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

APPROVED City Council Regular Meeting Minutes

**October 17, 2017
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 Nelson, Richter, Palmquist, Ross. **Quorum Present.**

ALSO PRESENT: Nick Guilliams, Todd Hubmer (City Engineers), City Administrator Ron Moorse, City Attorney Fritz Knaak, City Accountant Tom Niedzwiecki (for last portion of the meeting), City Clerk Julie Yoho, Planning Commission Chair Barbara Ronningen.

4. APPROVAL OF AGENDA – [some agenda items were discussed out of sequence]

A. Agenda for the Regular City Council Meeting of October 17, 2017

Motion/Second: Palmquist/Ross To approve the agenda for the October 17, 2017 Regular City Council Meeting.

Mayor Bend suggested moving the Sherriff's report and the Yellow Ribbon Alliance up after item 5. Amendment accepted.

Motion Passed 5-0-0.

5. APPROVAL OF MINUTES

A. Minutes of the September 19, 2017 Regular City Council meeting.

Motion/Second: Richter/Palmquist To approve the minutes of September 19, 2017 Regular City Council Meeting. Motion passed 5-0-0.

6. PUBLIC INPUT –

Paul Wolner, 13446 50th St S, feels an EIS should be required because of the setback requirements to Trout Brook stream which feeds into the St Croix River.

Dan Brannan, 13997 50th St S. Stated that there are rare species of woodlands at this site. The City should not promote intense development here. There are also traffic safety concerns on Trading Post.

James Rickard, 5650 Odell, Asking the council to deny the rezoning request. Contradicts ordinances, planning commission denied, rezoning sets dangerous precedence for future.

Randy Graham, 5912 Trading Post Trail. Stated that development could be good if done right. Here, the cul de sacs exceed the allowed length; also only 1 cul de sac is allowed, this has 2. Number of lots on cul de sac is exceeded.

Doug Parker, 4795 Trading Post Trail. Expressed concern over how this is moving through with lack of clarification. Traffic study was done in July over holiday, cul de sac issues, rezoning to ag when it will never be ag land. Development has to follow the rules.

54 David Husebye 5830 Osgood Ave. Expressed concern over traffic study and how it was done. Grade concerns,
55 paving would increase speed on the road.

56
57 Nancy Turner 13926 60th St. Her property will be surrounded by the development. She expressed concerns over
58 privacy for her business and horse sanctuary. The proposal doesn't meet the standard for a PLCD – underlying
59 zoning district. There are issues with the topography and wetlands. Follow current ag zoning to protect land.

60
61 Kathy Graham 5912 Trading Post Trail. Stated that the rezoning of the lot is only for benefit of the developer
62 (individual) not the entire community. Number of lots on cul de sac exceeds allowed. Development needs to be
63 done wisely.

64
65 Mike Wilson 12671 10th St S., Stated that the developer has addressed the concerns over traffic safety,
66 environmental impacts, and storm water management. Feels the development is well designed and would be good
67 addition.

68
69 Mary McConnell 5680 Odell ave. Would like the planning commission to review the additional data that has
70 come. The curve has substandard road width which needs to be looked at. The Engineers traffic review assumed
71 it would be paved to Neal and travel at 30mph. If paved, the traffic would move faster so analysis should take
72 that under consideration. Traffic will go on Trading Post, report needs to address. Asking the Council deny
73 rezoning as it would establish a precedent. Developer will also need variances, how many exceptions will you
74 give? We need to hold to high standards.

75
76 Franz Hall 5730 Trading Post Trail. Thanks to Mary McConnell for her analysis of this project. Large number
77 of variances will have to be issued for this to go forward. Variances should be issued only in cases of hardship.
78 How was he able to build access road? Concern over erosion problems and drainage heading east.

79
80 Teresa Lewandowski 5888 Trading Post Trail. Stated concerns over the cul de sac which is too long. Second cul
81 de sac needs to be removed. Allowing more than 9 lots will increase impacts on adjacent properties.
82 Developments should have to follow ordinances.

