

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

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

APPROVED City Council Regular Meeting Minutes
July 17, 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 Palmquist, Ross. **Quorum Present.** Absent Richter & Nelson (excused).
- ALSO PRESENT:** Todd Hubner, (City Engineer), City Administrator Ron Moore, 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 July 17, 2018
Item C3 withdrawn; 9a2 need super majority, strike; add item 9b4 & 9b5 30th St Culvert
Motion/Second Palmquist/Ross to approve Agenda of the July 17, 2018 Regular City Council Meeting as amended. Passed 3-0.
5. **APPROVAL OF MINUTES**
- A. Minutes of the June 19 Regular City Council Meeting
Motion/Second Ross/Palmquist To approve the minutes of the June 19, 2018 Regular City Council Meeting. Passed 3-0.
- B. May 2, 2018 Work Session
Motion/Second Palmquist/Ross To approve the minutes of the May 2, 2018 City Council Work Session. Passed 3-0.
- C. May 2, 2018
Motion/Second Ross/Palmquist To approve the minutes of the May 2, 2018 City Council Special Meeting. Passed 3-0
- D. May 7, 2018
Motion/Second Palmquist/Ross To approve the minutes of the May 7, 2018 City Council Special Meeting. Passed 3-0.
- E. May 30, 2018
Motion/Second Ross/Palmquist To approve the minutes of the May 30, 2018 City Council Work Session Passed 3-0.
6. **PUBLIC INPUT** –
- Marcus Benson 12115 8th St, Is having issues with the neighbors landscaping and grading causing damage to surrounding properties. He’s had problems with water in the basement. The neighbor is running landscape business out of their home, heavy equipment being parked in the road, etc.
- David Newberg, Stillwater on behalf of Freidlander application. Scenic easements are being proposed, not comfortable with easements being put on their existing property. Ask to table the application or remove the scenic easements.

54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104

Brian Warden 12440 42nd St S. presented information on pool safety covers. Would like to use one at his property. The cover isolates the pool itself, not just the pool deck.

Nick, Performance Pool & Spa. Stated that 90% of his projects have automatic covers. The covers meet ASTM standards for weight load. Majority of his projects have bot a fence and cover. Several adjoining cities and counties allow cover in lieu of fence.

7. REPORTS/PRESENTATIONS -

- A. Sheriff's Monthly Report**
Deputy Van Somern, afternoon deputy. The monthly report shows an increase in calls due to new record keeping system, not spike in crime. Tracks all calls now.
Council member Palmquist asked about the 40th & Neal intersection. Deputy replied it is bad intersection, and there is more traffic due to construction on other roads. Could do extra patrol, a “stop ahead” sign could be added. It is a County road.
- B. Tom Niedzwiecki, Budget Report**
Tom provided the monthly financial summary. The first half of property taxes came in. A work session for the audit will be scheduled.
- C. Lower St. Croix Fire District Report**
No report

8. CONSENT AGENDA

- A. Just and Correct Claims**
- B. 4M Fund Transfer – JUNE – Resolution 2018- Motion/Second Palmquist/Ross Approving Resolution 2018-31. Roll call, All Aye, Passed 3-0.**

9. CITY COUNCIL BUISINESS

- A. Planning Commission Report** – (PC report & Draft PC minutes)
Planning Commission Chair Kopitzke provided summary of the July meeting
 - 1. Ruth Friedlander application for Minor Subdivision
Moorse provided the following summary of the application:
Ruth Friedlander has applied for a minor subdivision, variance and rezoning at 2900 Stagecoach Trail, 2948 Stagecoach Trail, the undeveloped parcels with PID #'s 22.028.20.11.0039, 22.028.20.11.0040 and 22.028.20.12.0002 and the parcel at 15785 Afton Hills Drive.
The minor subdivision is being proposed to address multiple parcels under one ownership that are totally or partially unbuildable due to steep slopes. The three smallest parcels (existing Parcels 2, 3 and 4 as designated on the attached survey) are unbuildable due to steep slopes, the parcel at 2948 Stagecoach Trail (existing Parcel 1) is unbuildable because there is a steep slope between Stagecoach Trail and the buildable portion of the lot, and the mid-portion of the parcel at 2900 Stagecoach Trail (existing Parcel 5) is unbuildable due to steep slopes.
The Planning Commission recommended approval without variance.

