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

APPROVED City Council Regular Meeting Minutes
June 19, 2018
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 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, (City Engineer), City Administrator Ron Moorse, 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 June 19, 2018

Add items 9C12“Workshop on the water” & 9C13”DNR Grant Agreement Resolution amendment”.

Motion/Second Palmquist/Richter To approve Agenda for the Regular City Council Meeting of June 19, 2018 as amended. Passed 5-0.

5. **APPROVAL OF MINUTES**

A. Minutes of the May 15, 2018 Regular City Council Meeting

Motion/Second Ross/Palmquist To approve the minutes of the May 15, 2018 Regular City Council meeting. Passed 5-0

6. **PUBLIC INPUT** –

John Vecere, Lumberyard Pub & Boatyard grill; Stated that the restaurant will benefit the city as a whole. The new infrastructure improvements improvements to the city can help draw small business. Don’t let the fight over the driveway ruin the opportunity.

Tamara Peterson, Woodbury & Afton Marina. Supports approval of the CUP with access from 32nd St.

James Clemens, Windmill Marina Manager. Appreciates the traffic study but there are many things that can’t be captured over a few day period. Tonight 22 vehicles were lined up. The traffic study didn’t account for time to launch vessels. Issue with turning radius mentioned, location of right of way in relation to the driveway. Concerns on people walking along roadway and increased traffic.

Paul Wolner, 13446 50th St, Regarding the Carlson development: With increased traffic in the area please consider adding a speed limit signs on 50th east-bound to the east of Neal; at top of the hill on 50th. just west of Odell; and also along 60th St. Would like to request speed patrols on 50th St S.

Scott Lindall, Windmill Marina, Feels the driveway off 32nd street to the restaurant would be detrimental. Opposed to this access, not opposed to restaurant.

52 Rich Gabriel, Attorney for Windmill Marina, The 1982 agreement with the city refers to the Right-of-way.
53 ROW is used for boat launching, is not an improved public street. If it is made public, it would have to be
54 widened with a turnaround at the end. As a ROW, Afton Marina does not have right to access.

55
56 Joe Riley, Windmill Marina, Stated he is in favor of restaurant but not the access driveway on 32nd. Windmill
57 has been using the ROW according to agreement with city. Concern over safety issues while people are in
58 line to launch. City docks get heavy use, charter boats, high activity hasn't even started yet. Afton marina has
59 34 acres of property they could work an entrance in and change their bylaws, they have room to make choices.

60
61 Beverly Aho, Afton Marina, handed out a letter of response for record and distribution. Stated 32nd street was
62 part of original Afton plat and extended to the river. It is public ROW, Afton marina has right to access.
63 Windmill improved their right of way but it is still a public street, has not been vacated.

64
65 Glen Bowman, Afton Marina manager. The main gate is off a private road. A public restaurant should be off
66 a public road.

67
68 Administrator Moose read email from Lori Swanson, 13501 50th St Afton. She supports restaurant but does
69 not support the access off of 32nd. Afton Marina can enter and exit through their own property. Too much
70 traffic will be added to a busy road. Having a restaurant on the river will draw vehicle traffic as a destination.
71 She is a longtime resident and boat owner who has launched boats at Windmill.

72
73 Administrator Moose read email from Grant Wiessner, 3750 Paradox Ave S Afton. Grant has a launch pass
74 for Windmill. Feels the proposed access on 32nd Street will create added traffic concerns on weekends. Is in
75 favor of the restaurant but does not in support the 32nd St access.

77 **7. REPORTS/PRESENTATIONS -**

78 **A. Sheriff's Monthly Report**
79 none

80
81 **B. Tom Niedzwiecki, Budget Report**
82 Tom provided the monthly financial summary.

