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

APPROVED City Council Regular Meeting Minutes
August 21, 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, Nelson, Richter. **Quorum Present.**

ALSO PRESENT: Nick Guilliams (City Engineer), City Administrator Ron Moorse, City Attorney Fritz Knaak, Planning Commission Chair Kris Kopitzke.

4. **APPROVAL OF AGENDA** – agenda items August 21, 2018

Add item 9c 15 “50th St patches”

Motion/Second Bend/Ross To approve agenda with addition of item 9c15. Passed 5-0-0

5. **APPROVAL OF MINUTES**

A. Minutes of July 17, 2018 Regular City Council meeting

Motion/Second Bend/Ross To approve the minutes of the July 17, 2018 Regular City Council meeting. Passed 3-0-2 (Richter & Nelson abstain due to absence.)

B. Minutes of the July 24, 2018 Special City Council meeting

Motion/Second Palmquist/Ross to approve the minutes of the July 24, 2018 Special City Council meeting. Passed 3-0-2. (Palmquist & Nelson abstain due to absence)

C. Minutes of the July 24, 2018 Council work session

Motion/Second Ross/Richter to approve the minutes of the July 24, 2018 Council work session. Passed 3-0-2. (Palmquist & Nelson abstain due to absences)

6. **PUBLIC INPUT** –

Jim Cox 12941 22nd St, across the road from the Landucci property. Has concerns about construction staging and would like it to occur in a different area. Feels road should move to the north, as it does not line up with 22nd St.

Marcus Benson, 12115 8th St s, follow up on issue at property that was brought up last month.

David Husebye 5830 Osgood; Spoke about the Carlson development. Feels the farm access road is not necessary, would like to have the gate locked. Traffic on Trading Post should be slowed to 25 mph. 60th from east, not marked with a speed limit sign. Concerned that once roads are paved the traffic will move faster. Would also like to see the draft development agreement.

7. **REPORTS/PRESENTATIONS -**

A. Sheriff’s Monthly Report

none

B. Tom Niedzwiecki, Budget Report

54 none

55

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

57 Council member Nelson reported that the Fire Dept. still wants list of businesses for safety checks.

58 Mayor Bend reported that he took a first aid course offered by the EMT.

59 Kevin, Fire Dept, requested audit ratification of resolution to increase benefit level.

60

61 **8. CONSENT AGENDA**

62 **A. Just and Correct Claims**

63 **B. 4M Fund Transfer – There is no 4 m fund transfer for July.**

64 **Motion/Second Palmquist/Richter to approve consent agenda. Passed, 5-0-0.**

65

66 **9. CITY COUNCIL BUISINESS**

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

68 1. Ruth Friedlander application for Minor Subdivision

69 **Motion/Second Bend/Ross to continue item until September at the request of the applicant.**

70 **Passed 5-0-0.**

71

72 2. River Valley Riders Amended CUP

73 Administrator Moorse provided the following summary:

74 In 2009, the River Valley Riders obtained approval of a Conditional Use Permit (CUP) for an
75 outdoor riding arena for therapeutic riding and carriage driving for people with special needs at
76 2007 Neal Avenue. The outdoor riding arena was the first stage of a much larger master plan for an
77 indoor riding arena and related indoor spaces. River Valley Riders has now applied for an amended
78 CUP to allow the second phase of their riding arena master plan to proceed. The second phase is
79 the construction of an indoor riding arena to extend the number of months per year during which it
80 can provide therapeutic riding and carriage driving for people with special needs. This second
81 phase of the master plan does not include related indoor spaces such as offices, a public viewing
82 area or a restroom. These spaces will be constructed in a third phase of the master plan

83

84 Cheryl Holdt, River Valley Riders, stated there is a change in the location of the building, and south
85 of building they will install a swale and use the fill in construction.

86

87 **Motion/Second Richter/Palmquist move to approve Resolution 2018-32 approving the River
88 Valley Riders application for an amended conditional use permit regarding an indoor riding
89 arena at 2007 Neal Avenue.**

90 Council member Palmquist asked if bldg. would be heated (later) and also asked about septic location
91 (to be determined).

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

93

94 3. Steve and Jennifer Knuth / Nathan Landucci Variance application

95 Administrator Moorse provided the following summary:

96 Steve and Jennifer Knuth/Nathan Landucci, Landucci Homes, have applied for a variance to allow
97 the 40-acre property on the north side of Valley Creek Trail, approximately 1300 feet east of Neal
98 Avenue, with Property Identification Numbers 17.028.20.24.0001 and 17.028.20.24.0002, to be
99 accessed via a driveway from Neal Avenue through a private easement across an adjacent parcel to
100 the north to serve a proposed house on the property. Nathan Landucci, Landucci Homes, currently
101 owns 120 acres of land in several adjacent parcels north of Valley Creek Trail and East of Neal
102 Avenue, including the two subject parcels totaling 40 acres.

