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

APPROVED City Council Regular Meeting Minutes
July 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: City Engineer Susan Polka, City Administrator Ron Moorese, City Attorney Fritz Knaak, Planning Commission Chair Kris Kopitzke

4. **APPROVAL OF AGENDA** –

Add items: 9c9 “Update on abandoned house” 9c10 “Exchange email acct” 9c11 “Belwin turtle research”, 9c12 “Cross walk safety & county signage”.

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

5. **APPROVAL OF MINUTES**

A. Minutes of June 18, 2019 Regular City Council meeting

Motion/Second Ross/Wroblewski To approve the minutes of the June 18, 2019 Regular City Council meeting. Passed 5-0.

B. Minutes of June 12 Council Work session

Motion/Second Wroblewski/Ross to approve the minutes of the June 12, 2019 Council work session. Passed 5-0.

C. Minutes of June 12 Special Council meeting

Motion/Second Ross/Wroblewski to approve minutes of the June 12 Special Council meeting. Passed 5-0.

6. **PUBLIC INPUT** –

Perry Jagers 50th St S; Stated he is the representative for the AG Zone. He is upset about how government is running. The Council is liable for what is being said. Wants to be recorded as he speaks. He was in the military and demands what is said is on record. City government is flawed from 3 sessions ago and people are upset. There will be changes at the next election. Everyone is angry.

7. **REPORTS/PRESENTATIONS** –

A. Sheriff’s Monthly Report

No report

B. Tom Niedzwiecki, Budget Report

No report

54 C. Lower St. Croix Fire District Report
55 Kevin Johnson presented the audit for the fire district.

56
57 **8. CONSENT AGENDA**

58 A. Just and Correct Claims

59 B. 4M Fund Transfer June – Resolution 2019-28

60 **Motion/Second Ross/Wroblewski to approve Resolution 2019-28 4M fund transfers for June. All aye,**
61 **passed 5-0.**

62
63 **9. CITY COUNCIL BUSINESS**

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

65 1. Kerry & Judy White Application for Minor Subdivision at 1132 Indian Tr – Resolution 2019-29

66 PC Chair Kopitzke explained that the Planning Commission’s concern was the irregularly shaped lot
67 created with the subdivision. They recommended adding condition 10 to address the shape.

68 Council member Wroblewski asked if it is in ordinance – the requirement of an irregularly shaped lot.
69 (Ord addresses flag lots near a road and perpendicular lot lines to road. Comp plan discusses
70 irregularly shaped lots.)

71 Council member Nelson asked if it is a policy or goal in the comp plan? (Policy #10)

72 Mayor Palmquist stated that this doesn’t seem to be a flag lot. Council member Nelson agreed.

73 **Motion/Second Wroblewski/Palmquist to approve Resolution 2019-29 with conditions 1-9 but**
74 **deleting condition 10.**

75 **Findings**

76 1. The subject property is located in the Rural Residential zone, as are the properties to the
77 north, east and south. The property to the west is zoned Agricultural.

78 2. The Rural Residential zone allows residential use with five-acre minimum lot size.

79 3. The subdivision meets subdivision requirements

80 **Conditions**

81 1. Easements as required by the City Engineer shall be granted

82 2. All drainage and utility easements shall be subject to the review and approval of the City
83 Engineer.

84 3. All grading, drainage and erosion control issues shall be subject to review and approval by
85 the City Engineer, and by the Valley Branch Watershed District if they meet permit
86 thresholds.

87 4. Scenic easements shall be placed on all slopes greater than 18%

88 5. The applicant shall execute a scenic easement agreement and shall record the scenic
89 easement concurrent with the subdivision

90 6. A public road right-of-way easement shall be dedicated over the area within 30 feet of the
91 centerline of Indian Trail.

92 7. Park dedication requirements shall be satisfied prior to recording of the subdivision, in
93 accordance with Section 12-1270 of the Subdivision Ordinance

94 8. A permit for individual septic system to serve a new home on the additional parcel shall be
95 obtained from the Washington County Public Health Department at the time of application
96 for building permit for the home, and all requirements of the septic permit shall be met.