83
84 **C. Lower St. Croix Fire District Report**
85 Tim Wilson, Fire District Board and Finance Chair. Reviewed the Budget proposal for 2019. \$11,000
86 increase to city of Afton is primarily due to Medicare adjustments and the move to hourly pay for all runs.
87 Budget is up 9%.
88 Council member Ross thanked the Dept. for their assistance in his accident.

89
90 **8. CONSENT AGENDA**

91 **A. Just and Correct Claims**

92 **B. 4M Fund Transfer – MAY – Resolution 2018-28**

93 **Motion/Second Palmquist/Ross to approve Resolution 2018-28 approving May transfers. Roll call:**
94 **all aye, passed 5-0.**

95
96 **9. CITY COUNCIL BUISINESS**

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

98 Planning Commission Chair Kopitzke provided summary of the June Planning Commission meeting. The
99 commission had a split decision on the restaurant CUP. Some members felt the access should be in a different
100 location. Did not have traffic study data at the time of the meeting. Other members felt it adjoins a public
101 street and they had right to access. One resident spoke at the meeting about traffic concerns.

102 1. Afton Marina and Yacht Club / Boatyard Grill Application for a Conditional Use Permit **Resolution**
103 **2018-29**

104 Administrator Moose provided a summary of the CUP application.
105 Bob Kirmis, City Planner, provided a summary of the CUP application. He pointed out that the City can
106 impose conditions. The primary issue is in relation to access. Traffic study was not available at time of
107 report. Alternatives include 31st street access, or allowing 32nd street use only at off peak hours. Approval
108 subject to conditions, council to determine access point.
109 Council member Richter asked if cities can control access points for safety concerns.
110 Kirmis said it is typical for cities to determine appropriate access locations, and it is common to regulate
111 access. Safe, efficient access is the intent.
112
113 Brad Aho, Afton Marina treasurer, gave a presentation about Afton Marina and the proposal.
114 Council member Richter asked about the new asphalt that was put in. Aho answered that some areas were
115 repaved this spring.
116 Council member Richter asked about the location of the new pavement and the width. Aho answered the
117 pavement goes from 31st along south side. Width is 18' through the the gate then widens to 22 – 24'.
118 Street is owned by Afton marina.
119 Council member Palmquist asked about width of roads in the marina (22-24'wide)
120 Council member Ross asked about encouraging adjoining parcels to join as one?
121 Mayor Bend answered that is typically for non-conforming parcels under the same ownership.
122 Administrator Moose stated the width and size of parcel need to be conforming. These parcels are owned
123 in common and used in common. They would not need to be joined in terms of width or size, however
124 there is a building that straddles a property line.
125 Mayor Bend stated a swimming pool bridges lot line
126 Attorney Knaak stated that it typically has to do with parcel being landlocked. Continuous parcels under
127 common ownership are not considered landlocked. Can't compel them to join. If commonly owned and
128 common use, they are not landlocked.
129 Aho stated they would like another access point for safety reasons. Members will not allow the restaurant
130 if it can't access at 32nd St.
131 Council member Ross noted that off 30th St there is a great place for a 2nd access which has never been
132 used.
133 Council member Nelson asked about the statement regarding the restaurant not going in if the 32nd St
134 access is not allowed.
135 Aho replied that is a condition of the lease for reasons mentioned. Streets are not wide enough and it is
136 private property.
137 Mayor Bend asked if there are requirements for street width on private property?
138 Attorney Knaak replied there is no legal requirement, if there are safety concerns it can be addressed.
139 Mayor Bend asked if any feedback has been received from the Fire Dept. in regards to access
140 Administrator Moose replied that the Fire Chief stated the one access has been satisfactory and another
141 is not needed.
142 Bev Aho, Afton Marina stated because of the City's special assessment, this tenant was suggested to bring
143 in income in private residence and property.
144 Mayor Bend stated that there has been negotiation regarding the assessment and that the subject of a tenant
145 was brought up.
146 Rich Gabriel, Windmill Marina. For a CUP request the council has to look at public safety. Survey
147 presented by Aho is different than what they have. Hasn't received the letter Bev Aho referenced. Afton
148 Marina has opportunity to access off the roadway which already exists on their property. Windmill gets
149 the inconvenience. Requests that the 32nd St access be denied at this time.
150 Council member Ross stated his main concern is safety with the road, bike trail, and boat launch all in
151 this area. He is in favor of the restaurant, but the 32nd St entrance is not a good idea.
152 **Motion/Second Richter/Ross To approve Resolution 2018-29 for the Afton Marina and Yacht Club**
153 **/ Boatyard Grill Application for a Conditional Use Permit with condition that access from 31st St**
154 **be the only access.**
155

