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

APPROVED City Council Regular Meeting Minutes
December 19, 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 December 19, 2017

Add items 10c11 “sidewalk snow”; 7d “Nancy Kafka”

Motion/Second Bend/Richter To approve agenda as amended. Passed 5-0.

5. **APPROVAL OF MINUTES**

A. Minutes of the November 21, 2017 Regular City Council meeting.

Motion/Second Ross/Nelson To approve minutes of November 21 Regular City Council meeting. Passed 5-0.

B. Minutes of the September 14, 2017 City Council Work Session

Motion/Second Palmquist/Ross To approve minutes of the September 14, 2017 City Council Work Session. Passed 5-0.

C. Minutes of the September 8, 2017 Special City Council meeting

Motion/Second Ross/Bend To approve minutes of the September 8, 2017 Special City Council meeting. Passed 5-0.

D. Minutes of the August 17, 2017 City Council Work Session

Motion/Second Ross/Palmquist To approve minutes of the August 17, 2017 City Council Work Session. Passed 5-0.

6. **PUBLIC INPUT** –

Christian Dawson 5888 Trading Post Trail. Concerned about process for proposed PLCD development. Without the PLCD there could be only 3 houses and that area would remain farmland.

Theresa Lewandowski 5888 Trading Post Trail. Concerned about the process and various plans that have been submitted for the Carlson PLCD. These plans should be withdrawn or denied.

52 Kathy Graham 5912 Trading Post Trail. Concerned that there is still a prelim plat on the table that expires in
53 February. Process is not clear. Plat should be denied or pulled. Documentation indicates that a PLCD is a PUD
54 and is not allowed in the shoreland overlay district.

55
56 Craig Armstrong 3085 St Croix Trail S. Concerned that the new street lights in downtown are too bright. One
57 light is 32' from his house and is too bright. Are there ways to mitigate that lamp?
58

59 Chris Bliska 14698 Afton Blvd. Concerned over closure of the cartway. Have ridden horses through for 17
60 years. The barricade is blocking horses, skiers, walkers, not in spirit of Afton. Understand not allowing
61 vehicles, but could the barricade be moved 3 feet to allow horses?
62

63 Susan Winsor 15269 42nd St., property owner along cartway. No desire for motor vehicles and understand
64 erosion issues, but would like to use for horses and foot traffic
65

66 Bob Zeidel 3055 St Croix Trail. Also feels the new lights / LEDs are too bright. Could intensity come down
67 or shield side toward properties?
68

69 **7. REPORTS/PRESENTATIONS -**

70 A. Sheriff's Monthly Report (taken out of order)
71 none
72

73 B. Tom Niedzwiecki, Budget Report
74 Tom provided information on the financial report and supplemental detail of expenses paid out in in
75 November.
76

77 C. Lower St. Croix Fire District Report
78 Council member Nelson reported they are discussing fire safety in industrial buildings and businesses and
79 fire code violation checks
80

81 D. Nancy Kafka, Belwin Conservancy Update
82 Nancy provided an update on current events and programming taking place at Belwin as well as plans for
83 2018. 2018 activities will include a large restoration project off valley creek clearing buckthorn,
84 prescribed burns Feb – May depending on weather, new signage marking property, new parking access
85 off Stagecoach, bison release May 19, and a new director will be chosen.
86

87 **8. 2018 BUDGET AND TAX LEVY HEARING**

- 88 1. Adopt Final 2108 Budget – Resolution 2017-54
89 2. Adopt Final 2018 Tax Levies – Resolution 2017-55
90

91 Mayor Bend opened the Public hearing at 7:35p.m.
92

93 Administrator Moorse provided a summary of the 2018 proposals:
94 The proposed 2018 budget reflects an effort to cost-effectively maintain current service levels and provide for
95 the funding of future capital improvement needs. The proposed budget reflects a 0.09% increase in the General
96 Fund Budget and a 4.5% tax levy increase, which result in a small reduction in the City's tax rate.

