

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55

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

APPROVED City Council Regular Meeting Minutes
April 19, 2016
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 Bend.

2. THE PLEDGE OF ALLEGIANCE – was recited.

3. ROLL CALL: Council Members Nelson, Ross, Richter, Palmquist and Mayor Bend. **Quorum Present.**

ALSO PRESENT: City Attorney Fritz Knaak, City Engineer Todd Hubmer, Planning Commission Vice Chair Scott Patten, City Administrator Ron Moore and City Clerk Kim Swanson Linner. City Accountant, Tom Niedzwiecki, joined the meeting in progress.

4. APPROVAL OF AGENDA –

A. Agenda for the Regular City Council Meeting of April 19, 2016 – Administrator Moore indicated that the applicant for Item 9C1, Thomas Lehmann request on Stagecoach driveway, arrived at the meeting and saw the crowd and asked that their agenda item be withdrawn from this agenda and placed on the May 17 meeting agenda.

Motion/Second: Richter/Palmquist. To approve the agenda of the April 19, 2016 Regular City Council Meeting as amended. Motion carried 5-0-0.

5. APPROVAL OF MINUTES -

A. Minutes of the March 15, 2016 Regular City Council Meeting –

Motion/Second: Richter/Ross. To approve the minutes of the March 15, 2016 Regular City Council meeting as presented. Motion carried 5-0-0.

B. Minutes of the March 16, 2016 Special Council Meeting –

Motion/Second: Richter/Ross. To approve the minutes of the March 16, 2016 Special City Council meeting as presented. Motion carried 5-0-0.

C. Minutes of the March 16, 2016 Joint City Council Work Session with the Natural Resources and Groundwater Committee – Administrator Moore stated that the minutes for this meeting were not received by the city to include in the packet.

Motion/Second: Bend/Palmquist. To continue the minutes of the March 16, 2016 Joint City Council and Natural Resources & Groundwater Committee meeting to the May agenda. Motion carried 5-0-0.

5. PUBLIC INPUT –

Mayor Bend explained how the City Council will consider the land use application and conditions that are legally able to be put on that application; that this land use application has and will be considered just as any other applicant or organization. He apprised the public of the Federal Justice Department regulations and pointed out the available handouts for the public. He noted that each speaker will have 3 minutes and that comments should be relevant to the application for the conditional use permit and issues of land use.

1) Mukhtar Thakur, 10090 Bridgewater Pkwy, Woodbury, supported the mosque.

2) Sandra Paulson, 322 Minar Avenue, felt the noise level would be loud and suggested additional trees to buffer sound transfer to the residential neighborhood to the east.

3) Maher Mahmood, 10870 Ashley Lane, the current Islamic Center played an important part in his youth and future; he supports the land use for the mosque.

- 56 4) Anthony Tedesco, 7990 Forest Blvd, Woodbury, has been involved in this worship community for 2 years;
57 he also attends Catholic, Lutheran and Jewish religious services and contended that all are considered
58 descendants of Abraham.
- 59 5) Naima Kahn, 3165 Frontier Drive, Woodbury, considered the project to be a good neighbor.
- 60 6) Les Farago, 382 Minar Avenue S, was concerned about noise and light from the site and suggested more
61 barriers for the residences on the east.
- 62 7) Patricia Swanson, 14810 42nd St S, felt the pressure to erect & fund this facility is coming from outside
63 Afton. She felt there should not be a zoning change to allow this [none is required] and wondered if this is
64 an invasion from Jihad.
- 65 8) Carol Ellingson, 1002 Stagecoach Trl S, spoke about the United States commitment to the freedom of
66 religion and that the government shall not interfere. She supported the Council approving the land use
67 application for freedom of religion.
- 68 9) David Nimmer, 1736 Kerry Lane, Woodbury, stated he is a member of Memorial Lutheran Church and he
69 welcomes this new religious community to Afton.
- 70 10) Robert Swenson, Lakeland, commented that he spent 10 years in Saudi Arabia and lived 2 blocks away
71 from a mosque; he never felt safer and never met nicer people. He supported and encouraged the mosque
72 being built and felt it would add to the City of Afton.
- 73 11) Jaylani Hussein, Executive Director of CAIR-MN (Council on American-Islamic Relations), 1650 Hwy 36,
74 Roseville, informed that he is a Muslim, but his education is as a Planner; he commented that the proposed
75 plans for the mosque recognize the aesthetics in Afton and felt this facility in this community fills a
76 cohesive need. He mentioned that the first mosques appeared in Iowa and North Dakota in the early 1900's.
- 77 12) Jon Kroschel, 15106 50th Street S, he felt that the Council has a difficult decision at this time, but that this
78 is an opportunity for Afton to make a positive statement and approving the CUP moves the community in
79 the right direction.
- 80 13) Trent Farago, 875 Alex Lane, Hudson, WI, agreed that the light and noise issues should be handled fairly
81 and consistently, as throughout Afton.
- 82 14) Dave Kephart, 380 Morgan Ave S, was concerned about the drainage on the property and wanted the City
83 to ensure that neighboring properties would not be adversely affected by more drainage. He contended that
84 nobody knew about this project being proposed.
- 85 15) Steven Swanson, 14810 42nd Street S, was concerned about home values and felt the neighboring properties
86 to the east would be devalued.

