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

APPROVED City Council Regular Meeting Minutes
November 21, 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, (City Engineer), 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 November 21, 2017

Add items: 7a. “Applicant for Parks Committee”; 9c11. “Appointment to Parks Committee”; 9c12 “Replacement of office computer”; 9c13 “Schedule work session”

Motion/Second: Bend/Ross To approve the agenda as amended for the November 21, 2017 Regular City Council Meeting. Passed 5-0.

5. **APPROVAL OF MINUTES**

A. Minutes of the October 17, 2017 Regular City Council meeting.

Motion/Second: Palmquist/Nelson To approve the minutes of the October 17, 2017 Regular City Council Meeting. Passed 5-0.

B. Minutes of the October 16, 2017 City Council Work Session

Motion/Second Nelson/Ross To approve the minutes of the October 16, 2017 City Council Work Session. Passed 3-0-2 (Richter & Palmquist abstain due to absence)

6. **PUBLIC INPUT** –

Mark Schmidt, Neal Ave South. Expressed concern about PFCs in surrounding area wells. Recommends the city start testing wells on NW border and spot check others. Is concerned they have spread further than claimed.

Jennifer Lenander, regarding her variance request. Stated they bought land despite knowing setbacks and the Ordinance does not require hardship to allow for variance. Would like variance for the pool as well.

7. **REPORTS/PRESENTATIONS -**

A. Sheriff’s Monthly Report (taken out of order)
none

B. Tom Niedzwiecki, Budget Report

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

53 Council member Ross indicated he would like to have invoices matched with records for the construction
54 projects.
55

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

57 Mayor Bend reported that an independent study cleared the fire chief of any wrong doing.
58

59 **D. Nancy Kafka, Executive Director, Belwin Conservancy**

60 No report
61

62 **E. Applicant for Parks Committee (taken out of order)**

63 Erin Smillie
64

65 **8. CONSENT AGENDA**

66 **Motion/Second: Palmquist / Richter to approve the consent agenda as presented including Resolution**
67 **2017-49. Roll call. All aye, passed 5-0.**

68 **A. Just and Correct Claims**

69 **B. 4M Fund Transfer – October – Resolution 2017-49**
70

71 **9. CITY COUNCIL BUSINESS**

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

73 1. Charlie and Danielle Wamstad Minor Subdivision Application at 1987 Manning Avenue and the 19
74 acre parcel to the south with PID # 18.028.20.22.0002 – **Resolution 2017 – 50**
75

76 Administrator Moorse stated that Charlie and Danielle Wamstad have applied for a minor subdivision to
77 divide the existing two parcels under their ownership - one at 1987 Manning Avenue and the other with
78 PID# 18.028.20.22.0002 - with a total of 39.44 acres, to create three parcels. One of the three parcels is
79 proposed to be 29.425 acres, and the other two parcels are each proposed to be 5 acres. Valley Creek runs
80 through two of the parcels. A survey showing the proposed new lots is attached. The proposed parcels
81 meet all requirements for a conforming lot, including the minimum 5-acre lot size, 2.5 acres of buildable
82 area, 300 feet of frontage on a public road and access directly onto a public road. The property owners
83 previously obtained a variance to allow a driveway to serve the large northerly parcel through an easement
84 to 22nd Street. This enabled the access to be moved away from the Manning Avenue/Valley Creek Road
85 intersection to eliminate a conflict point at that intersection.
86

87 Council member Palmquist asked about the state of Valley Creek in this area. (It is intermittent and in
88 flood zone.)

89 Council member Richter recalled the previous variance for the driveway here for farmland access. The
90 driveway will not be able to be used to service any other parcels here in the future.