97 Tax Levy

98 The proposed 2018 budget results in a total tax levy, including the General Fund levy and the debt service and
99 transfer levies, of \$2,133,786. This is a \$91,886, or 4.5% increase over the total 2017 levy. The main items
100 causing this increase are a \$33,000 increase in the levy for street improvements and a \$49,671 initial levy to
101 begin funding for other capital improvement needs including bridge replacements. The proposed 2018 General
102 Fund levy is \$1,007,067, which is a \$3,625, or 0.4% increase from the 2017 General Fund levy. The minor

103 increase is due to the substantial reduction in street maintenance costs due to recent improvements to 16.9 miles
104 of the City's streets that were in the poorest condition.

105 Impact on Property Owners

106 The proposed budget and tax levy would result in the City's share of property taxes on a home valued at
107 \$500,000 being \$1,694.50, an increase of \$79.53 or 4.92% over 2017. For a commercial property valued at
108 \$500,000, the city's share of property taxes would be \$3,114.65, an increase of \$126.94 or 4.25%.

109 General Fund Budget

110 The General Fund Budget includes expenditures and revenues related to the general day-to-day operation of
111 the City.

112 The proposed 2018 General Fund expenditures are \$1,243,890. This is an increase of \$10,714 or 0.09% from
113 the 2017 budget. The proposed General Fund budget reflects a significant reduction in pothole repair
114 expenditures due to the improvements to the 16.9 miles of streets that were in the poorest condition through
115 the 2017 Pavement Management Project. The budget also addresses service needs and maintains current service
116 levels of police and fire services.

117
118 Afton resident commented that the city should watch the costs as all the taxes are going up every year.

119
120 Mayor Bend closed the public hearing closed at 7:38 pm.

121
122 **Motion/Second: Palmquist /Richter To adopt Resolution 2017-54 adopting the 2018 proposed budget.**
123 **Roll Call: all aye, passed 5-0.**

124
125 **Motion/Second: Bend/Richter To adopt Resolution 2017-55 adopting the 2018 tax levies. Roll call: All**
126 **aye, passed 5-0.**

127
128 **8. CONSENT AGENDA**

129 **Motion/Second: Palmquist/Richter To approve Resolution 2017-56. Roll call: all aye, passed 5-0.**

130 **A. Just and Correct Claims**

131 **B. 4M Fund Transfer – November – Resolution 2017-56**

132
133 **9. CITY COUNCIL BUSINESS**

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

135 **1. Comprehensive Plan update**

136 Chair Ronningen provided an update on the comprehensive plan review. A public hearing will be held
137 in January or February for the draft.

138 Council member Palmquist stated he would like to have time review the draft prior to a public hearing.

139 Mayor Bend asked about the process.

140 Chair Ronningen stated that the council should look at it after the public hearing

141 Attorney Knaak responded that the draft should go through Planning Commission first, council can change
142 after.

143 Mayor Bend recommended the public hearing be set for February for the comprehensive plan.

144 **Motion/Second Richter/Palmquist To have the council members review the Comprehensive Plan**
145 **on their own and send any changes in. Passed 5-0.**

146
147 **Motion/Second Bend/Ross To hold public hearing on the Comprehensive Plan in February and**
148 **approve the 2018 Planning Commission meeting schedule. Passed 5-0.**

149
150 **2. USS Rambo Solar application delayed until February by request of applicant**

151
152 **3. 2018 Planning Commission meeting schedule**

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

1. Downtown Village Improvement Project

a. New decorative street lights

City Engineer Guilliams reported that work is finishing on the levy, otherwise construction is done for season. Flood protection is in place. There are a few big items that need to be finished in spring. He can provide update in February on the to-date budget.

Council member Palmquist stated he'd assumed lights would be brighter in town and dimmer outside. They are all the same output and temperature. When did that change and can we fix?

Guilliams replied that the lights were done to plan

Council member Richter recalled the lights being about spacing not intensity

Council member Palmquist stated the lights don't need to be as bright in the residential areas.

Council member Ross stated that a demonstration was done in the village with a dimmer and it was discussed. Now dimmers will require an electrician. The lens toward the home could be masked off to address individual issues.