103

104 Planning Commission Chair Kopitzke summarized the discussion of the Planning Commission. The
105 primary issue was this being access for a future PLCD. Public comment at the Planning Commission
106 reflected that. Approval does not imply approval for a PLCD.
107 Council member Richter referenced Ord. 12-1261 simple subdivision. Does this need a variance?
108 Attorney Knaak stated that this needs a variance; it is not a subdivision application.
109 Council member Richter asked about the private easement
110 Council member Palmquist stated that the variance is needed for road frontage.
111 Council member Richter asked about land with no access, do we have to allow variance? Isn't the
112 practical difficulty created?
113 Knaak answered that is a preexisting condition on parcel; not something owner created.
114 Mayor Bend stated that is only one of multiple factors.
115 Mayor Bend stated we have an application for variance for one residence driveway on a parcel. A
116 separate application will need to be done for simple subdivision. Do we go ahead with this one or
117 have both applications brought in together?
118 Knaak could be handled together as discussion is same. (application for simple subdivision)
119 Council member Palmquist stated concerns over driveway and any future public road. There are water
120 problems there already, needs to be substantial improvement. Do not like referencing future PLCD
121 in findings; would strike.
122 Mayor Bend agrees with finding #5. Asked applicant if they would consider a conservation easement.
123 Todd Erickson, representative, stated they are open to conservation easement as long as they can use
124 property.
125 Mayor Bend stated he is concerned that it not be subdivided in future.
126 Council member Richter thought part of this could be in the PLCD in the future (no). Language is in
127 the application regarding future PLCD and expansion. Should be just a driveway variance with
128 alignment with 22nd street for safety.
129 Council member Palmquist stated they cannot center the road as they don't own south of the section
130 line. Offset of the road is bad.
131 Discussion was held regarding the road location
132 City Engineer Williams stated that he can review and give recommendation.
133 Council member Richter stated he can only support at 22' width for the easement with 33' temporary.
134 Erickson would like 40' temporary construction easement with 30' easement.
135 Council member Palmquist stated they need a large enough permanent easement for water control
136
137 **Motion/Second Bend / Nelson To approve Resolution 2018-38 approving the application for a**
138 **driveway variance with findings recommended for approval with exception of No. 5 and**
139 **imposition of a conservation easement prohibiting future subdivision of the parcel but allowing**
140 **resident uses as proposed by resident and approved by City, held by the City and by adjoining**
141 **landowners with permission from both the City and landowners for removal of the conservation**
142 **easement, and provisions mutually agreed on. Alignment of driveway on western end as close**
143 **to 22nd St as possible. Easement to be for a roadway not to exceed 22' wide with a 40'**
144 **construction easement bumped out on north side for ponds and erosion control, all to be**
145 **maintained in perpetuity by landowner with widths agreed upon by City Engineer and**
146 **Applicants Engineer. All erosion control to comply with City ordinance to ensure runoff does**
147 **not create hazards.**
148 Discussion
149 **Council member Palmquist friendly amendment condition that City engineer signs off on final**
150 **driveway plans (accepted).** Item No. 9 would like to materially improve runoff conditions as signed
151 off by the watershed...how to quantify?
152 Erickson – rate of runoff. All Watershed requirements will meet.
153 **Mayor Bend condition No. 4 could change to say “driveway standards and all associated**
154 **controls on runoff shall be subject to review and approval.” (Friendly amendment - accepted.)**
155 **Moorse change language “reduce rate of runoff” (accepted)**

156 **Knaak pre condition that simple subdivision application be granted by City (condition).**
157 Mike Schwartz, Counsel for applicant. Applicant is willing to do a conservation easement. Other
158 restrictions in regard to runoff they are willing to do. They would like provisions that they can use the
159 property for horses, etc.
160 Palmquist asked about other potential access points in the future.
161 Knack language in easement document can be clear on access.

162
163 **Roll call vote. All aye, passed. 5-0-0**

164
165
166 **4. Comprehensive Plan Update**
167 **Motion/Second Bend/Ross to table Comprehensive plan review until next month. Passed. 5-0-**
168 **0.**

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

170 1. Change order No 11
171 **Motion/Second Palmquist/Nelson to approve Change Order #11 for the Downtown Village**
172 **Improvement Project to Geislinger and Sons in the amount of \$79,430.58. Passed 5-0-0.**

173
174 2. Change order No 1
175 Nelson concern over trees and dry conditions. 2 yr warranty with contractor
176 Palmquist concern over sod, arborvitae height.
177 This is all to shield lift equipment and parking lot
178 **Motion/Second Nelson /Ross to approve Change Order #1 for the Downtown Village Landscape**
179 **Improvement project to Great Northern Landscapes in the amount of \$10,055.00. Passed 5-0-**
180 **0.**