87
88 **6. REPORTS/PRESENTATIONS -**

89 **A. Sheriff's Monthly Report** –Deputy Laura Jackson, relief duty officer for Deputy Sullivan, reported that the
90 deputies are aware of the areas speeders frequent, they continue to caution residents about IRS scams and
91 “grandparent” scams, recent mail thefts are being investigated, and they will enforce the DNR rules and cities
92 ordinances for firearms and hunting.

93 **B. Sgt. Lonnie VanKlei** – Speed Enforcement, reported that they often have the shift deputies do speed patrols
94 while on regular duty on Afton’s regular contract. They can also provide extra patrols on weekends, as in the past,
95 for Afton on the stretches of concern. The noise related to speed can be trickier to enforce, but they do what they
96 can defend in court.

97 **C. Tom Niedzwiecki, Budget Report** – [This item will “float” until Mr. Niedzwiecki arrives from another
98 meeting.]

99 **D. Lower St. Croix Fire District Report** – Nelson did not attend; Bend indicated he had nothing to report.

100
101 **7. CONSENT AGENDA** – Item C was pulled from the Consent Agenda. Administrator Moose indicated there
102 was a Supplemental Claims for the Local Historic Designation consultant, Tom Zahn. It was added as Item 7E.

103 **A. Just and Correct Claims**

104 **B. 4M Fund Transfer – MARCH - Resolution 2016-18**

105 **C. AABA Request for Waiver of Park Reservation Fee for Farmers Market**

106 **D. Afton Historical Museum Request for Temporary Liquor Licenses**

107 **E. Supplemental Claim - Local Historic Designation consultant, Tom Zahn**

109 **Motion/Second: Palmquist/Ross. To approve the Consent Agenda, Items A, B, D and E. including Resolution**
110 **2016-18. ROLL CALL: All Ayes. Motion carried 5-0-0.**

111
112 C. AABA Request for Waiver of Park Reservation Fee for Farmers Market – Richter pulled the item to
113 discuss the reasons why Council would waive the fee for the Farmers Market use of Town Square Park. It was
114 noted that the Farmers Market only uses one corner of the Park and a handful of local farmers and businesses are
115 making an attempt to draw traffic to Afton. The organizers of the Market are all volunteers.

116
117 **Motion/Second: Richter/Ross. To waive the reservation fee to reserve Town Square Park for the Farmers**
118 **Market for 2016 [no beginning or ending dates were stated on the application]. Motion carried 5-0-0.**

119
120 **5. CITY COUNCIL BUSINESS -**

121 **A. Planning Commission Report** – Vice Chair Scott Patten was in attendance for the Planning Commission.

