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

**APPROVED** City Council Regular Meeting Minutes  
**June 18, 2019**  
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 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

**4. APPROVAL OF AGENDA** –

Add item 9c6 “Enforcement” move other items down.

**Motion/Second Ross/Wroblewski To approve the agenda for the June 18, 2019 Regular City Council meeting with changes noted. Passed 5-0.**

**5. APPROVAL OF MINUTES**

a. Minutes of May 21, 2019 Regular City Council meeting

**Motion/Second Ross/Nelson to approve the minutes of the May 21, 2019 Regular City Council Meeting. Passed 5-0.**

Introduction of New City Engineer from WSB, Sue.

**6. PUBLIC INPUT** –

Theresa Lewandowski, 5888 Trading Post Tr S; Concerned that the Carlson development is violating items in the developers agreement. What are consequences of violations?

James Rickard, 5650 Odell Ave S; there are violations to the developers agreement – buildings are still intact at 5550. Off 60<sup>th</sup> St dirt has been exposed over entire site, not smallest possible area as stated on page 8 of the developer’s agreement. Letter of hardship from the renter should not be considered. New developer is questioning need to remove house. Ask that the council issue a stop order until issues are remedied.

Kathy Graham, 5912 Trading Post Tr; concern over letter requesting house remain at 5550 Odell. Issue was discussed back in September before plat was finalized. If house remains, the lot contains too much impervious surface and creates a non-conforming lot, Planning commission denied request. If any changes are made then the whole agreement needs to be revisited.

Joe Richter 5325 Odell Ave S; Opposed to letting the house remain. Council worked hard to get this right, contract was signed by city and developer, resolution and development agreement state the house will be removed. Referenced letter from March 2018. Stick with contract.

Dave Husebye; agreement between Carlson and the city to protect the water. Sent photos showing that when construction started, no silt fences were installed. Not sure culvert area is protected in event of storm. Road

53 conditions not safe or wide enough for construction trucks. Regarding house removal, it could be moved  
54 elsewhere.

55 On other item for the NRG, Keith Hoffman & Mark Have have worked hard to collect water samples. 87  
56 kits were returned. 11 have tested positive so far for coliform bacteria. Thank you for making resources  
57 available for testing.

58

59 **7. REPORTS/PRESENTATIONS –**

60 **A. Sheriff’s Monthly Report**

61 No report

62

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

64 No report

65

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

67 Tom Wilson, LSCFD Fire Board Chair. Provided the budget overview for 2020. There will be a 1.29%  
68 increase for Afton.

69 Jim Stanley, LSCFD. Discussed the role of the fire dept. in local events. Noted that the Afton parade is  
70 one of the only in area that do not have a permit process.

71 Brief discussion was held and the council agreed to look at guidelines and requirements for future years.

72

73 **8. CONSENT AGENDA**

74 **A. Just and Correct Claims**

75 **B. 4M Fund Transfer May – Resolution 2019-26**

76 **Motion/Second Palmquist/Ross to approve Resolution 2019-26 approving 4M fund transfers for May.**

77 **Roll call: All aye, passed 5-0.**

78

79 **9. CITY COUNCIL BUISINESS**

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

81 1. Ordinance Amending Article IX Sewer of Chapter 12 – Ordinance 02-2019.

82 Council member Ross suggested language to cap to prevent output from reaching flood waters.

83 “providing tank can be capped to prevent output to drainfield”.

84 **Motion/Second Palmquist/Ross to adopt Ordinance 02-2019 Amending Article IX, Sewer of**  
85 **Chapter 12 Land Use. Roll call: All Aye, Passed 5-0.**

86

87 **Motion/Second Palmquist/Wroblewski to adopt summary Ordinance for publication. Passed**  
88 **5-0.**

89

90 2. PLCD Ordinance Review – Update

91 Chair Kopitzke provided an update on the review.

92

93 3. Pervious Pavers

94 **Motion/Second Ross/Palmquist move to hold discussion on pervious pavers at a later date when**  
95 **we understand maintenance requirements on the pavers we currently have. Passed 5-0.**

96

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

98 1. Afton Creek Preserve Construction Update

99 Engineer Guilliams reported that grading is progressing for culverts and roads. The site is monitored  
100 daily and weekly. So far the site is compliant, no major issues have been discovered.