156 Discussion
157 Mayor Bend noted the access from 31st St. is not proposed by applicant
158 Attorney Knaak stated with a CUP request before the city, any conditions necessary can be imposed.
159 Council member Palmquist stated it's a CUP for the bldg. located in the flood fringe. He has concerns
160 about the driveway. It's a busy area with the bike path there. Feels the road would have to be improved
161 to the north, would add more impervious surface. The DNR comments were relating to adding asphalt for
162 another entrance. Offered Friendly amendment to the resolution.
163 Bev Aho asked for vote on resolution in packet
164 Council member Palmquist stated the CUP is the primary question. It is a change in use.
165 Council member Richter stated he agrees with the restaurant use, doesn't agree with access to 32nd St. He
166 has been watching traffic at the site. Afton Marina has always been a private marina and the only public
167 access to the river has been through Windmill Marina. They have provided a service to the community
168 and residents. Comes down to a safety issue. That area doesn't need more traffic. Traffic will be there all
169 day long, not in a set timeframe.
170 Council member Nelson agreed with everything Richter said.
171 Council member Ross stated he would like to see a restaurant
172 Mayor Bend asked Attorney Knaak if allowed, does 32nd become a public street?
173 Attorney Knaak replied yes and if converted city would be obligated to maintain.
174 Mayor Bend asked about the Windmill agreement.
175 Attorney Knaak replied the Windmill agreement is a license, does not make 32nd a public street. It is an
176 easement the city controls for the public & can grant a license for limited purpose. Doesn't mean it has to
177 be converted to a city street or other licenses based on traffic, etc. If petitioned to be public roadway, city
178 can decide if there is a need or public benefit to become public roadway. Simple existing license, can
179 decide if you want to grant another license based on if it's a good idea. Don't have to turn into public
180 road. Does it make sense to have driveway on?
181 Mayor Bend asked if the concerns that have been voiced are valid reason to not grant. Knaak replied yes.
182 Council member Palmquist's proposal has findings deleted
183 Bev Aho asked for table of the CUP.
184 Council member Richter stated he is opposed to table, have enough information. We change CUPs, they
185 are a living document.
186 Attorney Knaak stated that a CUP can be passed with conditions and amended later, or stay dormant for
187 12 months.
188 Council member Richter accepts Palmquist's amendment (Ross second)
189 Mayor Bend offered friendly amendment that the "council finds that access from 32nd street would pose
190 a public hazard with bicycle and pedestrian traffic and access needs to be onto 31st Street". (accepted)
191 **Roll Call Vote to approve the CUP with findings and require access to be off 31st Street.**
192 **All Aye, Passed 5-0.**
193
194 *The council took a 5 minute break and resumed at 9:10 PM*
195
196 2. Ordinance Amendment regarding allowed uses, design standards, landscape requirements and exterior
197 storage in the City's Industrial zones – Ordinance 01-2018.
198 Chair Kopitzke reported on the public hearing (no one attended). The commission didn't want to
199 discourage some of the uses. Looked at setbacks from the freeway being 10' and allowing 50' height.
200 Administrator Moorse incorporated the 50' height, not the setback as it doesn't allow for room behind
201 building, moves activity to Hudson rd. side.
202 Mayor Bend stated the city could allow 10' and require activity behind the building. Appreciates the
203 county resource pointing out these aspects.
204 **Motion/Second Ross / Nelson To adopt Ordinance 2018-01 with additional recommendations from**
205 **the Planning Commission.**
206 Council member Richter stated he is not in favor of 50' height.
207 Council member Palmquist asked how height is measured.