Motion/Second Palmquist/Bend To authorize staff to look into options for dimmer and/or a blocking/shield. Ross friendly amendment to include timers on parking lot lights. (Bend accepted)

Discussion

Mayor Bend noted to check on security at the deputies garage and also city hall.

Ross withdraw friendly amendment, to investigate further.

Council member Richter asked if there are any warranty issues if we alter anything.

City Engineer Guilliams will check. Also feels that we had asked for lower watt bulbs for lot.

Motion Passed, 5-0.

Administrator Moorse provided information about insufficient lighting. The concern about insufficient lighting is related to the Afton Leather property at 3411 St. Croix Trail. Jessica Mulle, the property owner, has indicated there was a gas lamp in the middle of her property that provided light for the entrance prior to the installation of the new lights. The gas lamp is now gone and because the spacing between the lights gets greater as they move farther from 33rd Street, there is no longer a light at her property. This has made the walk to the entrance of their building uncomfortably dark for the clients of one of the tenants of the building. Ms. Mulle believes it was unfair to her commercial property to begin to space the lights farther apart while still being in the commercial area.

The downtown lighting plan is based on a certain pattern of spacing for the lights. The new lights are spaced 150 feet apart in the area closer to 33rd Street, and they are spaced 250 feet apart starting at 34th Street, which is just north of the 3411 property. Adding a light at the 3411 property would disrupt the spacing pattern. There is a light on the property to the north (Myhers) and one on the property to the south (Selma's) but not on the 3411 property. There is also a light across the street on the south corner of the 34th Street intersection. While these lights provide some light to the 3411 property, including the sidewalk and parking spaces along the property, the amount is less than was provided by the gas lamp.

Council member Ross noted the light location changed due to spacing. Extremely expensive to add additional light.

Mayor Bend stated they should not be treated differently than other businesses; may be up to them to provide external lights on their own. Old fixtures could be used.

2. 2018 Fee Schedule for Engineering Services

The overall increase in the rate schedule is 2.3%. The Council discussed the rate schedule at its December 5 work session.

Motion/Second Bend/Ross to approve 2018 rate schedule for Engineering services from WSB. Passed 5-0.

207 Council member Nelson asked about the warranty for work done this year.
208 Engineer Guilliams answered it is for 2 years after final close out of projects (likely in April)
209

210 3. Planning for 30th St Improvements in 2018

211 Administrator Moorse reported the following: The Public Works Committee met on December 12 to
212 recap the 2017 Pavement Management Project and to look ahead to possible projects in 2018. The one
213 street the Committee agreed should be planned for improvement in 2018 is the segment of 30th Street
214 that includes a large culvert that needs replacement next year.
215

216 Nick Guilliams recommended that, in preparation for a project in 2018, 30th Street should be core-
217 sampled to determine the depth of pavement and the depth and quality of the base, to ensure the correct
218 improvement is planned. The cost of the coring is \$1,600. Because the coring is best accomplished in
219 above-freezing temperatures, Mr. Guilliams recommended the coring be completed on Monday,
220 December 18, which was projected to have temperatures in the high 30's, rather than waiting until after
221 the December 19 Council meeting, when temperatures were projected to be well below freezing. Staff
222 contacted a majority of the Council members to determine if they were supportive of moving forward
223 with the coring, subject to a formal approval at the December 19 Council, and all were supportive.
224

225 **Motion/Second: Bend/Palmquist To approve core sampling on 30th street. Passed 5-0.**
226

227 **C. Administration –**

228 1. Request to Allow Horses on the Cartway Adjacent to 14933 Afton Boulevard

229 In early 2017, the Council approved the closure of the cartway adjacent to 14933 Afton Boulevard. A
230 key reason for the closure was the need to keep traffic off the cartway to prevent ruts and erosion and to
231 enable the cartway to be regraded and revegetated. Due to continuing vehicular traffic on the cartway
232 after its closure, concrete barriers were placed at both ends of the cartway to prevent vehicular traffic
233 from using the cartway. Since then, Susan Winsor has requested that the concrete barriers be moved
234 apart to create a 5-foot wide gap to enable horses to be ridden on the cartway, which has been a long time
235 practice by her and other residents in the area.
236