91 Chair Ronningen noted that is in the Ag Zone. Unless the zoning is changed it cannot be divided further.

92 **Motion/Second Bend/Nelson To approve Resolution 2017-50 approving the Charlie and Danielle**
93 **Wamstad Minor Subdivision Application at 1987 Manning Ave with findings and conditions as**
94 **noted and recommended by the Planning Commission. Roll call, all aye. Passed 5-0.**

95 **Findings**

- 96 1. The subject property is located in the Agricultural zone, as is all property surrounding
97 it
- 98 2. The Agricultural zone allows residential use with five-acre minimum lot size and a
99 density of three lots per quarter-quarter section
- 100 3. The proposed subdivision meets all subdivision and density requirements
101

102 **Conditions**

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

- 104 2. All drainage and utility easements shall be subject to the review and approval of the
105 City Engineer.
- 106 3. All grading, drainage and erosion control issues shall be subject to review and approval by the
107 City Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.
- 108 4. Park dedication requirements shall be satisfied at the time of final subdivision approval in
109 accordance with Section 12-1270 of the Subdivision Ordinance
- 110 5. When a new home is to be constructed on Parcel B or C, a permit for an individual
111 septic system to serve the new home shall be obtained from the Washington County
112 Public Health Department at the time of application for building permit for the new
113 home, and all requirements of the septic permit shall be met.
- 114 6. All driveways shall comply with Section 12-84 of the Zoning Ordinance and shall be
115 subject to review and approval by the City Engineer.
116
117

118 2. Duane and Jennifer Lenander Variance Application at 12468 Meadow Bluff Trail – **Resolution 2017-**
119 **51**

120 Administrator Moose summarized the application: Duane and Jennifer Lenander have applied for a
121 variance at 12468 Meadow Bluff Trail to allow a side yard setback of ~~30 feet for a pool and~~ 32.6 feet for
122 a house ~~and pool~~ vs. the required setback of 50 feet to enable the construction of their proposed house
123 and pool on the parcel. The parcel is located in the Cedar Bluff development, which is in the
124 Agricultural zoning district. All of the lots in the Cedar Bluff development are substandard, in that they
125 are less than five acres and have less than 300 feet of frontage on a public road. After the Cedar Bluff
126 subdivision was approved, the developer had requested that the side yard setback be reduced, due to the
127 smaller size of the lots, and due to the ordinance language that allowed exceptions to setback
128 requirements for lots with substandard size and/or width in the Rural Residential zoning district. The
129 Council had indicated that they would not provide a general reduction in the side yard setback, but
130 would potentially consider a variance for a particularly narrow lot on a case by case basis.
131

132 The lot at 12468 Meadow Bluff is 2.53 acres and has a width that ranges from 144 and 164 feet. The lot
133 is adjacent to a power line easement on its east side, which is where the variance is being requested.
134 The applicant is proposing a house and pool that are both 32.6 feet ~~and 30 feet~~ from the east property
135 line
136 ~~respectively~~ vs. the required 50 foot setback. (The survey incorrectly shows the pool at a 28.2 foot
137 setback. The pool is proposed to have a 32.6 ~~30~~ foot setback.) The applicant has provided a narrative
138 as well as the Variance Questionnaire addressing the need for the variance and the variance criteria.
139

140 Council member Richter asked the applicant if she wants to have the pool included in the variance request.
141 At the Planning Commission meeting she had indicated the house was the main request.
142 Jennifer Leander, Applicant, replied that she wasn't asking for a separate variance. She would like the
143 pool to be behind the house at a 32.6 ~~9~~' setback.

144 Council member Palmquist stated he visited the site and watched the planning commission meeting video.
145 The lot is substandard and unique with the power easement there. He has no problem for the variance to
146 include pool.

147 Council member Richter asked the Planning Commission Chair if that would have changed the vote for
148 the house if the pool was included?

149 Chair Ronningen replied that they were told there were 2 variances. The thinking was that the pool was
150 not essential and there was no reason to provide a variance for a pool. The house could be orientated
151 differently to fit within the setback. The lot is very out of compliance.

152 Council member Palmquist noted that one thing to look at is how it fits in with community. The house
153 could be orientated differently but the way it's proposed is probably best way to fit it in.

154 Council member Richter agrees with the house placement, but also agrees pool is secondary. If pool can
155 be accommodated within the ordinance that would best.