97 9. The driveway to serve Parcel A shall comply with Section 12-84 of the Zoning Ordinance
98 and be subject to review and approval by the City Engineer.

99 **All aye, Passed 5-0.**

100
101 2. Rebecca Enos Variance Application at 15234 Afton Hills Ct

102 PC Chair Kopitzke stated that the commission recommended approval with condition of screening
103 and that the garage be placed within 25’ of house.

104 Nancy Bodey, neighbor; stated that the applicant requests the 25' distance condition be removed as it
105 was mis-reading of the code. Additional screening will be added, trees would have to be removed if
106 it is closer to the house.

107 Council member Wroblewski stated that screening should provide year-round coverage.

108 **Motion/Second Wroblewski/Ross To approve Resolution 2019-30 approving the Rebecca Enos**
109 **variance application at 15234 Afton Hills Court, including findings, and conditions below,**
110 **without the condition of being within 25 feet of the house.**

111 **Findings**

112 **1. The subject property is located in the Rural Residential zone, as are the surrounding**
113 **properties.**

114 **2. The property is a substandard parcel, due to the lot size of 2.4 acres vs. the required**
115 **minimum lot size of 5 acres.**

116 **3. The parcel is a corner lot with frontage on both Afton Hills Court and Afton Hills**
117 **Drive.**

118 **4. There is not sufficient space to build to the north or west of the house. A location to**
119 **the east of the house would take out many trees and would require the construction**
120 **of an additional driveway running across the front yard of the property.**

121 **Conditions**

122 **1. The garage shall be located and constructed according to the surveys and plans**
123 **submitted with the variance application, subject to revisions as required or approved**
124 **by the City.**

125 **2. Vegetation removal shall be minimized.**

126 **All Aye, Passed 5-0.**

127

128 3. Kathy & David Boisjoli Application for Ordinance Amendment and CUP at 15489 45th St

129 a. Ordinance 04-2019

130 b. Resolution 2019-31

131 Chair Kopitzke provided a summary of the application. The Planning Commission would like time to
132 work on language for the ordinance amendment.

133 Council member Ross would agree with the PC regarding commercial use in RR. Typically not approved.
134 Applicant has a private stable that allows therapy, which is more in line with what they do.

135 Council member Wroblewski stated there is boarding of horses that are not owned by homeowners.

136 Council member Nelson asked if this is a non-profit? (No, therapist that uses horses for anxiety treatment)

137 Council member Perkins stated this is a home based business that uses horses, not a commercial stable.

138 Mayor Palmquist stated the other therapist horses are boarded there, language needs to stipulate that
139 other horses are owned by therapists and used for therapy in the CUP.

140 Kopitzke asked how narrowly should this be worded? Could be broader uses.

141 Mayor Palmquist recommended to include therapy but not too specific. PC can bring back language to
142 consider next month.

143 Administrator Moose recommended the council deny the CUP and allow the fee to go to a revised CUP
144 specific to new ordinance language.

145 **Motion/Second Palmquist/Wroblewski To deny Resolution 2019-31 and authorize staff to reapply**
146 **fees. All aye, Passed 5-0**

147

148 4. PLCD ordinance review – update

149 Chair Kopitzke provided an update on the review.

150

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

152 1. Afton Creek Preserve Construction Update

153 City Engineer Sue Polka provided an update on the construction with an overview of the past 2 weeks.

154 Mayor Palmquist asked about trucks and water control issues. Largely are the trucks going the right way?
155 (yes) What are we doing about it if they aren't?