181
182 3. 3M Settlement Working Group updates
183 **Motion/Second Bend/Nelson To table until next meeting. Passed 5-0-0**

184
185
186 **C. Administration –**

187 1. Decorative Street light dimming
188 Administrator Moore provided the following information:
189 Staff has been advised of numerous concerns regarding the brightness of the decorative street lights,
190 particularly at the north and south ends of the Downtown Village area. There is only one option for
191 reducing the brightness that is not cost-prohibitive. That option is installing dimmers on the
192 individual street lights. The cost of installing dimmers on the individual street lights is \$300 per
193 light, if a substantial number of the lights are to be dimmed. The cost per light could be higher if the
194 number of lights is reduced. The option of enabling the dimming of all of the lights from a central
195 controller would require installing new wiring to the lights, which would be cost prohibitive.

196
197 **Motion/Second Palmquist/Ross To approve installation of dimmers on every light.**
198 **Amend motion (Palmquist) to let staff make decision on some lights, some corners need to stay**
199 **bright.**

200 Council member Ross stated that the intent was that the lights be brighter in center of city. Would
201 propose installing dimmers on 3 lights as a test.

202 Council member stated he like the idea of waiting a bit.

203 Council member Nelson pointed out that the lights are a drastic change from the past; wait a year for
204 people to adjust.

205 **Palmquist amend motion not to exceed 20 lights. Vote 2 – 3. (Palmquist, Ross Aye; Nelson,**
206 **Richter, Bend Nay. Motion Fails.**

207

- 208 2. Levee Vegetation and Maintenance
209 Administrator Moorse stated that questions and concerns have been raised regarding the maintenance
210 of the upgraded levee.
211 Council member Richter stated that the primary concern is being able to monitor the levee. It is a
212 functioning structure. Need to have Army Corps of Engineers input.
213 Mayor Bend stated that the issue is the grass needs to be sufficiently short to see any deviations in the
214 levee. Natives grow tall, not sure natives should be planted here.
215 Council member Palmquist stated that natives are less cost to maintain and can be mowed before
216 inspection.
217 **Motion/Second Richter/Ross to allow staff to work with DNR, Watershed District and the Army**
218 **Corps of Engineers to determine best plantings. Passed 5-0-0.**
219
- 220 3. Rediscover Afton event funding
221 Council member Ross provided information on the Rediscover Afton Event, which will be an
222 opportunity to celebrate the completion of the downtown improvements and to recognize all of the
223 project partners. Intent is that the costs will be split with WSB.
224 Council member Richter asked how the event got started.
225 Council member Ross replied the local businesses proposed an open house day.
226 Council member Nelson stated it would be nice to highlight the entities that worked together.
227 Mayor Bend asked if it would be appropriate for the AABA to sponsor along with City support and
228 modest contribution.
229 City Attorney Knaak answered yes.
230 **Motion/Second Palmquist/Ross To spend up to \$2500 towards Rediscover Afton event.**
231 Council member Ross stated that the city did not spend any money for the Jessie Diggins event.
232 **Palmquist/Ross amend motion: To spend up to \$2500 assuming it will be matched one for one.**
233 **Passed 3-1-1. (Richter Nay, Ross abstain)**
234
- 235 4. City hall covered entrance
236 Administrator Moorse provided the following information:
237 In the winter months, snow melting from the roof of City Hall drips onto the sidewalk and refreezes
238 to create icy spots at the entrance. Although staff uses a significant amount of ice-melt on the
239 sidewalk to prevent the icy spots, residents have expressed concerns about the slippery sidewalk.
240 **Motion/Second Palmquist/Nelson to approve awning for city hall not to exceed \$3,400.**
241 Mayor Bend suggested looking in to alternatives.
242 **Motion withdrawn.**
243
- 244 5. Replacement of City Hall outdoor Bulletin Board
245 **Motion/Second Nelson/ to replace City Hall outdoor bulletin board at cost not to exceed \$955.**
246 **Motion Fails - no second**
247
- 248 6. Pay voucher No. 15
249 Pay Voucher No. 15 from Geislinger and Sons, Inc. for the Downtown Village Improvement Project
250 in the amount of \$318,227.75. This pay voucher will be provided to the PFA and the DNR for
251 reimbursement of portions of these costs.
252 **Motion/Second Palmquist/Nelson To approve Pay Voucher No. 15 from Geislinger and Sons for**
253 **the Downtown Improvement Project in the amount of \$318,227.75. Passed 5-0-0.**
254
- 255 7. Pay Voucher No 2.
256 **Motion/Second Palmquist/Ross to approved payment of Pay Voucher No. 2 Great Northern**
257 **Landscapes, Inc., in the amount of 22,614.75. Passed 5-0-0.**
258
- 259 8. City Representative on the Government 3M Working Group

260 Council member Palmquist stated that the group is made up of city administrators and government
261 officials. This is the quarterly group. No one has engineers at this group.
262 Mayor Bend stated he would like to see who other cities are appointing and would like more
263 information.