156 Council member Nelson stated he feels the placement of the house facing the cul de sac makes sense. The
157 pool also makes sense to have behind the house. The pool not required but he has no problem with
158 approving variance for both.

159 Mayor Bend stated that from a procedural standpoint, he voted against the Save a Tree application with
160 the power line easement because of the precedent it would set. He can see approving this one due to
161 precedent set with the passing of the save a tree variance. Effectively they have a large setback due to
162 powerlines.

163 Council member Richter stated that variances are for difficulties not caused by the landowner.

164 Mayor Bend pointed out that the language that used to state “hardship” has since modified to
165 “difficulties”.

166 City Attorney Knaak stated that the standard has changed for variances and it has become a gray area.
167 Now if there is practical difficulty you can grant variance. There has been much criticism against the new
168 standard.

169 Mayor Bend stated he feels residents should stand equal with businesses and this is similar to the Save-a
170 Tree request.

171 Council member Ross noted that the distance for the pool setback is 28.2, 4 feet closer than the house.

172 Mayor Bend recommended changing the resolution to add “power line easement of 200’ wide adjoins
173 parcel to east which provides a buffer”

174 Chair Ronningen noted this is already in the Findings as number 1

175 **Motion/Second Palmquist / Nelson to approve Resolution 2017-51 for the Lenander Variance**
176 **request at 12468 Meadow Bluff Trail as amended to approve the 32.6 foot side yard setback for**
177 **both the house and the pool, with Findings and Conditions noted. Roll call: Nelson aye, Ross aye,**
178 **Bend aye, Richter nay, Palmquist aye. Passed 4-1.**

179 Findings

180 The following is a list of recommended findings. The Council may want to revise or add findings.

- 181 1. The lot is adjacent to a power line that runs north/south on the east side of the lot and
182 extends 150 feet to the east of the lot, which provides a buffer from future development to
183 the east.
- 184 2. The parcel is located in a Planned Agricultural Unit Development (PAUD) subdivision
185 that was approved with substandard lot dimensions that would not be approved under
186 current ordinances.
- 187 3. The subject property is located in the Agricultural zone, as is all property surrounding
188 it
- 189 4. The Agricultural zone allows residential use with five-acre minimum lot size, 300 feet
190 of frontage on a public road and a 50 foot side yard setback.
- 191 5. The lot at 12468 Meadow Bluff Trail is 2.53 acres in size and has a width that ranges
192 from 144 and 164 feet.
- 193 6. The proposed house and pool are 32.6 feet from the east property line vs. the required
194 50 feet.
- 195 7. The applicant is proposing a house measuring a total of 3,175 square feet.
- 196 8. While the zoning code includes an exception to allow a side yard setback of 10 feet for
197 substandard lots with a width less than 200 feet in the Rural Residential zone, the code does
198 not include this exception for lots in the Agricultural zone.

199
200 3. Comprehensive Plan Update

201 The Planning Commission will hold a workshop on Nov 29th, public hearing in January

202
203 **B. Engineering Report – (Engineer Staff Report & Council Update)**

- 204 1. Downtown Village Improvement Project

205 Nick Guilliams reported that the majority of paving is done. Crews are working to get lighting and levy
206 work done.

207 Council member Ross stated he would like to have the lights working before the December 1 tree lighting.
208 Also have the old lights removed when the new ones are in ~~operatens~~operation. Suggested having a light
209 ceremony.

210 **Motion/Second Palmquist/Ross to authorize staff to contact the power company to decommission**
211 **the old cobra lights as soon as others are operational. Motion passed 5-0.**
212

213 **C. Administration –**

214 1. Highland Sanitation Fee Increase Proposal

215 Administrator Moose explained the Highland Sanitation proposed 2018 fee schedule increase for solid
216 waste and recycling services. The proposed rate increase is made up of two elements. One is related to
217 an increase in the tipping fees at the Ramsey/Washington County R&E Center from \$58 per ton to
218 \$65/ton. The other is a COLA increase to reflect increased operating costs.