208 After discussion it was decided 50' height outside will be allowed.

209 **Roll call vote: All aye, Passed 5-0.**

210

211 3. Comprehensive Plan update

212 Council member Palmquist would like another month to review

213 **Motion/Second Palmquist/Bend To table Comprehensive Plan review. Passed 5-0.**

214

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

216 1. 2018 Pavement Management Project Change Order No 4 and Pay Voucher No 6 for Park Construction
217 For repairs to Oakgreen

218 **Motion/Second Ross/Bend To approve Change order No 4 and Pay Voucher No 6 for Park
219 Construction. Passed 5-0.**

220

221 2. 2018 Pavement Management Project Change Order No. 5 and final payment

222 **Motion/Second Palmquist/Richter To approve Change Order No. 5 for the 2018 Pavement
223 Management project. Passed 5-0.**

224

225 3. 30th St Culvert

226 City Engineer Guilliams explained that additional permits will be required from VBWD, DNR and Army
227 Corps of Engineers. Unlikely work can get done this year due to DNR limits on construction. Also the
228 structure could classify as historic structure.

229 Discussion was held on options for the guardrail and culvert.

230 Council member Richter stated that at the Public Works meeting they'd discussed if there was an option
231 for regrading without changing the culvert.

232 Guilliams will look into measures to repair the guardrail and store the culvert.

233

234 4. Pay Voucher No 1 for Great Northern Landscapes

235 **Motion/Second Palmquist/Ross To approve Pay Voucher No 1 for Great Northern Landscapes for
236 the Downtown Landscape project. Passed 5-0.**

237

238 **C. Administration –**

239 1. Geislinger Pay Voucher No 13

240 Pay Voucher No. 13 from Geislinger and Sons, Inc. for the Downtown Village Improvement Project
241 in the amount of \$53,685.08. This Pay Voucher has been provided to both Washington County and
242 the PFA for reimbursement of portions of these costs.

243 **Motion/Second Palmquist/Ross To approve payment of Pay Voucher No. 13 from Geislinger
244 and Sons, Inc. for the Downtown Village Improvement Project in the amount of \$53,685.08.
245 Passed 5-0.**

246

247 2. Bridge Repair items

248 Based on the annual bridge inspections conducted by WSB, several bridge repair items were
249 recommended.

250 **Motion/Second Richter/Ross to authorize staff to obtain price quotes for bridge repair items
251 Passed 5-0.**

252

253 3. 50th St Large Patches

254 While the majority of 50th street is in good condition, four areas have severe alligating of the
255 pavement that requires the loose pavement to be removed and a patch provided in its place. These are
256 large areas that are beyond normal pothole patching. The costs of the patches totals \$19,225. Because
257 these large patches are beyond the normal cost of pothole patches, which are budgeted in the General
258 Fund, it is recommended that these patches be funded from the Street Improvement Capital Fund.

