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

APPROVED City Council Regular Meeting Minutes
September 18, 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, Nelson, Richter. **Quorum Present.**
Absent was Council Member Ross (excused).
- 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 9c11 “Town Square Park Landscaping”; Add item “Afton Creek Preserve report” from PC Chair
Motion/Second Nelson/Richter To approve agenda with items added above. Passed 4-0
5. **APPROVAL OF MINUTES**
- A. Minutes of August 21, 2018 Regular City Council meeting
Motion/Second Palmquist/Nelson To approve the minutes of the August 21, 2018 Regular City Council meeting.
Mayor Bend clarified line 227 to read that he “asked if it would be appropriate for AABA to sponsor. Knaak answered yes.”
Motion Vote: Passed 4-0
- B. Minutes of the August 27, 2018 Special City Council meeting
Motion/Second Bend/Palmquist To approve the minutes of the August 27 Special City Council meeting. Passed 4-0
- C. Minutes of the August 27, 2018 Council work session
Motion/Second Bend/Palmquist To approve the minutes of the August 27 City Council work session. Passed 4-0.
6. **PUBLIC INPUT** –
- James Rickard 5650 Odell Ave; Stated that the request from the Afton Creek developer last week to amend the CUP was withdrawn; but he wanted to point out that he would support amending the agreement to benefit all and optimize design.
- David Husebye 5830 Osgood Ave. Stated that the PLCD Ordinance doesn’t mention number of lots. Code states no more than 9 lots on a cul-de-sac and the length is limited. Also has concern over light pollution in town.
7. **REPORTS/PRESENTATIONS** -
- A. Sheriff’s Monthly Report
Sergeant Lonnie pointed out that there has been increased deer movement in the area.
Council member Richter commented that the intersection at 40th & Neal is dangerous.

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B. Tom Niedzwiecki, Budget Report

Tom provided an overview of the monthly financial reports

C. Lower St. Croix Fire District Report – Request for Pension Benefit Increase

Kevin Kirby, LSCVD was present

Ron Moore provided the following information

In 2017, the Lower St. Croix Valley Fire Department Relief Association proposed a criterion for periodic increases to the firefighter pension benefit. The criterion is a surplus in the Fire Relief Association Pension Fund of a minimum of 115% after the benefit increase is made. This criterion was used in 2017 to increase the pension benefit amount from \$3250 per year of service to \$3,500 per year of service. This was a 7.7% increase. The Fire Relief Association is now requesting the Council to approve an increase in the pension benefit amount from \$3,500 per year of service to \$3,750 per year of service. This is a 7.1% increase. The benefit increase is requested to be made effective February 13, 2018.

Council member Richter asked about overage estimate.

Council member Palmquist stated this is within the agreement.

Motion/Second Palmquist/ to approve resolution 2018-39 approving the increase in pension benefits. No second. Motion Fails

Further discussion was held over the agreement and funding (Funds come from state aid and investment. If there is a shortfall then cost comes back to the cities).

Mayor Bend stated that the agreement was made to adopt the formula. Level of contribution makes sense to ratify

Motion/Second Palmquist/Nelson to approve Resolution 2018-39 approving an increase in the lower St. Croix Valley Fire department relief association pension benefit from \$3,500 per year of service to \$3,750 per year of service.

Mayor Bend stated this is retroactive to February (according to bylaws, date when action was taken by membership)

Roll call vote: All aye, Passed 4-0

8. CONSENT AGENDA

A. Just and Correct Claims

B. 4M Fund Transfer – July and August – Resolution 2018-40

Motion/Second Palmquist/Richter to approve Resolution 2018-40. Roll call: All aye, Passed 4-0

9. CITY COUNCIL BUISINESS

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

Planning Commission Chair Kopitzke provided a summary of the request to amend the CUP for the Carlson development which was later withdrawn. It was recommended for denial 8-0. Findings as noted.