219 Highland stated that their proposed 2018 increase in disposal costs is based on “compiled data on 20
220 different collection days in 5 different months and over 155 tons of trash collected; the resulting average
221 weight per gallon was 0.58 lbs.” The sampling was done during the months of January, February, May
222 June and August of 2017. The trash tonnage that Highland reported to Washington County for the City
223 of Afton in 2015 was 884.56 tons and in 2016 was 846.51 tons, a decrease of 38.05 tons between the
224 two years. Using the per gallon weight that Highland has estimated and a household count of 1027, it
225 would be expected that the 2016 tonnage would have been between 1,487 tons (all 96 gallon carts) and
226 991 tons (all 64 gallon carts). Both are significantly higher tons than the 846.51 tons Highland reported
227 in 2016. Using the actual tonnage from 2016, the actual disposal costs will be significantly lower than
228 the costs reflected in the proposed disposal rates.
229

230 Bobby Stewart, Highland Sanitation, explained further how the total increase was calculated.

231 **Motion/Second Bend/Nelson To approve 2018 Highland Sanitation fee increase of 4% per customer**
232 **for all cart sizes, 4% across the board for all services, 2% increase for yard waste.**

233 Discussion

234 Bobby noted there are tons of recyclables in the trash, even with the switch to weekly recycling. People
235 don’t like the hassle of recycling. If residents recycle more they can go down to a lower can size which
236 costs less. Organics and food waste are also large part. Afton House is recycling organics, could perhaps
237 do a pilot test downtown with a container downtown to gauge local interest. The ‘get caught recycling’
238 program seemed to be successful.

239 Council member Ross noted that Highland was chosen based on price and customer service.

240 Council member Palmquist stated he was surprised to see cost of living request since this contract was
241 just done 1 yr ago.

242 **Motion amendment Bend/Nelson Amend motion to approve 2018 Highland Sanitation fee increase**
243 **to 5% across all sizes. Passed 4-1.**
244

245 2. Change order for Deputies Facility

246 The Council informally authorized two change orders for the Deputies Facility, to be formally
247 approved at the Council meeting. In addition, a change order is needed for the cost of a trench for
248 extending electric service to the building. Because the Council approved an initial change order at its
249 September 19 meeting, the change orders to be approved at this time are numbered 2, 3 and 4.
250 The change orders are as follows:

- 251 2. Concrete work at the front building entrance, at the side doors to the two garages and
252 at the driveway entrance: \$2,376
- 253 3. Relocation of the natural gas heater from the old downtown public works garage to the
254 new public works garage: \$500
- 255 4. Trench for electric service to building: \$715

