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

APPROVED City Council Regular Meeting Minutes
December 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, Richter, Ross, Nelson. **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** –

Move item 7B to immediately follow approval of minutes. Add item 10C8 “designation of polling place for 2019”.

Motion/Second Palmquist/Ross to approve agenda with changes as noted. Passed 5-0

5. **APPROVAL OF MINUTES**

A. Minutes of November 20, 2018 Regular City Council meeting

Motion/Second Palmquist/Richter to approve minutes of November 20, 2018 regular City Council meeting. Passed 5-0.

B. Minutes of November 14, 2018 Council Work Session

Motion/Second Ross/Palmquist to approve minutes of November 14, 2018 Work Session. Passed 5-0.

C. Minutes of November 14, 2018 Special City Council meeting

Motion/Second Ross/Bend to approve minutes of November 14, 2018 Special Council meeting. Passed 5-0.

7B. Washington County Presentation of ENCITE Transportation Project of the Year Award (taken out of order)

County Commissioner Kriesel presented WSB and the City of Afton with awards for the Downtown Village Project.

Senator Karla Bigham presented resolutions honoring Joe Richter for 12 years of service on the Afton City Council. And a resolution honoring Mayor Richard Bend for his years of service to the City of Afton.

6. **PUBLIC INPUT** –

Thorn Butler, 15945 35th St S; reported on water seepage in crawlspace

7. **REPORTS/PRESENTATIONS** -

A. Sheriff's Monthly Report

Sgt Von Klein reported that there have been several stolen vehicles and vehicles broken into this past month. Be aware of potential for packages being stolen this time of year.

C. Tom Niedzwiecki, Budget Report (taken out of order)

54 Tom provided an overview of the monthly financial reports.

55

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

57 Fire District is purchasing another vehicle and also continues to recommend inspection of businesses and
58 rental properties.

59

60 **8. 2019 BUDGET AND TAX LEVY HEARING**

61 A. Adopt Final 2019 Budget – Resolution 2018-56

62 B. Adopt Final 2019 Tax Levies – Resolution 2018-57

63 Mayor Bend opened the public hearing at 7:20 pm.

64 No comments were received.

65 Mayor Bend closed the public hearing at 7:21pm.

66 Administrator Moose provided an overview of the 2019 budget.

67 **Motion/Second Ross/Palmquist to approve Resolution 2018-56 adopting the final 2019 Budget. Roll**

68 **Call: All aye, passed 5-0.**

69 **Motion/Second Bend/Ross to approve Resolution 2018-57 adopting the final 2019 Tax levies. Roll**

70 **Call: all aye, passed 5-0.**

71

72 **9. CONSENT AGENDA**

73 A. Just and Correct Claims

74 B. 4M Fund Transfer – November – **Resolution 2018-58**

75 **Motion/Second Palmquist/Ross to approve Resolution 2018-58 approving 4M Fund transfers for**

76 **November. Roll Call: All Aye, Passed 5-0**

77

78 **9. CITY COUNCIL BUISINESS**

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

80 Chair Kopitzke provided a summary of the December meeting.

81 1. Application for Final Plat for the Afton Creek Preserve Preservation and Land Conservation
82 Development

83 Administrator Moose provided a summary of the Planning Commission comments on the
84 Development Agreement and Conditions of Approval for the Final Plat.

85 Council member Richter led discussion over the discrepancy between the city ordinance and the state
86 statute in regards to the adjoining individual landowners being co-holders on the conservation
87 easement. Attorney Knaak stated the landowners could possibly form an organization to hold the
88 easement, but cannot hold it as individuals.

89 **Motion/second Richter/Palmquist To give the adjoining land owners a 90 day period to form a**
90 **non-profit organization eligible be a 3rd party holder on the conservation easement with the City**
91 **and the MN land trust.**

92 Discussion

93 Council member Palmquist stated that the language is problematic in the city ordinance as it says “all”

94 Council member Ross asked what role the 3rd party would hold

95 Council member Nelson stated that the idea behind it originally was that the more holders, the more
96 protected the property would be.

97 Further discussion was held on the idea of having a 3rd party on the conservation easement.

98 **Motion vote: 1-4 Motion Failed (Richter aye; Bend, Palmquist, Nelson, Ross Nay)**

99

100 Mayor Bend discussed the issue of the existing pole barn with the corner that extends into 100’ setback
101 area.

102 **Motion/Second Bend/Palmquist to direct the City Attorney to draft a resolution for the City**
103 **Council to permit the incursion into the setback and outline the circumstances and uncertainties**
104 **in which it occurred. Passed 5-0.**