Council Member Palmquist asked about future sewer hookup and which parcel that is (small one off Stagecoach zoned RR)

Council Member Ross asked about the scenic easement concern. (To be imposed as part of subdivision).

City Attorney Knaak stated there are restrictions on the steep grades here in term of use. The scenic easement requirement doesn't vary from past practice of requirements for subdivision. Could have impact on current uses.

105 Council member Palmquist stated that we always have easements on areas over 18% slope. What is
106 the actual impact of slope on its own v.s. slope with scenic easement?
107 Mayor Bend stated the existing use is that the house is already there. If scenic easement is put on,
108 does the house have to be removed? No. If changes are made to the house, it could impact then (deck,
109 remodel, any increase of footprint) . Are there any different effects of easement than what they are
110 already subject to? What is the adverse effect? Cannot avoid placing scenic easement under current
111 ordinances.
112 Knaak stated that they can't increase the size of the house without a variance as it is – would have to
113 build on same footprint.
114 Administrator Moorse stated that the scenic easement has a list, for example they can't remove trees.
115 Could write specific language to allow mowing to continue as existing use.
116 Dan Thermes on behalf of Ruth Freidlander, applicant. Would like definition for easement on the
117 property and some flexibility.
118 Moorse suggested the city extend review to the August meeting
119 Newberg stated the prospective buyers will back out if there are scenic easements.
120 Council and staff will work on what can be done
121 **Motion/Second Palmquist/Ross Move to table extend the 60 days review and work with**
122 **applicant on options. Passed 3-0.**
123

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

- 125 1. Pay Voucher No 1 (Final) from Fahrner Asphalt Sealers for the 2018 Crack Seal Project
126 **Motion/Second Palmquist/Ross To approve Pay Voucher No 1 from Fahrner Asphalt Sealers.**
127 **Passed 3-0.**
128
- 129 2. Annual Bridge safety inspection
130 City Engineer Hubner explained there are several bridges due for inspection this year. Estimate is
131 \$2,100 to complete inspections
132 **Motion/Second Palmquist / Ross To authorize WSB to complete bridge inspections. Passed 3-**
133 **0.**
134
- 135 3. Downtown Village Improvement project update
136 City Engineer Hubner provided an update. Additional seeding will occur in august. Contract goes
137 through Oct. 31 so will address issues. Landscapers will be back next week. WSB will work on
138 proposal for the drainage issues in Town Square Park.
139
- 140 4. St Croix Trail Carriage walk
141 **Motion/Second Palmquist/Ross To authorize staff to work with contractor if sidewalk is**
142 **damaged and replace if needed. Passed 3-0**
143
- 144 5. 30th St guardrail
145 Moorse stated Tri County has a proposal not to exceed \$5000 to reform the guardrail with new base
146 **Motion/Second Palmquist/Ross to authorize staff to work with Tri County to rework guardrail**
147 **on 30th st. Passed 3-0.**
148

149 **C. Administration –**

- 150 1. Town Square Park drainage- already discussed
- 151 2. Pay Voucher No. 14 from Geislinger for the Downtown Improvement Project
152 **Motion/Second Ross/Palmquist to approve payment of Pay Voucher No. 14 from Geislinger for**
153 **the Downtown Improvement Project. Passed 3-0**
- 154 3. Schiltgen Request - Withdrawn
- 155 4. HPC recommendation regarding vacant storefronts ordinances
156 **Motion/Second Bend/Ross move to table for consideration in work session. Passed 3-0.**

157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207

5. Jeanine Campbell park bench donation
Motion/Second Bend/Ross to accept \$1200 donation for park bench near playground.
Council member Palmquist stated that we cannot promise the specific location for these donations
Bend accept amendment to accept with condition that location may change if ok with donor.
(accepted) Passed 3-0.