237 Staff has two concerns about this request. First, the five foot distance between the barriers would enable
238 ATV's to access the cartway. Second, over time, the horses could create a trail that would cause erosion
239 due to the steep slope of the cartway. Staff is requesting direction from the Council regarding the request
240 to move the concrete barriers to provide a 5-foot gap between the barriers to allow horses to use the
241 cartway.
242

243 **Motion/Second: Richter/Palmquist To approve an adequate gap between barriers at each end to
244 allow horse access to the cartway adjacent to 14933 Afton Blvd.**

245 Discussion

246 Council member Richter asked if the barriers can be staggered to prevent ATV access

247 Council member Nelson noted that there are erosion issues here and its city property.

248 Mayor Bend suggested the residents could sign a contract to maintain.

249 Palmquist noted this was a shared driveway

250 **Mayor Bend/ friendly amendment: Conditional to two households entering into an agreement with
251 City of Afton to remediate any erosion that may occur. Richter accepted.**

252 **Passed 5-0**
253

254 2. Parking of Public Works Vehicle at City Garage

255 Part of the employment arrangement with Ken Johnson, Public Works Supervisor, is that he uses two of
256 his own vehicles for public works purposes. One vehicle is a large pickup with a snowplow. Several
257 years ago, the City agreed that this vehicle could be stored in the Public Works garage. With the

258 construction of the new Public Works garage, Ken Johnson has requested that the Council confirm that
259 the pickup can continue to be stored in the Public Works garage.
260 **Motion/Second: Nelson/Palmquist To allow the pickup with the snowplow owned by Ken Johnson**
261 **to be stored in the Public Works garage. Passed 5-0.**
262

263 3. Paperless Council Meeting Agenda Technology for Council Members

264 The Council has discussed the idea of providing each Council member with a laptop or tablet to enable
265 the Council meeting packets to be provided to the Council electronically rather than as hardcopies. The
266 Personnel Committee is reviewing this from a cost/benefit perspective, including cost savings related to
267 staff time and paper costs vs. the cost of providing the necessary technology to Council members.
268

269 In determining the necessary technology, it is necessary to determine the range of uses the new technology
270 needs to serve. On one hand, if the only use is to download the agenda packet from the City's website and
271 access it in preparation for or at the Council meeting, a Chromebook (with a keyboard but without a
272 windows operating system or the Microsoft Office Suite software) would be sufficient at a very low cost
273 (approximately \$300 each). However, if the Council members want to be able to use Word, Excel or
274 Outlook, either a laptop or a tablet would be required to do that or do it most easily. The cost of these
275 would be in the range of \$1,150 to \$1,500 each (memo)

276 Mayor Bend stated that this could provide substantial savings due to costs of paper and staff time.

277 Council Member Nelson stated he is in favor.

278 General discussion was held on the price and performance differences between a tablet vs Chromebook.

279 Council member Palmquist stated the essential need is for a .pdf reader and email.

280 Council member Ross stated that Chromebook is android based. He has concern of performance capability
281 with 600 page pdf file.

282 Council member Richter stated he prefers paper. If the Council goes this direction, the device should be
283 used for city business only and turned in when done.

284 **Motion/Second Bend/Nelson To have staff bring two options to the Council next month. Passed. 5-0**
285

286 4. Afton Lakeland Trail

287 One or more cities along the Afton-Lakeland Trail that was recently improved by the County have
288 requested the County to consider maintaining the trail during the winter to enable pedestrian usage. The
289 County invited the cities along the trail to a meeting on Thursday, December 14 to discuss the maintenance
290 of the trail. Afton has not maintained the trail during the winter.
291

292 No action was taken; it was decided to wait and see.
293

294 5. Preservation and Land Conservation Development (PLCD) and Planned Unit Development (PUD)