1. Ruth Friedlander application for Minor Subdivision

Administrator Moore provided a summary of the application:

The Council, at its July 17, 2018 meeting, reviewed the Ruth Friedlander application 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. Due to questions and concerns from the Pesaventos, who own the parcel at 15785 Afton Hills Drive, regarding the requirement to place scenic easements on steep slopes within the proposed subdivision, the application was continued to the August 21, 2018 Council meeting to enable the City staff to work through the scenic easement questions and concerns of the Pesaventos. At the August 21, 2018 Council meeting, the applicant again requested a continuation of the application to the September 18 Council meeting to continue to address the scenic easement issue.

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The Pesaventos have indicated they are not interested in participating in the subdivision if scenic easements are required to be placed on their property. If the Pesaventos are not interested in participating in the subdivision, the subdivision is no longer a viable application. The applicant’s attorney has cited language in the statute regarding subdivisions that allows a lot line rearrangement to occur independent of any city subdivision process or action, including the requirement of scenic easements on steep slopes (see below with bolded language by staff). The City Attorney has indicated the cited language does not allow the subject subdivision to occur without city action. At the time of the writing of this report, the scenic easement issue has not been resolved.

Council member Richter stated that Afton isn’t the only city with scenic easement restrictions Attorney Knaak agreed
Council member Richter stated that we prohibit building on 18% slope.
Attorney Knaak stated that the survey filed will reflect that it can’t be built on
Council member Palmquist asked about the value of a scenic easement
Attorney Knaak stated that the city can impose conditions and restrictions without it being an easement.
Mayor Bend stated that an easement places burden or interest on the property to the city. Different than a regulation.
Council member Palmquist stated that we’ve never had problem, have always protected slopes with a scenic easement
Knaak stated that the advantage of an easement is it forces identification of the exact location for protection.
John Heshler, attorney for Friedlander. Purchaser not interested in buying if easements. In substance no change in use. Changing title. Boundary line adjustment between neighbors.
Kopitzke stated this not just shifting lot lines, as they are substandard lots.
Knaak stated this is more than a single lot and a single line adjustment. City policy has always been to protect the slopes.
Further discussion was held regarding requiring non-conforming lots to join, and the importance of including findings to detail the uniqueness of this application.
Motion/Second Palmquist/Bend To adopt Resolution 2018-32 regarding the Ruth Friedlander application 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 2.028.20.12.0002 and the parcel at 15785 Afton Hills Drive; with findings and condition # 2 re worded to remove “easement” insert “shall comply with all city ordinances, including but not limited to those related to steep slopes and the Lower St Croix River Bluffland and Shoreland management ordinance.” Roll call: 3 Aye, Richter nay. Passed 3-1

- 2. **Application by Eric and Kaya Cook and Ken and Linda Johnson for a Minor Subdivision**
Administrator Moorse provided a summary of the application
Council member Palmquist stated that the smaller house isn’t part of this issue, wouldn’t attach as condition. (settlement agreement states work will be done in reasonable time)
Motion/Second Bend/Palmquist to approve Resolution 2018-41 approving application by Eric and Kaya Cook and Ken and Linda Johnson for a minor subdivision for a lot line rearrangement at 3787 St. Croix Trail and 3752 River Road with removal of the condition that prior to recording the kitchen and bath shall be removed from the small house on the 3787 St. Croix Trail parcel. Roll Call: All aye, passed 4-0.
- 3. Application by Ken and Linda Johnson for a Variance at 3752 River Road
Administrator Moorse provided a summary of the application

156 **Motion/Second Bend/Nelson To approve Resolution 2018-42 approving the Variance**
157 **application by Ken and Linda Johnson at 3752 River Road. Roll Call: All aye, Passed 4-0.**
158

159 4. Application by Roger Mireau at 12225 Hudson Rd requesting a substantially similar use
160 determination

161 Administrator Moorse provided a summary of the application
162 Kopitzke stated that the Planning commission discussion centered on the category of use and changing
163 the ordinance to include use.

