217 **Motion/Second Wroblewski/Ross to select Tom Niedzwiecki to provide accounting services for**
218 **the next two years. Passed 5-0.**
219
220 3. 60th St Culvert replacements
221 Mayor Palmquist stated that the developer should replace the ones that need to be replaced.
222 Council member Wroblewski stated that the developer should make improvements to city standards
223 and replace culverts.
224 **Motion/Second Ross/Wroblewski To hold the developer responsible to replace culverts as**
225 **determined by Public Works on the portion of 60th Street that is to be paved. Passed 5-0.**
226
227 4. Additional Downtown Banners
228 Council member Ross explained that previously the council approved \$3000 for banners. Actual
229 cost was half. Would like to print another set to use in a different season.
230 Mayor Palmquist stated he would like another set if it could be done within budget.
231 Council member Perkins stated she didn’t see design of last one, would like to see design prior to
232 order being placed.
233 **Motion/Second Palmquist/Ross To purchase additional set of banners for downtown staying**
234 **within original budget, and with design to be sent to council prior to order.**
235 Council member Wroblewski stated she would like to save money.
236 Council member Ross stated that this is money we do have, that was previously approved.
237 **Vote: Passed 5-0**
238
239 5. Planning Commission member reappointments
240 Done last month
241
242 6. Reappointment of Jim Cox and Peter Vujovich to the Design Review/Heritage Preservation
243 Commission
244 **Motion/Second Palmquist/Ross to reappoint Jim Cox and Peter Vujovich to the Design**
245 **Review/Heritage Preservation Commission. Passed 5-0.**
246
247 7. Appointment of Grant Jensen to the Parks Committee
248 **Motion/Second Wroblewski/Ross to appoint Grant Jensen to the Parks Commission. Passed**
249 **5-0.**
250
251 8. Afton Historical Museum connection to the municipal sewer system
252 **Motion/Second Wroblewski/Nelson to approve connection of the Afton Historical Museum to**
253 **the municipal sewer system. Passed 4-0-1 (Ross abstain).**
254
255 9. Illegal congregating & illegal dumping
256 There have been issues on Putnam St with dumping of trash and illegal congregating
257 Mayor Palmquist stated that signs noting fines should be posted in the area.
258 **Motion/Second Palmquist/Ross to authorize staff to spend funds not to exceed \$250 to create**
259 **and post signage indicating applicable ordinance and fines.**
260 Attorney Knaak stated the signage can serve as a reminder.

- 261 **Motion Vote: Passed 5-0.**
262
263 10. 2019 Pay adjustments
264 **Motion/Second Ross/ Palmquist to approve pay adjustment of 3.0% for 2019, effective March**
265 **1, 2019, for the Office Assistant, Public Works Supervisor and seasonal staff; and a pay**
266 **adjustment of 4% for the City Clerk, effective May 22, 2019. Passed 5-0.**
267
268 11. 60th St Maintenance agreement with Demark Township
269 Motion/Second Ross/Nelson to authorize staff to work with Denmark Township on the 60th Street
270 maintenance agreement. Passed 5-0.
271
272 12. Schedule council work session
273 To be scheduled
274
275 13. Un-occupied structures
276 The Historic Preservation Commission wants to address vacant buildings downtown. The City
277 attorney has provided a vacant building registration form draft.
278 Mayor Palmquist stated that this needs to be done quickly.
279
280 Council member Ross discussed the property on 34th street which has been unoccupied for 5 years.
281 Attorney Knaak stated that it could be declared a hazardous structure; then the city can clean up and
282 assess under the state statute regarding hazardous structures.
283 Council member Ross stated he would like to have a citation written.
284 Knaak could do criminal complaint
285 Mayor Palmquist recommended issuing a citation, then begin statutory proceedings; Ron contact the
286 owner tomorrow.
287 **Motion/Second Ross/Nelson To direct the city attorney to take whatever means necessary in**
288 **order for deputies to issue a citation.**
289 Friendly amendment - Palmquist To send notice when it's appropriate that a citation has been
290 **issued and the process begun (accepted)**
291 **Vote passed 5-0**
292
293 14. House at treatment site
294 There has been vandalism at the site.
295 Mayor Palmquist reported that Mr. Gehrke is interested in the house.
296 Council member Ross reported that conditions are bad and he has concern over liability.
297 Council member Perkins asked what would be the best way to protect the city.
298 Attorney Knaak recommended eliminating the hazard or securing it.
299 Discussion was held over potential land exchange
300 **Motion/Second Palmquist/ Perkins To authorize staff to secure the property and report back**
301 **next month on possibility of land swap.**
302 Palmquist friendly amendment: **also repair the gate.** (accepted)
303 **Passed 4-1 (Nelson nay).**
304
305 15. Attorney tom radio updates (closed session) Taken out of order
306

D. Committee Reports

- 307
308 1. Public Works – none
309 2. Personnel – work flow, look into way to track calls and projects.
310 3. Parks – the new plants are out
311 4. Heritage Preservation Commission / Design Review – working on ordinance for vacant buildings
312 5. Natural Resources and Groundwater – water testing next week

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

- A. Ward 1 Council Member Perkins – no report
- B. Ward 2 Council Member Wroblewski – add adopt a drain in newsletter
- C. Ward 3 Council Member Ross – no report
- D. Ward 4 Council Member Nelson – no report
- E. Mayor Palmquist – ribbon cutting went well
- F. City Attorney Knaak – no report
- G. City Administrator Moorse – no report

11. ADJOURN

Motion/Second Ross/Perkins to adjourn. Passed 5-0.
Meeting adjourned at 10:28 pm.

Motion/Second Palmquist/Nelson to begin closed session. Passed 5-0.
Closed session begins 10:29 pm.
Attorney Tom Radio updates on pending litigation.

Respectfully submitted by:

JY
Julie Yoho, City Clerk

Approved by Council June 18, 2019 as (check one): Presented: X Amended: _____

Mayor Bill Palmquist _____ Date _____