- 256 **Motion/Second Richter/Ross To approve change orders 2, 3 and 4 for the Deputies Facility in**
257 **the total amount of \$3,591.00. Passed 5-0**
258
259 3. Proposal for Permanent Installation of a security System at Wastewater Treatment System Site
260 **Motion/Second Nelson/Palmquist To approve proposal for permanent installation of the security**
261 **system at the wastewater treatment system site in the amount of \$3,585.00. Passed 5-0.**
262
263 4. Liquor License Renewals
264 **Motion/Second Nelson/Ross To approve the 2018 Liquor License renewals for BJS Restaurants**
265 **LLC dba the Lumberyard Pub and the Afton St. Croix Co dba Afton House Inn. Passed 5-0.**
266
267 5. Withdraw from Gateway Corridor Commission – **Resolution 2017-52**
268 **Motion/Second Nelson/Palmquist To adopt Resolution 20017-52 withdrawing from the Gateway**
269 **Corridor Commission. Roll Call, all aye, passed 5-0.**
270 Council member Nelson noted we'll still get updates and packets.
271
272
273 6. Prepayment of Assessments and Accrued interest
274 **Motion/Second Palmquist/Nelson To refund interest charges for those who prepaid assessments**
275 **after the 30 day no interest period.**
276 Mayor Bend stated that the correct procedures were followed
277 Council member Palmquist felt it was confusing, other cities provide a bill.
278 **Motion Vote: passed 5-0.**
279
280 7. Designation of 2018 election polling place – **Resolution 2017-53**
281 **Motion/Second Richter/Nelson to approve Resolution 20107-53 designating Shepard of the**
282 **Valley Lutheran Church located at 14107 as the polling place for Wards 1,2,3, and 4 for all**
283 **elections in 2018. Roll call, all aye, passed 5-0.**
284
285 8. Demolition of Public Works garage adjacent to Afton Historical Museum
286 **Motion/Second Palmquist/Nelson To authorize demolition of the old public works garage at a**
287 **cost of \$3500 and spend up to \$1,000 to put class 5 gravel down for parking area. Passed 5-0**
288
289 Council member Nelson left the meeting at 9:30 pm due to prior commitment
290
291 9. Pay voucher No. 7 from Geislinger and Sons, Inc.
292 **Motion/Second Palmquist/Ross To approve Pay Voucher No. 7 from Gieslinger and Sons Inc for**
293 **the Downtown Village Improvement Project in the amount of \$921,207.69. Passed 4-0.**
294
295 10. Pay Voucher No. 5 from Park Construction
296 **Motion/Second Palmquist / Richter To approve Pay Voucher No. 5 from Park Construction Co for**
297 **the 2017 Pavement Management Project in the amount of \$36,101.54. Passed 4-0.**
298
299 11. Parks Committee Appointment
300 **Motion/Second Richter/Bend To appoint Erin Smillie to a 3 year term on the Parks Committee**
301 **expiring March 31, 2021. Passed 4-0.**
302
303 12. Computer replacement
304 **Motion/Second Bend/Palmquist To approve replacement of the Office Assistants desktop computer**
305 **with an HP Business Desktop Prodesk G4 at a cost of \$1133. Friendly amendment (Palmquist) to**
306 **add up to \$200 for a new monitor. Passed 4-0.**
307

308 13. Work session
309 December 5 at 5:00 the City Council will hold a work session to discuss Engineering services for 2018 and
310 the Afton Creek Preserve concept alternatives. There will be a closed session for the Afton Marina
311 assessment appeal. December 11 at 7:00 is the City Council meeting with Augsburg.
312

313 **D. Committee Reports**

- 314 1. Public Works – no report
- 315 2. Personnel – no report
- 316 3. Parks – Meeting next week, bathroom is done
- 317 4. Heritage Preservation Commission / Design Review – legacy grant opportunities, vacant storefronts
- 318 5. Natural Resources and Groundwater – well tests were done with 116 kits requested and 70% follow
319 through. Many committee terms are ending in the next several months so new members are needed.
320

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

- 322 A. Ward 1 Council Member Palmquist – nothing
- 323 B. Ward 2 Council Member Richter – Would like more discussion on issuing variances. In the past they were
324 issued due to circumstances created by property not due to landowner. Attorney Knaak responded that with
325 the state rule change, it is not as clear and is hard to define. Variances used to be the exception, not the rule,
326 but that is no longer the case in many places.
327 Mayor Bend suggested holding a work session to discuss the topic further.
- 328 C. Ward 3 Council Member Ross - nothing
- 329 D. Ward 4 Council Member Nelson – gone
- 330 E. Mayor Bend – Attended 3 days of emergency operation center training.
- 331 F. City Attorney Knaak – nothing
- 332 G. City Administrator Moorse - nothing
333

334 **11. ADJOURN –**

335 **Motion/Second: Palmquist/Richter To adjourn. Motion passed 5-0.**

336
337 Meeting adjourned at 9:58 pm
338
339
340

341 Respectfully submitted by:

342
343
344
345 JY

346 Julie Yoho, City Clerk
347
348
349

350 Approved by Council (December 19, 2017) as (check one): Presented: X Amended: _____
351

352
353 Mayor Richard Bend _____ Date _____