295 Council member Richter has requested that the question of whether the Preservation and Land
296 Conservation Development (PLCD) is a Planned Unit Development (PUD) be considered at the
297 December 19 Council meeting. The question arises from Section 12-363 in the Shoreland Management
298 Article of the Zoning Code that indicates a PUD is not allowed in the Shoreland Overlay District. This
299 relates to the Afton Creek Preserve PLCD subdivision in that, if the PLCD is a PUD, the land within the
300 Shoreland Overlay District may not be able to be included in the PLCD proposal.
301

302 **Motion/Second Bend/ Nelson To table decision of whether a Preservation and Land Conservation**
303 **Development (PLCD) is a Planned Unit Development (PUD).**

304 Discussion

305 Mayor Bend stated we have 2 sketch plans before us, and we just received legal opinions and Washington
306 county Ordinances in the supplemental packet. Need time to review.

307 Council member Richter stated it is dereliction of our duty by not deciding. This can ultimately determine
308 how many homes can be developed here. Provisions in ordinance define the PAUD. When changed to

309 PLCD the only change was “PLCD”. State statute does not define. LMC does not define. PUD is defined.
310 When we replaced language it was in name only.
311 Attorney Knack pointed out the “PLCD” is unique to Afton
312 Council member Palmquist hasn’t had time to read either and is not prepared to discuss.
313 Council member Richter stated that we need to give guidance to the applicant.
314 Council member Ross stated he would like to be better educated on the subject; would like to discuss with
315 the Attorney and Planner and ask questions.
316 Council member Nelson agreed and pointed out that the idea behind it from the beginning was
317 environmental protection, regardless of what you call it.
318 Richter stated that we have been getting information for months and now have asked for the definition of
319 a PLCD. We have ordinances that mean something and PUD is not allowed in the Shoreland district.
320 Mayor Bend stated he is not ready to reach a conclusion on whether a PLCD is the same as a PUD. **The**
321 distinction is that a PLCD has a conservation component or permanent preservation. A PUD is normally a
322 cluster development. We have an extension from the developer, have followed procedures. Will take time
323 required.
324 Council member Ross pointed out that for a procedural issue, he doesn’t like getting 50 pages at the meeting
325 with no time to read.
326 Attorney Knaak pointed out that a motion to table is not a debatable motion.
327 **Motion vote: 4 Aye, 1 Nay (Richter) passed. Motion tabled.**
328
329 6. Resolution of Appreciation to Augsburg University MBA students for their assistance with Afton’s
330 Branding Project
331 **Motion/Second: Ross/Bend To adopt Resolution 2017-57, a resolution of appreciation to the team**
332 **of students from Augsburg University for their assistance with Afton’s branding effort. Roll call:**
333 **all aye, Passed 5-0.**
334
335 7. Pay Voucher No. 8 from Geislinger and Sons Inc. for the Downtown Improvement Project
336 **Motion/Second: Nelson / Ross To approve payment of Pay Voucher No. 8 from Geislinger and Sons,**
337 **Inc. for the Downtown Village Improvement Project in the amount of \$1,371,963.61. Passed 5-0**
338
339 8. Pay Request No. 8 from Ellingson, Inc for the Wastewater Treatment System Project
340 **Motion/Second: Palmquist/Ross To approve payment of Payment Request No. 8 from Ellingson, Inc.**
341 **for the Wastewater Treatment System Project in the amount of \$83,024.29. Passed 5-0**
342
343 9. Update regarding CenturyLink
344 While CenturyLink has indicated they have completed the internet expansion project for Afton and
345 would like to close out the project, including the City’s payment of its \$125,000 cost share, Council
346 member Ross recently learned that the area along Valley Creek Trail does not have high speed internet
347 service. Council member Ross, City Attorney Fritz Knaak and City Administrator Moore met with
348 CenturyLink representatives to discuss this situation.
349
350 The Valley Creek Trail area was not included in CenturyLink’s project plan because they relied on a map
351 from the State Department of Economic Development that showed the area was already served by
352 Comcast. This map is incorrect. The City’s representatives pointed out that, because there is no
353 landline-based internet service to this area, it was required to be served by CenturyLink.
354
355 CenturyLink indicated the Valley Creek Trail area could be served through the Federal Connect America
356 Fund (CAF) program if not for a technicality in the Federal rules related to the CAF program. It was
357 agreed that the City would ask Congresswoman McCollum to contact the FCC to request an exception to
358 the rule. Council member Ross and Administrator Moore then met with Josh Straka, of
359 Congresswoman McCollum’s office. He indicated Congresswoman McCollum would request the

360 exception from the FCC. He indicated they should be able to get an answer from the FCC in about two
361 weeks.