164 **Motion/Second Richter/Palmquist To approve Resolution 2018-43 Determining that a heavy**
165 **equipment rental use is substantially similar to the current warehouse/exterior storage/office**
166 **use at 12225 Hudson Road.**

167 Discussion
168 Council member Palmquist stated its similar use
169 Council member Nelson asked if there would be commercial sales (business to business, not retail)
170 Attorney Knack recommended that be included as fact (accepted)

171 **Roll call vote: All aye; passed 4-0**
172

173 5. Ordinance Amendment to allow swimming pool auto covers as alternative to a fence enclosure
174 Council member Palmquist asked why limited to RR or AG zones?

175 Kopitzke answered that with large lots there is less probability of children wandering in
176 Council member Richter stated he prefers layers of safety. A fence requires action to make unsafe
177 (leaving gate open, etc), a cover requires positive action to make safe.

178 **Motion/Second Palmquist/Nelson to approve Ordinance Amendment 03-2018, an amendment**
179 **to allow a pool auto cover to be used as an alternative to the current requirement of fencing to**
180 **completely enclose swimming pools. Roll Call: 3 Aye, Richter Nay. Passed 3-1**

181
182 **Motion/Second Bend/Palmquist to approve adoption of summary Ordinance 03-2018 for**
183 **publication. Passed 3-1 (Richter nay)**
184

185 6. Comprehensive Plan Update – Resolution 2018-33
186 **Motion/Second Bend/Nelson To adopt the comprehensive plan updates with the mayors items**
187 **as included in the packet. Roll call: All aye, Passed 4-0**
188

189 **B. Engineering Report – (Engineer Staff Report & Council Update)**
190 No report
191

192 **C. Administration –**

193 1. Nathan Landucci Application for simple subdivision to create a private driveway easement
194 **Motion/Second Palmquist/ Nelson To approve Resolution 2018-44 approving the Nathan Landucci**
195 **application for a simple subdivision for a private driveway easement at the property on Neal avenue**
196 **with PID# 17.028.20.21.0002.**

197 Discussion
198 Council member Palmquist questioned easement width
199 Administrator Moorse replied that temporary easements will be granted as needed for construction
200 **Roll call: All aye, Passed 4-0**
201

202 2. Jon Kroeschel request for noise ordinance waiver
203 **Motion/Second Bend/Nelson to waive noise ordinance enforcement for a special event at 15106**
204 **50th St. S on October 12, 2018 until 11:00 p.m. Passed 4-0**
205

206 3. Request to rename Rinta Park

207 Council member Palmquist stated he is not comfortable renaming without a policy. Perhaps a plaque
208 could be placed in the garden.

209 Mayor Bend agreed, the plaque is a good idea. Also would like to see what the parks committee would
210 recommend

211 **Motion/Second Bend/Richter to table the request to rename Rinta Park. Passed 4-0**

212

213 4. Rental of Stagecoach Trail public works

214 Tri County would like to use liquid salt for ice control on the roads this winter. This requires an indoor
215 facility to mix and store the liquid salt. There are two stalls available in the Stagecoach Trail Public
216 Works Garage. Tri County would like to lease the two stalls at \$250 per month per stall. If the Council
217 is supportive of the rental and the rental rate, staff will prepare a lease agreement for the Council's
218 review.

219 **Motion/Second Palmquist/Nelson to approve rental of two stalls in the Stagecoach Trail Public
220 Works Garage to Tri County at a rental rate of \$500 per month, duration to be determined. Passed
221 4-0**

222

223 5. Ordinance requiring use of compostable or recyclable single use food service ware

224 Motion/Second Palmquist/Nelson to adopt ordinance 04-2018 **requiring the use of compostable or
225 recyclable single-use food service ware by food service businesses and requiring the use of
226 compostable bags except as may be required by law.**

227 Council member Nelson asked if the businesses are comfortable with this? (Yes, Afton House already
228 does. Rule goes into effect in one year.)