6. Agreement regarding MN DOT use of property at 14523 Hudson rd
Administrator Moore provided the following information:
The Minnesota Department of Transportation (Mn/DOT) is planning to lease a portion of their property at 14523 Hudson Road, which is zoned Rural Residential, for a solar array use. While the City's Zoning Code does not allow such a solar array in the Rural Residential zone, Mn/DOT is asserting that it is exempt from the City's zoning regulations, and is prepared to litigate if the City asserts its zoning authority to prohibit the use. The City Attorney has indicated he believes the exemption claimed by Mn/DOT is not as clear as Mn/DOT has asserted. However, to avoid the prospect of two public entities spending taxpayer dollars to litigate the question of the City's zoning authority, the Council agreed to enter into a settlement agreement with Mn/DOT to minimize the impact of the solar array.
Motion/second Bend / Ross to approve settlement agreement with MN DOT regarding use of property at 14523 for a solar array.
Council member Palmquist stated he dislikes the agreement. Council member Ross stated he hopes it doesn't interfere with air traffic into Lake Elmo airport.
Vote, Passed 3-0

7. City dock Maintenance Committee
Motion/Second Ross/Palmquist To form a dock maintenance committee.
Mayor Bend suggested calling it an "advisory group" (friendly amendment -accepted) Passed 3-0

8. Interpretation of PLCD cul-de-sac Language
Administrator Moore provided the following information:
The PLCD ordinance includes language that allows the maximum length of cul-de-sacs to be exceeded. Council member Richter has requested that this language be clarified as to whether the allowance of additional length for cul-de-sacs also allows a proportional increase in the number of lots allowed along a cul-de-sac. (See the specific language from Sec. 12-2376 in bold below). The process for clarifying the interpretation of ordinance language is to refer the language interpretation question to the Planning Commission for a public hearing and a recommendation. The Council then makes a final determination regarding the interpretation.
Motion/Second Palmquist/Ross To refer the language to the Planning Commission for a potential public hearing.
Discussion
Council member Ross asked if other items need to be reviewed?
Moore replied we should identify specific items to be addressed by the planning commission
Ross felt it shouldn't be held to this one specific concept.
Council member Palmquist stated this is not an appropriate way to change the ordinance.
Mayor Bend agreed and stated there needs to be a discussion over interpretation
Motion withdrawn (Palmquist/Ross)
Motion/Second Palmquist/Bend To authorize staff to look at entire PLCD ordinance language and bring to City Council. Passed 3-0.

208 **Motion/Second Bend/Ross Issue of number of homes on cul de sac not be referred as a single item**
209 **for review, but only in conjunction with all other provisions of the PLCD ordinance that the**
210 **council thinks should be examined and revised. Passed 3-0.**

211 Council member Palmquist added that in discussion of PLCD language to include a section that
212 prohibits variance to cul-de-sacs.
213

214 9. Consideration of Combining Parks and Natural Resources and Groundwater Committee
215 Council member Palmquist stated the NRG is down to 4 people. Both groups have similar goals and
216 objectives

217 Mayor Bend stated he has discussed with the Parks Chair. Felt they needed to visit and have a work
218 session to see if they want to work together.
219

220 10. Auto Cover for Pools as Alternative for Fencing

221 Administrator Moore provided the following information:

222 The City Code currently requires a fence enclosing a pool to prevent children from entering the pool
223 accidentally or without proper supervision. With the improvement in the quality and the safety and
224 security features of auto covers for pools, a number of cities are allowing the use of auto covers as an
225 alternative to a fence enclosure. Approximately 60 cities and counties in the metro area now allow
226 auto covers as an alternative to fence enclosures for pools. The list of cities and Counties will be
227 provided at the Council meeting. Several residents have recently inquired about using an auto cover
228 vs. a fence. While aesthetics is a primary reason, the quality auto covers also provide a high level of
229 safety and security. However, there is a wide range in the quality of auto covers. The City's Building
230 inspector, who has recommended the change to allow auto covers, has also recommended that the City
231 require auto covers that meet specific standards and are UL listed.