101 Jennifer Hildebrand from WSB Environmental Compliance is here to answer questions.

102 Council member Ross asked about the erosion control not being in place as brought up tonight.

103 Guilliams stated the site is compliant, the culvert mentioned is underground and more silt fencing  
104 was added.

105 Council member Ross stated this is a sensitive project. Trucks are not allowed to go down Trading  
106 Post.  
107 Engineer Guilliams stated that the Sheriff is aware and tickets can be issued if weight limits are  
108 exceeded.  
109 Council member Wroblewski asked if the inspector is onsite 2x day? (Yes, typically morning and  
110 afternoon) Has the fuel tank been removed? Toilet?  
111 Representative from Petersen Co., the contractor for developer; and the Developer's Rep are present.  
112 They were unsure if these items had been removed.  
113 Council member Wroblewski stated that these items should have been done before any grading.  
114 How are we going to deal with violations?  
115 Attorney Knaak stated that a stop-order can be issued. Recommend documenting every violation and  
116 allow reasonable time to remedy.  
117 Council member Ross asked why these items haven't been taken care of? Read the agreement.  
118 Mayor Palmquist stated that these items were figured out months ago.  
119 Council member Perkins asked what the expected timeframe is for these to be done?  
120 Council member Ross recommended we set deadline of 1 week.  
121 **Motion/Second Ross/Nelson to give the developer 1 week to comply with items in the**  
122 **Development Agreement.**  
123 Attorney Knaak recommending specifying in a written notice.  
124 Council member Wroblewski stated it included items P – S in the Developers Agreement at a  
125 minimum.  
126 Mayor Palmquist suggested friendly amendment to leave the house out of it as it's an agenda item.  
127 Council member Ross stated it needs to be done by June 25, end of the business day. Including fuel  
128 tank, toilet, and contents of barn.  
129 **Motion vote: Passed 5-0.**  
130  
131 Engineer Guilliams stated that construction and culvert replacement on Stagecoach Tr will start July  
132 8th.  
133

### 134 C. Administration –

#### 135 1. Bruce Smith Request

136 Bruce Smith, Afton Creek Preserve LLC, is requesting the Council clarify the language in the  
137 Developer's Agreement regarding the removal of the house and other structures on the 5550  
138 Odell parcel. He would like the Council to clarify whether the requirement to remove all of the  
139 structures on the lot was based on the lot not complying with minimum buildability standards  
140 and whether it is the intent to leave the lot vacant indefinitely.  
141

#### 142 **Motion/Second Ross/Wroblewski move to direct the developer to adhere to Developers** 143 **Agreement and no changes will be entertained.**

#### 144 Discussion

145 Mayor Palmquist asked how can the roads be started without the house being moved?

146 Council member Wroblewski stated the requirements are clear in the Developers Agreement.

147 Abide by the contract that was signed.

148 Council member Ross stated that this is not news to the land owner or developer. The  
149 requirement was put in place months ago.

150 Council member Wroblewski stated that the trees were already removed for the road.

151 Attorney Knaak recommended the city document when precisely the road is started, the  
152 definition as per the city engineer. The Agreement states there will be a roadway through the  
153 parcel.

154 City Engineer Guilliams stated the site is currently in a rough state. There are no defined road  
155 sections or materials yet; likely 2-3 weeks out. Roads in other parts could be done, but it's likely  
156 all roads will be done at the same time for efficiency.

157 Council member Ross stated the agreement says “when road construction starts”. No more work  
158 can occur on that lot until the buildings are gone.

159 **Motion Vote: Passed 4-1 (Palmquist nay)**  
160

161 2. Solar Garden subscription agreement with Novel Energy Solutions  
162

163 **Motion/Second Ross/Palmquist to adopt Resolution 2019-27 regarding the Subscription**  
164 **Agreement with Novel Energy Solutions for Xcel Energy Bill Credits. Roll call: All Aye,**  
165 **Passed 5-0.**

166 3. Parks Committee recommendations regarding Town Square Park improvements  
167

168 **Motion/Second Palmquist/Ross to approve the purchase of playground equipment from**  
169 **Landscape Structures in the amount of \$5,358.75, the installation of the play equipment and**  
170 **expansion of the playground area by Flagship Recreation in the amount of \$3,734.00 and the**  
171 **provision and installation of additional wood chips for the existing playground area by**  
172 **Flagship Recreation in the amount of \$500.00.**

172 Discussion

173 Council member Wroblewski asked where the funds are coming from (Park dedication fund).

174 Ken Johnson noted that the four old spring toys are being remove, along with the teeter totter.

175 Council member Ross stated that the Parks committee has been concerned that city has liability with  
176 the older equipment. This company is offering discount and donating equipment. They are local  
177 company and their children play here.

178 Motion vote: Passed 5-0.  
179

180 4. 3M Settlement Working Group process  
181

182 The Government and 3M Working Group is now moving into a process through which the MPCA’s  
183 engineering consultant is collecting the Cities’ preferred solutions for addressing PFAS  
184 contamination in both the short term and long term. They will use this information to develop  
185 alternative scenarios for the Conceptual Drinking Water Supply Plan, which is the goal of the  
186 Government and 3M Working Group. Staff met with the MPCA’s consultant on June 12 to share the  
187 City’s preferred solution, which is to plan for and have funding set aside for, over the long term, the  
188 installation and maintenance of Granulated Activated Carbon water filters in homes and businesses  
189 as individual private wells are found to be contaminated.