156 Administrator Moose replied that the authorized haul route is Neal to 60th because those roads can handle
157 the weight.
158 Mayor Palmquist asked if we can put signs up?
159 Council member Wroblewski stated there are no signs up; she has followed trucks on the wrong route.
160 An email was sent that was very disrespectful from Mr Smith. There should be no truck traffic. Have to
161 control their subcontractors.
162 Mayor Palmquist agreed the email could have been better. Would like to have problems fixed. Signs?
163 What is watersheds role?
164 Administrator Moose stated the Valley Branch Watershed operates differently than South Washington.
165 South Washington does not have an inspector, our engineer has to monitor erosion control.
166 Mayor Palmquist asked if our engineer is being sent out more?
167 Administrator Moose replied that there are inspectors on sight.
168 Mayor Palmquist stated this project has started off badly, need to be diligent but not overly burdensome.
169 Council member Ross asked if Nick goes to the site because of problems or does he go for engineering?
170 Administrator Moose replied that issues are forwarded to Nick, he calls contractor.
171 Council member Ross told the contractor to get control of trucks, solve the problem and other issues will
172 go away. Why aren't they following rules? (They are subcontractors, signs are up, maps have been given
173 out for the haul route)
174 Council member Perkins stated that email should be going to contractor. This is not the neighbors fault,
175 not Councils fault.
176 Council member Wroblewski stated the only sign posted is by Denmark Township, no signs on Trading
177 Post
178 **Motion/Second Ross/Nelson To give permission to put signs up 40th, 50th, Trading Post, and Odell**
179 **reading "no construction traffic".**
180 Attorney Knaak stated it is the contractor's responsibility. If it is a chronic problem, they are violating
181 terms of agreement and are providing the city an opportunity to review entire agreement. Sole
182 responsibility is on developer. City is within it's rights to call a hearing and address the issue. You have
183 right to be there but contractually obligated to follow agreement. Be sure this stops, recourse is allowed
184 under agreement.
185 **Ross amended the motion: "contractor to post "no construction trucks allowed" at 40th, 50th, 50th**
186 **& Odell, Trading Post; signs need to be up by Friday this week. (Nelson second)**
187 Council member Perkins asked why we should have to be specifying this?
188 Council member Ross replied that this is the second time we've had to do this with giving a deadline,
189 would like it on record.
190 Council member Perkins stated that the burden is being placed on city, shouldn't be on us. Rules have
191 already been spelled out. What are steps we take now to document?
192 Council member Ross stated that we are on record that we are having to do this due to violations.
193 Carlson (Developer) stated that we have no intention of driving trucks where they aren't supposed to be
194 driven. He will be sure signs are put up. He is being accused of many things that are not true. There are
195 maps in every truck, not being done intentionally. Will demand Peterson (sub contractor) resolve issues.
196 **Ross withdraw motion**
197 **Motion/Second Ross/Nelson To Give Mr. Carlson and his contractor permission to put up signs in**
198 **city right-of-way at soonest convenience. Passed 5-0.**
199 Council member Wroblewski asked about the noxious weeds on the parcel.
200 Carlson there is a schedule for restoration. Prairie Restorations will be spraying and disking in July and
201 August with planting next year.
202 Council member Wroblewski asked about runoff issues shown in photos.
203 City Engineer Polka stated that the site was inspected today and all is in compliance; will do a bit more
204 research on erosion.
205 Council member Wroblewski has informed residents to email the council with problems and complaints.
206 Construction is being allowed 9-5 on Saturdays.

207 Council member Ross stated the city doesn't have staff to manage noise or speed problems; call the
208 Sheriff's non-emergency number for documentation of violations.
209 Carlson will volunteer to take calls on his personal cell to address problems the best he can. Problem with
210 complaints is that they go to city engineer and he's paying for it. Would like to stop the bleeding and get
211 it done.
212 Attorney Knaak stated that if not in compliance and not according with terms of agreement; ultimately
213 the city could re-do the entire agreement.

214
215 **C. Administration –**

216 1. Snowplowing contract extension with Tri County

217 **Motion/Second Nelson/Ross to approve a 5 year contract extension for snowplowing with Tri**
218 **County Services. Passed 5-0.**

219
220 2. City dock rehabilitation plan and cost update

221 Ken has a cost estimate of \$24,000 for materials, 2 different estimates from local installers. Major
222 repairs are to restructure the main support and the fingers entire length of dock.