229 Remove reference to bags (amendment accepted)

230 **Roll call vote: All Aye, passed 4-0**

231

232 **Motion/Second Palmquist/Bend to adopt the summary ordinance 04-2018 for publication. All Aye,
233 Passed.**

234

235 6. City Representative and Alternate at 3M working group

236 **Motion/Second Nelson/Richter To appoint Palmquist to serve as representative or alternate along
237 with Moore. Passed 4-0**

238

239 7. Pay voucher No 16 from Geislinger and Sons Inc. for the downtown Village Improvement Project

240 Pay Voucher No. 16 from Geislinger and Sons, Inc. for the Downtown Village Improvement Project is in
241 the amount of \$162,517.26. This pay voucher will be provided to the PFA and the DNR for
242 reimbursement of portions of these costs

243 **Motion/Second Palmquist/Bend To approve payment of Pay Voucher No. 16 from Geislinger and
244 Sons, Inc. for the Downtown Village Improvement Project in the amount of \$162,517.26. Passed 4-
245 0**

246

247 8. Schedule Special Council meeting and Work Session

248 Looking at Monday, September 24 & another later in week

249 Council member Richter would like to discuss the PLCD language

250

251 9. Sale of flood pump

252 Council member Palmquist stated he is not comfortable selling any pump until we go through a flood with
253 our new system

254 **Motion/Second Palmquist/Bend to table the sale of the flood pump. Passed 4-0**

255

256 10. Bollards on Pike Street where it narrows to a bike trail

257 While the southern end of Pike Street narrows from a street to a bike trail, vehicles still tend to use that
258 portion of the street. The Council had authorized staff to determine how best to keep vehicles off the

259 trail. Staff has worked with Council member Ross and Tri County regarding a plan to place three
260 bollards across the bike trail at the north and south ends of the narrowed portion of Pike Street. The
261 bollards would consist of metal sleeves and plastic posts to be installed by Tri County. The total cost is
262 the not-to-exceed amount of \$1,500.

263
264 Council member Palmquist asked if the trail is considered a park? Could park dedication fees be used?
265

266 **Motion/Second Palmquist/Nelson to authorize Tri County to provide and install six bollards on Pike**
267 **Street at a cost not to exceed \$1,500 from the park fund.**

268 Mayor Bend stated the Parks committee should look at the matter first

269 **Palmquist: Amend Motion “pending approval of Park committee or if staff determines the cost**
270 **should not come from those funds” Passed 4-0**

271
272 11. Town Square Park landscaping
273 Estimate is \$5,300 for sod & rock
274 Council would like to see bids and detail of what is included.
275 No action was taken
276

277 **D. Committee Reports**

- 278 1. Public Works – no report
279 2. Personnel – no report
280 3. Parks – no report
281 4. Heritage Preservation Commission / Design Review – Palmquist will attend the next mtg
282 5. Natural Resources and Groundwater – need another member
283

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

- 285 A. Ward 1 Council Member Palmquist – no report
286 B. Ward 2 Council Member Richter – no report
287 C. Ward 3 Council Member Ross – no report
288 D. Ward 4 Council Member Nelson - no report
289 E. Mayor Bend – no report
290 F. City Attorney Knaak – no report
291 G. City Administrator Moorse – no report
292

293 **11. ADJOURN –**

294 **Motion/Second Bend/Palmquist To adjourn. Passed 4-0**

295
296 Meeting adjourned at 10:32 pm.
297
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299 Respectfully submitted by:

300
301
302 JY
303 Julie Yoho, City Clerk

304
305
306 Approved by Council (October 16, 2018) as (check one): Presented: x Amended: _____
307

308
309 Mayor Richard Bend _____ Date _____
310