190 Council member Nelson stated that we need to have a consistent message that we need dedicated  
191 funding for every household to have filtration.

192 Mayor Palmquist agreed and stated that we are not pursuing a system for the town, but will treat  
193 each household as needed.

194 **Motion/Second Ross/Nelson to direct staff to stay with original plan of having funding set**  
195 **aside for the long term for individual homes to have filters as needed and do not pursue a**  
196 **central water system. Passed 5-0.**  
197

198 5. Ordinance amendment regarding vacant building registration – Ordinance 03-2019  
199

200 Staff has prepared an ordinance amending Chapter 14 of the City Code to add regulations regarding  
201 vacant buildings. The ordinance has been placed in Chapter 14 Offenses and Miscellaneous  
202 Provisions. The purpose of the ordinance is to avoid buildings becoming vacant, minimize the time  
203 a building is vacant and keep vacant buildings safe and well-maintained.

204 **Motion/Second Ross/Nelson to adopt Ordinance 03-2019, an ordinance amending**  
205 **Chapter 14 of the City Code to add regulations regarding vacant buildings. Roll Call,**  
206 **All aye, Passed 5-0.**

207 **Motion/Second Ross/Wroblewski to adopt Summary Ordinance 03-2019 for**  
208 **publication. Passed 5-0.**

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6. Enforcement

Council member Ross stated there is a vacant house off 34<sup>th</sup> St which has been unoccupied for 5 years. We need a judge to sign off on the ordinance in order for it to be in the system to have the sheriff act on violations.

Attorney Knaak stated that the sheriff uses an electronic filing system which requires processing for each city. They need the number to be able to issue a citation.

Council member Ross requested that Ron send a letter to the owner now since the sheriff can't issue a citation until the ordinance is in the system.

7. 60<sup>th</sup> St Maintenance agreement with Denmark Township

**Motion/Second Ross/Palmquist to approve the 60<sup>th</sup> St Maintenance agreement with Denmark Township. Passed 5-0.**

8. Hiring of Bret Christianson as contracted videographer

**Motion/Second Nelson/Ross to approve hiring of Bret Christianson as videographer. Passed 5-0.**

9. Bollards for Trail along Levee

Bollards have now been installed at the entrances to the trail located in the Pike Street right-of-way to keep motorized vehicles from using the trail. Additional bollards or other barriers should be installed at the entrances to the trail on the levee. The entrances are at the Steamboat Park parking lot, 33<sup>rd</sup> Street and 32<sup>nd</sup> Street. Three bollards are needed at the entrances at Steamboat Park and 32<sup>nd</sup> Street. The Council may want to consider a more attractive barrier at the 33<sup>rd</sup> Street trail entrance, which is at the flood gate that opens to a view of the river. Windmill Marina has placed a large planted pot on the east side of the flood gate. The Council may want to consider a similar planted pot on the west side of the flood gate rather than a set of bollards. The cost to purchase and install six bollards is \$2,000.

The color of the visible portion of the bollards installed on Pike Street is white. Council member Ross has suggested the bollards should be covered with yellow covers with red reflective stripes. Information regarding the bollard covers is attached. The cost of the bollard covers is \$38.00 each.

**Motion/Second Ross/Nelson to authorize staff to purchase additional bollards and work with Tri-County for installation ASAP at the entrances to the trail along the levee.**

**Palmquist friendly amendment (accepted) to include purchase of covers after investigating the correct size.**

**Motion Vote: Passed 5-0.**

**Motion/Second Palmquist/Ross to authorize staff to purchase large planter to block bike trail at amount not to exceed \$400. Passed 5-0.**

**D. Committee Reports**

1. Public Works – no report
2. Personnel – Need to meet
3. Parks – no report
4. Heritage Preservation Commission / Design Review – meet tomorrow
5. Natural Resources and Groundwater – well tests

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

- A. Ward 1 Council Member Perkins – ditch washout off 45<sup>th</sup>
- B. Ward 2 Council Member Wroblewski – researching fireworks due to issues in Meadow Bluff

- 261 C. Ward 3 Council Member Ross – no report
- 262 D. Ward 4 Council Member Nelson – Fire Dept mtg. vehicle purchases is delayed for now
- 263 E. Mayor Palmquist – fee for assessor, Zero Waste group speaker on July 20
- 264 F. City Attorney Knaak – no report
- 265 G. City Administrator Moorse – no report

266  
267 **11. ADJOURN**

268 **Motion/Second Ross/Wroblewski to adjourn. Passed 5-0.**

269 Meeting adjourned at 9:34 p.m.

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273 Respectfully submitted by:

274  
275 JY

276 Julie Yoho, City Clerk

277  
278  
279 Approved by Council July 16, 2019 as (check one): Presented:  X  Amended: \_\_\_\_\_

280  
281  
282 Mayor Bill Palmquist \_\_\_\_\_ Date \_\_\_\_\_

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284