83
84 Christian Dawson 5888 Trading Post Trail. Development needs to follow rules. PLCD language allows flexibility
85 but should not compromise safety. Feels this project is rushing through. Planning commission has said no.

86
87 Patrick Leahy 5650 Odell. Should be able to work toward middle ground, does not have to be all or nothing.
88 Entry not safe, the conservation easement and native plantings are good. Developer should work with community
89 and be willing to compromise.

90
91 Christian Dawson 5888 Trading Post Trail, Stated that the farm access road is adjacent to his property. Road was
92 built on his land because decision was rushed.

93
94 Paul Wolner Stated that the Natural Resources & Groundwater Committee and the Planning Commission both
95 voted against unanimously. Goes against comp plan. Will open Afton to developers.

96
97 Doug Parker recommended that the city require a performance bond to address any issues that come up later so
98 that city doesn't have to pay to clean up mistakes.

99
100 Paul Wolner pointed out that the engineers had no calculations on water flow.

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103 **7. REPORTS/PRESENTATIONS -**

104 A. Sheriff's Monthly Report (taken out of order)

105 Deputy Tanner provided an overview of activity for the month.

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B. Tom Niedzwiecki, Budget Report

Tom provided information on the financial report and supplemental detail of expenses paid out in September.

C. Lower St. Croix Fire District Report

No report

D. Yellow Ribbon Alliance, Randy Kopesky, president & Jerry Burke

Randy Kopesky reported that the Alliance currently does not have a representative from the City of Afton. They typically meet the 1st Tuesday of month at Lumberyard. The alliance help veterans and service members and their families in the valley. Also there is a recognition dinner on November 10.

8. CONSENT AGENDA

Motion/Second: Palmquist / Nelson to approve the consent agenda as presented including Resolution 2017-47. Roll call. All aye, passed 5-0-0.

A. Just and Correct Claims

B. 4M Fund Transfer – September – Resolution 2017-47

9. CITY COUNCIL BUSINESS

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

1. Kevin Murphy Minor Subdivision application at 4969 Neal Ave to divide 5 acres from 40 acres. Planning Commission recommended approval.

Motion/Second: Richter / Ross To approve Resolution 2017-48 approving the application. Roll call. All aye, passed 5-0-0.

2. Will Carlson Rezoning, Preliminary Plat and Conditional Use Permit Application for a Preservation and Land Conservation Development – PLCD.

Planning Commission Chair Ronningen reported that the application was incomplete when the Planning Commission received it. Appears slope data is still missing. There were errors in the application and PID numbers. Planning Commission recommend not approving any of the applications until we have adequate information.

Mayor Bend agreed the application was incomplete when the Planning Commission received it. Denial was issued without application.

Chair Ronningen stated that she'd expect the Planning Commission would have the opportunity to see the complete application and review. There were 3 recommendations: Rezoning, CUP and Sign ordinance. Many things should not have been received as presented as they were difficult to review.

Council member Nelson commented that the item should have been tabled rather than denied.

Motion/Second: Richter/Bend To return the applications back to the Planning Commission for reconsideration.

Discussion:

Council member Palmquist agreed there were issues.

Council member Nelson feels process-wise it should have been tabled

Mayor Bend stated the item came as-is and the council has to make a decision

Council member Ross agreed there was confusion and it is a procedural question

Mayor Bend noted that the motion on the floor is to send back to the Planning Commission for reconsideration.

Attorney Knaak stated that the Planning Commission raised concerns that the application was incomplete and therefore they could not render a decision. It was reasonable for them to deny on that basis. The