- 259 **Motion/Second Palmquist/Richter To approve of four large patches on 50th Street at a cost of**
260 **\$19,225, to be funded from the Street Improvement Capital Fund.**
261 Discussion was held over funding and the plan for 50th St.
262 **Mayor Bend offered friendly amendment that funds come from Bond Fund or Street**
263 **Improvement fund. (Accepted)**
264 **Motion Vote: Passed 4-1**
265
266 4. BJS Restaurants
267 BJS Restaurants LLC has applied for an on-Sale and Sunday liquor license for the Boatyard Grill
268 restaurant which is planned to be located at 16071 31st Street, which just received the CUP.
269 **Motion/Second Palmquist/ Ross To approve the Boatyard Grill On Sale and Sunday liquor**
270 **licenses pending final sheriff's report.**
271 Mayor Bend offered friendly amendment that sheriff's report comes back ok. (accepted)
272 Council member Richter asked if the license goes with the restaurant.
273 Attorney Knaak replied that the license is given to individuals at a certain location.
274 **Vote: Passed 5-0.**
275
276 5. Retaining Wall
277 The grading in the area of the large Lift Station control panel adjacent to the Steamboat Park parking
278 lot is nearing completion. The owners of the property directly to the south of the lift station have
279 requested a retaining wall to be installed south of the lift station to provide a flat area for them to get
280 into their backyard because the slope up from the lift station is too steep to easily navigate. The
281 landscaping plan for this area is also in process of being finalized.
282 Mayor Bend recommended doing what is in the plan first, then adding more if needed.
283
284 6. Security cameras at town square park restroom
285 Due to recent vandalism inside one of the restroom areas, Council member Ross has requested the
286 Council consider the installation of security cameras at the restroom. The cost would be \$1,150. The
287 price quote is from Get Connected Tech.
288 **Motion/Second Palmquist/Ross to accept the price quote from Get Connected Tech for the**
289 **purchase and installation of a security system at the Town Square Park restroom at a cost of**
290 **\$1,150 including the optional monitor.**
291 Discussion was held over camera placement and signage.
292 Motion pulled
293 **Motion/Second Palmquist/Bend to buy and post appropriate warning signage. Passed 5-0.**
294
295 7. Tree removal in Town Square Park
296 The price quote from SavATree for the removal of a hazardous, partially dead tree in Town Square
297 Park is \$1,378.
298 **Motion/Second Nelson/Palmquist to approve removal of the hazardous tree in Town Square**
299 **Park at a cost of \$1378.00. Passed 5-0.**
300
301 8. Painting of City Hall
302 City Hall is in need of repainting, due to discoloring of the siding and because it will be adjacent to
303 the new Deputies Facility, which will be painted this spring. At the May 15, 2018 Council meeting
304 staff provided two price quotes and recommended that the price quote from Kerschbaum Renovation
305 in the amount of \$4,400 be accepted. The Council questioned whether either of the price quotes
306 included repainting the windows. Staff has talked with each of the two contractors, who both
307 indicated the windows were not included in their price quote. Kerschbaum Renovation has indicated
308 that the windows should be replaced soon and the cost of painting them would be high due to a large
309 amount of labor. They recommended that, rather than spending money on painting the windows, the
310 city should plan to replace the windows.

311 **Motion/Second Palmquist/Nelson to Motion regarding accepting the price quote of**
312 **Kerschbaum Renovation in the amount of \$4,400 for the painting of the City Hall and staining**
313 **the exterior stairs. Passed 5-0.**
314

315 9. Videographer compensation

316 The videographer currently is paid \$25.00 per hour for his time videotaping the City Council and
317 Planning Commission meetings. He has requested an increase to \$30.00 per hour and a 4-hour
318 minimum. Currently, the Planning Commission meetings run about 2 to 2.5 hours and the Council
319 meetings run about 4 hours. While the increase to \$30 would increase the cost per meeting by \$20
320 for Council meetings and by \$10 for Planning Commission meetings, the increase to a 4 hour
321 minimum would increase the cost of Planning Commission meetings by an additional \$45 to \$60.

322 **Motion/Second Palmquist /Bend To approve adjusting the compensation for the videographer**
323 **from \$25 per hour to \$30 per hour and with a 4 hour minimum per Council meeting and 2**
324 **hour minimum for Planning Commission meeting. Passed 5-0.**
325

326 10. Audio System upgrade

327 Particularly during City Council or Planning Commission meetings when the room is full of people,
328 those in the rear of the Council Chambers can have a difficult time hearing the various speakers.
329 This could be remedied by adding ceiling speakers toward the rear of the room. A proposal from
330 Audio Logic, who installed the current audio system, to add two ceiling speakers along with
331 necessary related equipment. The cost of the upgrade would be \$2,078.47. Audio Logic also
332 provided a proposal for an assistive listening system to meet ADA requirements. The cost of this is
333 \$1,476.81.