105

- 106 Discussion was held on other items in the Development Agreement
107 **Motion/Second Bend/Nelson to approve Resolution 2018-59 approving the final plat for the**
108 **Afton Creek Preserve PLCD with conditions 1-60 as listed; condition that continuous fencing**
109 **not be required but that corner markings of properties adjacent to development be marked in**
110 **fashion acceptable to MN Land Trust and the City; a letter of credit acceptable to City and the**
111 **City Engineer shall be submitted ensuring financial security for the completion of the**
112 **development.**
113 Discussion
114 Administrator Moose stated that the street names will have to start with letter “O” as per County
115 naming conventions.
116 **Amendment: (Bend/Nelson) That all street names must conform with County naming**
117 **conventions.**
118 Administrator Moose noted that the name in the document varies between “Will” and “Albert W
119 Carlson”.
120 **Amendment: Names to be changed to conform to “Albert W Carlson”. (Bend/Nelson)**
121 Council member Palmquist stated that the development agreement is with the developer Joe Bush
122 with the guarantor as Albert W Carlson.
123 **Roll Call Vote: 4 Aye, 1 Nay (Richter), Passed.**
124
125 **Motion/Second Bend/Nelson to approve Resolution 2018-60 approving the Development**
126 **Agreement for the Afton Creek Preserve PLCD. Roll Call Vote: 4 Aye, 1 Nay (Richter), Passed.**
127
128 2. City of Woodbury Preserve at City Place Comprehensive Plan Amendment
129 **Motion/Second Palmquist/Ross send comments to the City of Woodbury as provided by the**
130 **Planning Commission and also Mayor Bend. Passed 5-0.**
131
132 **B. Engineering Report – (Engineer Staff Report & Council Update)**
133 1. Pay Voucher No. 19 from Geislinger for the Downtown Village Improvement Project
134 **Motion/Second Palmquist/Ross to approve pay Voucher No. 19 from Geislinger & Sons for the**
135 **Downtown Village Improvement Project. Passed 5-0**
136
137 **C. Administration –**
138 1. 2019 Liquor License Renewals
139 **Motion/Second Palmquist/Nelson To approve the 2019 Liquor License renewal for BJs**
140 **Restaurants LLC dba Lumberyard Pub and the 2019 Liquor Licenses for BJs Restaurants LLC**
141 **dba Boatyard Grill.**
142 Discussion
143 **Council member Richter asked where the Boatyard Grill is, and proposed waiting on this one**
144 **until the restaurant is opened.**
145 Council member Nelson asked about the lawsuit and if we should wait until the process works through.
146 Council member Richter asked about a license for a non-existing restaurant
147 Attorney Knaak stated the City has tremendous discretion on liquor license. City can revoke with reason
148 **Motion Amendment: Palmquist/Nelson Approval of the Boatyard Grill 2019 liquor license is**
149 **contingent on meeting all requirements of the CUP.**
150 **Vote passed 5-0**
151
152 2. Authorize City Administrator to sign the 3M Working Group Local Capacity Grant Financial assistance
153 agreement
154 **Motion/Second Nelson/Palmquist to adopt Resolution 2018-61 approving entering into financial**
155 **assistance agreements with the MPCA to obtain funding for the City’s costs related to effectively**
156 **participating in the Government and 3M Working group and the related subgroups. Roll Call: All**
157 **Aye, Passed 5-0.**

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3. Thorn Butler concerns regarding drainage at 3561 St Croix trail
Mayor Bend proposed discussing further in a work session after more information is gathered.

4. Pay Request No. 9 Final Payment from Ellingson Inc.
Motion/Second Ross/Palmquist to adopt Resolution 2018-62 approving the wastewater treatment system improvements and accepting the work of Ellingson, Inc. Roll Call: All aye, Passed 5-0.

Motion/Second Ross/Bend approving Pay Request No. 9 –Final payment from Ellingson, Inc. for the Wastewater Treatment System Project, in the amount of \$49,261.67. Passed 5-0.

5. Amendments to Public Facilities Authority (PFA) Loan
Motion/Second Palmquist/Ross approving Amendment No. 1 to the Minnesota Public Facilities Authority Bond Purchase and Project Loan Agreement with Principal Forgiveness MPFA-CWRF-L-055-FY17; MPFA-CWRF-G-055-FY17 and MPFA-CWRF-L-054-FY17; MPFA-CWRF-G-054-FY17.

6. Schedule special council meeting
Motion/Second Palmquist/Nelson to schedule special meeting on January 9, 2019 at 5:00pm. Passed 5-0.

Council member Palmquist noted that candidates for the vacant city council seat will be discussed and names be brought to the meeting.

7. City Administrator Pay adjustment
Motion/Second Palmquist/Bend to approve pay adjustment to step 3 effective January 1, 2019 and step 4 effective July 1, 2019. Passed 5-0.

Motion/Second Palmquist / Ross to approve monthly stipend for benefits increase of 2.5% effective January 1, 2019 and July 1, 2019. Passed 4-1 (Richter nay).

8. Designate polling place for 2019
Motion/Second Bend/Ross to approve Resolution 2018-63 designating the precinct polling location for 2019 elections as Shepherd of the Valley Lutheran Church located at 14107 Hudson Road for Wards 1, 2, 3 and 4.

D. Committee Reports

1. Public Works – no report
2. Personnel – no report
3. Parks – no report
4. Heritage Preservation Commission / Design Review – no report
5. Natural Resources and Groundwater – no report

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

- A. Ward 1 Council Member Palmquist – no report
- B. Ward 2 Council Member Richter – thanked the residents, staff, and fellow council members for their support over the years
- C. Ward 3 Council Member Ross – thanked the council members & mayor
- D. Ward 4 Council Member Nelson – thanked the mayor and council member Richter for their service
- E. Mayor Bend – thanked everyone for their support
- F. City Attorney Knaak – no report
- G. City Administrator Moore – no report

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11. ADJOURN

Motion/Second Bend/Richter to adjourn. Passed 5-0.

Meeting adjourned at 11:10 pm

Respectfully submitted by:

JY

Julie Yoho, City Clerk

Approved by Council January 15, 2018 as (check one): Presented: X Amended: _____

Mayor Bill Palmquist _____ Date _____