264 **Motion/Second Palmquist/Nelson To appoint Ron as primary representative to the committee**
265 **for the meeting this week.**

266 Richter will attend with Ron this week.

267 **Passed 5-0-0.**

268

269 9. Items in PLCD Ordinance needing clarification or revision

270 **Motion/Second Bend/ Ross To continue item discussion to a work session.**

271 Discussion

272 Council member Richter stated he feels there are issues with current PLCD language. Some changes
273 could be made that would solve issues and be a win for everyone.

274 Council member Nelson stated that this would be for PLCDs going forward.

275 Mayor Bend stated that since we have approved the preliminary plat, we can't change the ordinance
276 for an application that's already done

277 Council member Richter asked what if developer came in with change? Does that open door?

278 Attorney Knaak replied that once plat is approved, it locks it in. City has no obligation to approve
279 any changes. If both parties agree, it could be modified.

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

281

282 10. Information regarding ordinances banning plastic straws and utensils at restaurants and bars

283 Administrator Moorse provided the following information:

284 At the July 17, 2018 Council meeting, Council member Palmquist requested staff to provide
285 information and examples regarding ordinances that ban plastic straws, plastic utensils and plastic
286 bags, and replace them with paper straws, compostable utensils and paper bags.

287 Council member Palmquist provided samples of compostable utensils.

288 **Motion/Second Palmquist/Ross to Authorize staff to develop ordinance language banning**
289 **plastic straws, plastic utensils and plastic bags and bring back to the council for review.**

290 Discussion

291 **Council member Palmquist amend motion to include "compostable items." (Ross second)**

292 Council member Richter asked if the city will be responsible for the cost difference.

293 Mayor Bend stated the ordinance would go into effect in a year and could give the option of using up
294 existing supply.

295 **Motion vote: Passed 5-0-0**

296

297 11. Refunds of Interest to Prepaid assessments

298 At its April 17, 2018 meeting, the Council adopted a resolution revising the date by which

299 assessments for the Downtown Village Improvement Project could be prepaid without interest.

300 Those who chose to take advantage of the extended date of July 1, 2018 had already had the first
301 year of principal and interest payments certified to the County. These payments were required to be
302 paid to the County. To enable the prepayments to be without interest, the amount of interest paid to
303 the County is being refunded to those who prepaid the full assessment prior to July 1, 2018.

304 **Motion/Second Palmquist/Nelson To approve the refund of interest paid by those who prepaid**
305 **their assessments prior to July 1, 2018. Passed 5-0.**

306

307 12. Town Square Park ballfield drainage solution

308 Motion/Second Bend/_____ To get price quotes from Tri County for other drainage solutions. Motion

309 Failed – no second.

310 **Motion/Second Palmquist/Bend To approve Tri County drainage solution at cost not to exceed**
311 **\$2000 pending staff confirmation that this is not a reverse well. Passed 5—0**

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Administrator Moorse stated that there is final landscaping plan for the restroom
Council member Ross stated there would be river rock along the south side and rock along the
perimeter, also sod
Motion/Second Nelson/Richter Table for more information. Passed 5-0-0.

13. Bridge Maintenance and Repairs
Motion/Second Richter/Palmquist To table item to gather more information. 5-0

14. Schedule Work Session
Work session will be scheduled in the next couple weeks.

15. 50th St patching
Motion/Second Palmquist/Richter To approve 50th Street patching. Passed 5-0

D. Committee Reports

1. Public Works – River Rd,
2. Personnel – will meet soon
3. Parks – landscaping
4. Heritage Preservation Commission / Design Review – no report
5. Natural Resources and Groundwater – David Huseby, new Chair

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

- A. Ward 1 Council Member Palmquist – no report
- B. Ward 2 Council Member Richter – sidewalk plowing
- C. Ward 3 Council Member Ross – no report
- D. Ward 4 Council Member Nelson – no report
- E. Mayor Bend – no report
- F. City Attorney Knaak – no report thing
- G. City Administrator Moorse – nothing

11. ADJOURN –

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

Meeting adjourned at 10:46 pm.

Respectfully submitted by:

JY
Julie Yoho, City Clerk

Approved by Council (September 18, 2018) as (check one): Presented: _____ Amended: X

Mayor Richard Bend _____ Date _____