334 **Item Tabled**
335

336 11. Schedule Special Council Meeting

337 Staff would like to schedule a Special Council meeting regarding the annual audit report.
338

339 12. Workshop on the Water

340 Annual St Croix river trip will be on July 11. 2-4 planning commission or council members usually
341 attend.

342 **Motion/Second Palmquist / Ross To authorize Planning Commission or City Council members**
343 **to attend. Passed 5-0**
344

345 13. DNR Grant Resolution 2018-30

346 Additional funds are available, need to amend grant agreement & resolution

347 **Motion/Second Palmquist / Nelson Approving Resolution 2018-30 For Flood Hazard Mitigation**
348 **Grant Funding Assistance to City of Afton, Flood Hazard Mitigation Project. Roll call: All Aye**
349 **Passed 5-0.**
350

351 **D. Committee Reports**

352 1. Public Works – nothing

353 2. Personnel – nothing

354 3. Parks – Steamboat Parking lot. Palmquist recommend placing posts on the trail by 32nd St to prevent
355 vehicle access – need to be removable.

356 4. Heritage Preservation Commission / Design Review – meet tomorrow

357 5. Natural Resources and Groundwater – no quorum
358

359 10. Board of Appeals Hearing

360 Mayor Bend opened the hearing at 10:25pm

361 Administrator Moorse provided the following summary:

362 Scannell Properties has submitted an appeal of the administrative determination that a Conditional Use Permit
363 (CUP) application for a bus transportation terminal that involved exterior storage could not be accepted or
364 processed during the period of the current moratorium that prohibits permits or applications for uses that
365 involve exterior storage. Scannell Properties also appeals from their assertion that the City failed to issue a
366 CUP or otherwise act on its CUP application on or before May 19, 2018 – 60 days after the application was
367 submitted on March 20, 2018. Scannell Properties has provided a number of grounds for the appeal.

368
369 Sam, Attorney for Scannell properties, stated that parking buses is not exterior storage as the term are used in
370 the ordinance. There would be no exterior storage. Use is not inconsistent with surrounding properties. CUP
371 is granted by statute since city did not act.

372 Attorney Knaak stated that the ordinance prohibited any storage on an interim bases. Parking buses is exterior
373 storage and violates ordinance. Timing is irrelevant.

374 Mayor Bend stated he will need to consider legal points. The city has 30 days to issue an opinion. Moratorium
375 was in place in response to semi-trailer storage lots.

376 Discussion was held over definitions, allowed uses and history of the property.

377

378 Mayor Bend closed public hearing at 10:50 pm

379

380 **11. COUNCIL, CONSULTANT, AND STAFF REPORTS, ANNOUNCEMENTS, AND UPDATES**

381 A. Ward 1 Council Member Palmquist – regarding the request for speed limit signs if we post speed signs,
382 may be faster than you want. Speed study may increase allowed speed.

383 B. Ward 2 Council Member Richter – nothing

384 C. Ward 3 Council Member Ross – Manning is closed, more traffic on local roads

385 D. Ward 4 Council Member Nelson – nothing

386 E. Mayor Bend – nothing

387 F. City Attorney Knaak – development agreement draft is available

388 G. City Administrator Moore – nothing

389

390 **12. ADJOURN –**

391 **Motion/Second Bend/Ross To adjourn. Passed 5-0.**

392 Meeting adjourned at 11:01pm

393

394

395 Respectfully submitted by:

396

397

398 JY

399 Julie Yoho, City Clerk

400

401

402

403 Approved by Council (July 17, 2018) as (check one): Presented: X Amended: _____

404

405

406 Mayor Richard Bend _____ Date _____

407