232 Because the fence requirement for pools is in the zoning code, a change to allow auto covers would
233 require an ordinance amendment to be referred to the Planning Commission for a public hearing and a
234 recommendation. If the Council is open to considering the change, an ordinance amendment could be
235 prepared for a public hearing to be held at an upcoming Planning Commission meeting.

236 **Motion/Second Bend/Ross To refer an ordinance amendment allowing auto covers as an**
237 **alternative to a fence enclosure for a pool to the Planning Commission for a public hearing and**
238 **recommendation.**

239 Discussion

240 Council member Ross stated that an asymmetrically shaped pool cannot have a cover.

241 Council member Palmquist stated the cover will only work if put on.

242 **Motion vote, Passed 3-0.**
243

244 11. City of Lake St Croix Beach interest in flood pump

245 Administrator Moore provided the following information

246 With the installation of the storm water lift station in the levee, there is no longer a need for the City
247 to have three flood pumps. The City of Lake St. Croix Beach has expressed an interest in acquiring
248 one of the City's two smaller flood pumps. Ken Johnson, Public Works Supervisor, has advised that
249 the City retain the one large pump, but that the two smaller pumps are no longer needed. One of the
250 smaller pumps is owned by the City. The other is owned by the DNR, and the City has an agreement
251 with the DNR for the use and maintenance of the pump.

252 **Motion/Second Palmquist/Ross To Authorize staff to explore the sale of the diesel pump that we**
253 **own and retain the other pumps in perpetuity. Bend friendly amendment strike "perpetuity"**
254 **change to "until no longer needed" (accepted) passed 3-0.**
255

256 12. Industrial Ordinance Amendment Summary Ordinance for Publication – Summary Ordinance 01-
257 2018

258 **Motion/Second Bend/Ross To adopt summary ordinance 01-2018 for publication. Roll call: all**
259 **aye, Passed 3-0.**

260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311

13. Appointment of Election Judges – Resolution 2018-34
Motion/Second Palmquist/Ross To approve Resolution 2018-34 appoint election judges for 2018. Roll call, all aye 3-0.

14. Rediscover Afton Event funding request
Council member Ross summarized the event, he is not part of the committee. It is an AABA event, proposed for August. WSB would like to do a formal event once all construction work is done. Council member Palmquist stated he would happy to do and even to thank all the people who've helped; but wait until its done.
Mayor Bend agreed it would be best to partner with WSB and to wait until next year when all is done.
Motion/Second Palmquist/Ross To authorize Stan Ross to work with WSB on a construction completion celebration. Passed 3-0.

15. Schedule Work Session
Items will include Xcel energy substation application

16. Scannell properties appeal
Motion/Second Palmquist/Bend To adopt Resolution 2018-35, a Resolution of the City Council of Afton, Minnesota, acting in its capacity as the board of appeals and adjustment pursuant to Afton city code §12-77 on the matter of the appeal of Scannell properties of June 1, 2018. Roll Call, All aye, Passed 3-0.

17. Discussion regarding banning plastic straws
Administrator Moose provided the following information:
Council member Palmquist has requested that the Council have a brief discussion regarding banning plastic straws in Afton, as well as a potential ban on plastic bags and plastic utensils, with the outcome of the discussion being direction to staff to prepare information and materials for the Council to consider at the August Council meeting and use the time in between to talk to the few businesses that this would impact.
Motion/Second Palmquist/Ross to authorize Staff to prepare information to develop a draft ordinance. Passed 3-0.

D. Committee Reports

1. Public Works –no report
2. Personnel – no report
3. Parks – signage
4. Heritage Preservation Commission / Design Review – meet tomorrow
5. Natural Resources and Groundwater – putting water testing data together

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

- A. Ward 1 Council Member Palmquist – nothing
- B. Ward 2 Council Member Richter – absent
- C. Ward 3 Council Member Ross – nothing
- D. Ward 4 Council Member Nelson – absent
- E. Mayor Bend – nothing
- F. City Attorney Knaak – nothing
- G. City Administrator Moose – nothing

11. ADJOURN –

Motion/Second Bend/Palmquist To adjourn. Passed 3-0
Meeting adjourned 10:26 pm