223 Council member Wroblewski asked about the dock fee? (5/non-resident, 3/resident; overnight \$20.
224 10 slips total)

225 Mayor Palmquist stated we are in a long term contract to operate dock for another 15 years. We
226 have a maintenance fund to repair and replace.

227 Council member Wroblewski asked is it worth having? We are providing for small amount of
228 people that have boats.

229
230 3. Additional Patrols for Speed Enforcement

231 Additional patrols were out for Memorial Day weekend. Extra patrols for Labor Day weekend
232 would cost \$1000.

233 Council member Wroblewski asked if we know how many tickets were issued? Do we get fees?

234 Attorney Knaak replied that the city gets a portion of the fines.

235 **Motion/Second Ross/Palmquist To approve extra patrols for Labor Day weekend.**

236 Discussion

237 Council member Ross feels there was improvement in speed and noise. Would like to see similar on
238 Afton Blvd during weekdays, perhaps split patrol sites.

239 Council member Wroblewski would be interested in ticket numbers and also selective traffic
240 enforcement by Neal & 40th.

241 Council member Perkins asked about doing a split shift for weekend and for weekday?

242 Council member Ross agreed there is need for weekday rush-hour coverage.

243 **Mayor Palmquist friendly amendment to have extra patrol over Labor Day weekend and split**
244 **additional hours over weekdays. (accepted)**

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

246
247 4. Randall Morgan request to Vacate Scenic Easements at Stagecoach Trail and Sand Hill Road

248 **Motion/Second Ross/Wroblewski to deny request from Randall Morgan to vacate Scenic**
249 **Easements on the parcel at Stagecoach Trail and Sand Hill Road with PID# 10.028.20.23.0008**
250 **to allow a driveway and house to be built in the area of the scenic easements.**

251 Discussion

252 Randy Morgan, 553 Neal Ave; Stated there were issues with recording the easements. Would like to
253 re-write the easement so that it is buildable lot.

254 Mayor Palmquist stated this was subdivided in '09 and easements were put on. Driveway location is
255 off Stagecoach.

256 Morgan stated he had default approval of driveway off of Sand Hill.

257 Council member Wroblewski stated the County is saying the driveway has to be revoked then added
258 on Stagecoach.

259 Morgan stated the easement is written incorrectly, the house is in worst location on lot.
260 Attorney Knaak stated the only way to vacate an easement is through a judge. Option to re-
261 subdivide, but would take judicial order to modify at this point.
262 Attorney Knaak stated we would have to re-do the process or start a judicial process to modify
263 what's on record. Can't finesse, there is no statute that allows the city to vacate an easement that is
264 on record. City cannot modify.
265 **Motion Vote: Passed 5-0.**

266
267 5 . Reimbursement of Council Member Ross for expenses related to attendance at the League of
268 MN Cities Award Dinner
269 **Motion/Second Palmquist/Ross to approve reimbursement of expenses and authorize mileage**
270 **as per policy.**
271 Discussion
272 Council member Wroblewski asked if we paid mileage for HPC member to attend conference?
273 (Annual conference, yes we've paid mileage in past. Did not pay for time).
274 Council member Wroblewski noted it is perhaps time to review pay increase for council.
275 **Motion Vote: Passed 4-0-1 (Ross abstain)**