158 application has to be complete before you can act. Sending it back to the Planning Commission is
159 appropriate.
160 Mayor Bend asked about the 60 day review timeline.
161 Administrator Moorse explained the city has an extended timeline which will end December 13.
162 Joe Bush, developer, agrees to an additional 60 day extension to the Dec 13 deadline, and waives the 120
163 day rezoning timeline.
164 Attorney Knaak will confirm in writing tomorrow.
165 Council member Ross questioned whether the council's discussion of the topic will sway the Planning
166 Commission's review and flip-flop the process.
167 Mayor Bend commented that the residents present want information
168 Council member Richter stated that the Planning Commission should review first.
169 Mayor Bend stated he would like to listen to the Planner and the Engineers who are present.
170 Council member Ross noted that the sense of rushing has been brought up
171 **Motion Vote**
172 **2 Aye, 3 Nay. Motion Fails**
173
174 Mayor Bend stated that the council will get input from the experts present
175 Administrator Moorse stated that the entrance sign proposal has been withdrawn.
176 Council member Palmquist would like information from the engineers on the traffic.
177 City Engineer Gulliams stated that as-proposed, the project meets minimum requirements. There is no
178 reported accident history. The project will maintain or reduce water erosion.
179 Council member Palmquist asked why the traffic study was done while brushing was going on, and
180 shouldn't that be considered.
181 City Engineer Gulliams said they look at the posted speed limit when evaluating.
182 Mayor Bend asked if that assumes people travel the speed limit?
183 City Engineer Gulliams answered that is what design standards have to meet.
184 Council member Richter asked why the Spack consulting study used 25mph.
185 City Engineer Gulliams said that at 30 mph they exceed minimum design standards. The final plans are
186 not in yet for review.
187 City Engineer Hubmer said that at the posted of 30mph the preliminary plat design meets standards. The
188 design comes close to meeting 35mph standards.
189 Council member Richter asked if this could change with conditions.
190 City Engineer Hubmer answered that they are based on MN state standards. Sightlines are based on speed
191 and reaction time; not road width or composition.
192 Council member Ross noted that it is often desirable to keep the road width narrow
193 Mayor Bend noted that many of Afton's roads have special designations and don't otherwise meet
194 requirements
195 Council member Palmquist asked about the amount of stormwater data at this point in the prelim plat
196 City Engineer Gulliams answered that the final plat will have calculations. For a preliminary plat this
197 information is adequate.
198 Council member Richter asked about stormwater runoff & how do you determine if the ponds will be
199 effective at this point?
200 City Engineer Gulliams answered that they are required to maintain or reduce the current water flow and
201 they can discharge where it normally goes.
202 City Engineer Hubmer noted that typically runoff is reduced when farmland is converted to single family
203 Developer Bush noted that 50% of each lot will be planted with prairie grass
204 Mayor Bend runoff from corn field to native
205 City Engineer Hubmer stated that runoff from a farm field is typically in the 72-74% ratio; if a native mix
206 there is significantly less runoff, down to 30%. In the final plat they will have to prove calculations that
207 runoff will not increase
208 Council member Ross asked about what kind of long-term maintenance for holding ponds, etc. will be
209 required

210 City Engineer Hubmer answered that all the ponds will require maintenance
211 Council member Ross asked who does, who enforces, (typically homeowners association). Concern over
212 future
213 City Engineer Hubmer replied that typically the city holds an easement and can do maintenance and assess
214 back to the HOA.
215 Council member Richter said that as a new road, there should be 150' setback. Will there need to be
216 variance?
217 Attorney Knaak will look at the Ordinance and examine.
218 Council member Richter noted the irregular shape of lot 18.
219 City Planner Bob Kirmis said that in the planning report his recommendation is that the south portion of
220 the lot be put into and outlot
221 Council member Richter stated that the entrance road is based on the MN Land Trust's easement, not
222 what's best for the city. The number of lots on a cul de sac is limited by our Ordinances.
223 Mayor Bend agrees a variance would be required.
224 Council member Richter noted that is 2 variances already.
225 Council member Palmquist stated the rational behind road location is the preservation of natural features
226 and amenities.
227 Mayor Bend said Afton is created to appear rural. Met Council rules permit this type of PLCD as it locks
228 up land in perpetuity and keeps as rural as possible for the long term.
229 MN Land Trust Wayne, stated the MNLT likes to engage early on in the process. Trout stream was #1
230 priority, then how to structure for the largest habitat block. They also look at overall project design, how
231 to monitor and enforce over time, surrounding context, benefits for groundwater, stormwater
232 management, public use, management issues, and can boundaries be marked. Ecologically speaking, this
233 is designed well. Easement would be finalized in final plat.