362

363 Proposal from CenturyLink

364 In the meantime, CenturyLink has provided the attached draft proposal to provide service to the Valley
365 Creek Trail area by installing new equipment (an additional DSLAM) on Valley Creek Trail. They also
366 propose to add a DSLAM in the area of 45th Street and St. Croix Trail to upgrade service in this area.
367 The proposal involves the City paying 50% of the cost of the two DSLAM's, which is a total cost to the
368 City of \$46,235. Both Council member Ross and staff believe the proposal is not acceptable, based on
369 the responsibility of CenturyLink to serve all areas not served by landline-based internet service.

370

371 Discussion

372 Council member Palmquist asked for clarification that the contract was for them to service entire city?

373 Attorney Knaak stated that the contract says it clearly, to service the entire city.

374 Mayor Bend stated that a letter should be sent regarding anticipatory breach of contract.

375 Council member Ross is requesting that residents who have less than 10 mbs speed need to notify CTL.

376

377 10. Natural Resources and Groundwater Committee appointments

378 Administrator Moorse explained they are 3 year terms on the NRG; several are expiring this month.

379 Jack Kollmer, volunteers for a 3-year term.

380 Perry Eggers volunteers for a 1-year term.

381 Keith Hoffman volunteers for a 2-year term.

382 Mark Have volunteers for a 2-year term.

383 **Motion / Second: Palmquist/Bend To approve the appointments for the Natural Resources and**
384 **Groundwater committee. Passed 5-0**

385

386 11. Sidewalk clearing

387 Council member Palmquist explained that with the road re-design, the snow plows are putting snow right
388 on the sidewalk. Could Ken plow the sidewalks as curtesy? If a big snowfall comes, some owners won't
389 be able to handle it.

390 Council member Richter stated he is reluctant to start doing that. It's not our responsibility – the owners
391 need to clear.

392 Mayor Bend suggested he could to it as he drives past to go to clear other areas

393 **Motion/Second: Bend/Nelson To allow Ken to clear sidewalks of snow when the City sidewalk and**
394 **park also need clearing, as he can do it on his way. Under no circumstances will he respond to**
395 **request to clear. If there are complaints, he can stop. Passed: 4 Aye, 1 Nay (Richter).**

396

397 **D. Committee Reports**

398 1. Public Works – Council member Ross provided a spreadsheet summary of road construction costs

399 2. Personnel – Paperless packets, RFPs, and position reviews were discussed

400 3. Parks – nothing

401 4. Heritage Preservation Commission / Design Review – canceled

402 5. Natural Resources and Groundwater – Appointments

403

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

405 A. Ward 1 Council Member Palmquist – voted on the Sept 8 minutes and wasn't present (Knaak stated there
406 is no requirement)

407 B. Ward 2 Council Member Richter – nothing

408 C. Ward 3 Council Member Ross - nothing

409 D. Ward 4 Council Member Nelson – nothing

410 E. Mayor Bend – nothing

411 F. City Attorney Knaak - nothing

412 G. City Administrator Moorse - nothing

413

414 **11. ADJOURN –**

415 **Motion/Second: Richter/Bend To adjourn. Passed 5-0.**

416

417 Meeting adjourned at 10:03 PM

418

419

420

421

422

423 Respectfully submitted by:

424

425

426

427

428 JY
Julie Yoho, City Clerk

429

430

431

432 Approved by Council (January 16, 2018) as (check one): Presented: X Amended: _____

433

434

435 Mayor Richard Bend _____ Date _____