276
277 11. (taken out of order). Belwin Blanding's Turtle study
278 Val Stoehr NRG member reported about the Blanding's turtle study being done at Belwin. The city's
279 wastewater treatment site is great habitat – researcher would like access to site to look for turtles , if
280 found would like access 24hr since they nest at night. Would mark site and put predator guard around
281 it, would put tracking device on turtle. May – June, possible extension to Aug.-Sept as that's when they
282 hatch.
283 Mayor Palmquist stated that the study area is outside of fence.
284 Council member Ross noted that the fenced-in area has motion sensing cameras, as long as he's outside
285 that area it is fine.
286 **Motion/Second Palmquist/Nelson to authorize Jim Roo to conduct Blanding's Turtle study at the**
287 **wastewater treatment site outside of the fenced treatment area during timeframes outlined.**
288 Nelson add "add your own risk"?
289 Attorney Knaak stated you could request a waiver
290 **Motion Amendment: Palmquist amend motion to have staff draw up agreement outlining dates**
291 **etc. (Nelson accepted) Passed 5-0.**

292
293 6. Afton Parade Committee request regarding fee for parking during 4th of July parade
294 Council member Ross stated that costs associated with the parade have gone up substantially. The
295 agreement keeps the city contribution fixed, need creative ways to generate revenue. Volunteers are
296 stationed at these parking lots. The county dictates much of what needs to be done in terms of officers
297 and the electronic sign.
298 **Motion/Second Palmquist/Nelson to approve Afton parade committee to charge a donation fee**
299 **for parking at Steamboat, Carver and museum and other locations for July 4th parade. Passed 5-**
300 **0.**

301
302 7. Laserfiche workflow implementation plan
303 Meeting on Monday

304
305 8. Replacement of City Hall bulletin board kiosk
306 Council member Ross has offered to replace
307 **Motion/Second Palmquist/Nelson To approve Council Member Ross replace the city Hall**
308 **bulletin board/kiosk at a cost not to exceed \$600. Passed 5-0.**

309
310 9. Update on abandoned house

311 Administrator Moose has initiated a formal criminal complaint regarding the house. Hearing on July
312 31. Also there is an illegally parked SUV on street by museum off 31st, and snowmobile trailer.
313

314 10. Update on Microsoft Exchange
315 Council member Ross reported that in 2020 Exchange will no longer be supported. He is investigating
316 other options.
317

318 12. Crosswalk issue
319 Mayor Palmquist would like to put a “no parking” sign to keep one spot open adjacent to the crosswalk
320 at Selma’s – pedestrians can’t be seen.

321 Council member Ross stated that the businesses may not like losing a parking spot.
322 **Motion/Second Palmquist/Perkins to authorize Washington County to put a “no parking” sign in**
323 **space adjacent to crosswalk at Selma’s. Passed 5-0.**
324

325 **D. Committee Reports**

326 1. Public Works – Regarding the list of 2020 roads, in August WSB will do construction drawings, after
327 approval they will do a drawing set for bid in December. January open bids. Work will include
328 engineering costs, road costs, guardrails & culvert. Persistent problem of culvert under 30th by Neal
329 which will be replaced also. Levee maintenance due to erosion. Long term solution is rip-rap for
330 \$80,000. Bridge work over valley creek not included.

331 **Motion/Second Ross/Palmquist To prepare bid package for bridge repair over Valley Creek.**
332 **Passed 5-0.**

333 2. Personnel – no report

334 3. Parks – no report

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

336 5. Natural Resources and Groundwater – will have an article for newsletter
337

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

339 A. Ward 1 Council Member Perkins – looked into a noise ordinance concern

340 B. Ward 2 Council Member Wroblewski – Attended the River Valley Riders open house. Looked into a 60th
341 & Manning dust issue.

342 C. Ward 3 Council Member Ross – no report

343 D. Ward 4 Council Member Nelson – no report

344 E. Mayor Palmquist – no report

345 F. City Attorney Knaak – no report

346 G. City Administrator Moose – no report
347

348 **11. ADJOURN**

349 **Motion/Second Palmquist/Ross to adjourn. Passed 5-0.**

350 Meeting adjourned at 9:45 pm.
351
352

353 Respectfully submitted by:

354 JY

355 _____
356 Julie Yoho, City Clerk
357
358

359 Approved by Council August 20, 2019 as (check one): Presented: _____ Amended: _____ **X**
360
361

362 Mayor Bill Palmquist _____ Date _____

363
364