234
235 **Motion / Second: Palmquist/Nelson To send application back to the Planning Commission with all**
236 **3: Rezoning, Preliminary plat, and CUP.**

237 Discussion

238 City Planner Bob Kirmis said there will need to be a variance to have more than 9 lots on the cul de sac.
239 City Attorney Knaak stated a variance would be needed for an out lot.

240 **Motion vote:**

241 **Passed 5-0-0**

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

245 1. WSB Request for Scope Increase and Budget amendment for the 2017 Pavement Management Project
246 WSB provided background and justification for the request as requested in September.

247 **Motion/Second: Palmquist/Nelson To approve the budget amendment n the amount of \$38,510 for**
248 **construction services for the 2017 Pavement Management Project. Motion passed 5-0-0.**

249
250 2. 2017 Annual Bridge Safety Inspections

251 Nick Guilliams, City Engineer reported that there are 5 bridges due for inspection this year.

252 **Motion/Second: Palmquist/Nelson to approve bridge inspection. Motion passed 5-0-0.**

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254 3. Price quote Increase from Top Notch for Cleaning and Televising of River Road Sanitary Sewer Lines
255 **Motion/Second: Palmquist/Ross To approve the revised price quote from Top Notch for \$14,864.00**
256 **for cleaning and televising the River Road sanitary sewer lines. Motion passed 5-0-0.**

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258 4. Downtown Village Improvement Update

259 Road detour is scheduled to be done by the end of the week

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261 5. 2017 Pavement Management Project Update

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Tomahawk was paved today

C. Administration –

1. Establish Sanitary Sewer User Fee

Motion/Second: Bend/Palmquist To establish a monthly sewer fee of \$50.00 per ERU (Equivalent Residential Units). Motion Passed 5-0-0.

2. Highland Sanitation Request for Fee Increase
Table until November

3. Replacement of Public Works Snow Blower

Motion/Second: Bend/Nelson To approve purchase of snow blower not to exceed \$2,434.57. Motion passed 5-0-0.

4. Michael Pofahl Proposal for 2017 audit

Motion/Second: Palmquist / Nelson To approve hiring Michael Pofahl to prepare the 2017 audit report at a cost not to exceed \$5950.00. Motion passed 5-0-0

5. Janitorial Services for Winter Months and Seasonal Staff Hiring

Motion/Second: Nelson/Richter To hire Thomas Paul for a part-time janitorial position at a rate of \$25 per hour for approximately 2 hours per week, and for a seasonal maintenance position at an hourly rate of \$11.50. Motion passed 5-0-0.

Items 6-8 Pay Vouchers

Motion/Second: Nelson/Palmquist To approve and pay Pay Voucher No. 6 from Geislinger and Sons Inc., Pay Voucher No. 4 from Park Construction, and Pay Request No. 7 from Ellingson Inc. Motion passed 5-0-0.

9. Schedule Council Work session

A work session to tour the waste water treatment facility will be set up in the next few weeks.

10. Blondo consulting Invoice

Motion/Second: Richter/Nelson To pay invoices at decreased rate of \$65 per hour. Motion passed 5-0-0.

The Following Reports were removed from the agenda due to the length of the meeting

~~D. Committee Reports~~

- ~~1. Public Works~~
- ~~2. Personnel~~
- ~~3. Parks~~
- ~~4. Heritage Preservation Commission / Design Review~~
- ~~5. Natural Resources and Groundwater~~

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

- ~~A. Ward 1 Council Member Palmquist~~
- ~~B. Ward 2 Council Member Richter~~
- ~~C. Ward 3 Council Member Ross~~
- ~~D. Ward 4 Council Member Nelson~~
- ~~E. Mayor Bend~~
- ~~F. City Attorney Knaak~~
- ~~G. City Administrator Moore~~

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11. ADJOURN –
Motion/Second: Nelson/Ross To adjourn. Motion passed 5-0-0.

Meeting adjourned at 11:05 PM.

Respectfully submitted by:

JY
Julie Yoho, City Clerk

Approved by Council (November 21, 2017) as (check one): Presented: X Amended: _____

Mayor Richard Bend _____ Date _____