122 1. Islamic Society of Woodbury/East Metro Application for a Conditional Use Permit for a Place of
123 Worship at 12585 Hudson Road – Resolution 2016-19 – Administrator Moorse reviewed the application of the
124 Islamic Society of Woodbury/East Metro for a Conditional Use Permit for the construction of a place of worship
125 (mosque) at 12585 Hudson Road. He noted that a place of worship is allowed in the Rural Residential zone with a
126 conditional use permit and the conditional use permit process allows the City to review the proposed use and place
127 conditions on the use to address any concerns regarding the impacts to the site and neighborhood. The proposed
128 building is proposed to be located in the northwestern portion of the site, with parking to the west and north of the
129 building. The southern portion of the property is planned to continue to be used for agricultural use.
130 The applicant has relocated and redesigned the driveway to avoid any disturbance to areas with slopes 18% or
131 greater. The facility will be used primarily as follows: worship services on Fridays in the early afternoon
132 (approximately 200 people); weekend school, primarily for school age children, on Sundays from 10:00 a.m. to
133 2:00 p.m.(100 students and teachers); and, social events on weekend evenings (150 to 200 people). The building
134 includes two minaret-type elements as aesthetic elements that are not functional. There will be no loud speakers on
135 the minarets or the exterior of the building resulting in any kind of noise disturbance to the neighbors. The proposal
136 includes 1.54 acres, or 5.27% of impervious coverage, which is less than the maximum allowed coverage of 10%.
137 The proposal includes primary and secondary septic system sites. The sites require soil testing prior to approval.
138 Chris LeClair, of Washington County Department of Public Health indicated that, based on a soil report received on
139 March 7, 2016, it is highly likely that the soils are suitable for the required septic systems. The proposal meets all
140 required setbacks. The proposed parking area meets the wetland setback and is allowed to be located within the
141 powerline easement. The City Engineer has reviewed the parking area and number of spaces required, and has
142 indicated the parking meets the 94 parking spaces required. The lighting shows fixtures with downcast lighting,
143 light standards are 25 feet high, with some to be mounted on foundations 3 feet above grade for a total height of 28
144 feet. This is within the maximum allowed 35 foot height. The City Engineer has reviewed the lighting plan, and has
145 indicated it generally meets the City’s requirements, but may exceed the allowed illumination level in some areas.
146 The final lighting plan will need to meet the City’s requirements. The applicant has indicated they are open to
147 revising the lighting plan to limit impacts on neighboring properties while ensuring safety for those using the
148 driveway and parking lot. The City Engineer has reviewed the landscaping plan and indicated it generally meets the
149 City’s requirements. The plan includes five coniferous trees and twenty-three deciduous trees or shrubs. The plan
150 does not indicate landscaping on the sloping areas of the right-of-way. The Engineer indicated that the applicant
151 should provide ground cover detail for those areas to assure the area is maintained with appropriate ground cover.
152 The Planning Commission’s recommendation included a condition calling for additional screening to create a
153 buffer zone on the east side of the existing house be added to the landscape plan. The proposed construction
154 requires a Valley Branch Watershed District (VBWD) permit. The City Engineer has reviewed and approved the
155 conceptual grading and drainage plan, however, they have requested more detailed information of the infiltration
156 capability of the pond, including soils and the water table. Because the property is large enough to allow flexibility
157 in the final drainage solution, the City Engineer is not requiring additional information or plan modifications at this
158 time. At the April 4 Planning Commission meeting, there was discussion regarding the use of the existing house on
159 the site. The applicant indicated the existing house will mainly be used in conjunction with the use of the open field
160 area on the northeast portion of the property to be used as a play field for soccer and other games and for picnics.
161 The house can provide shelter and restroom facilities that are more convenient to the field than the proposed new

162 facility. The house will also be used for other social activities that are more suited to a smaller space than to the
163 new facility. The applicant provided a letter to the city regarding the use of the house for occasional temporary
164 lodging for visiting scholars and imams (similar to pastors), lecturers, specialized prayer leaders and other similar
165 individuals. The condition in the CUP house shall require the applicant to notify the City if the residential use of the
166 house changes from the use described in the letter.

167
168 Council Discussion

169 Council members agreed with the Conditions as listed in Resolution 2016-19. They deleted from condition #10:
170 “resulting in noise disturbance to the neighbors” and agreed that the screening listed on condition #13 would
171 include additional tree and/or berm screening.

172 The issues of light intensity and noise were discussed and Council felt any issues not complying with Afton’s
173 standards should be followed up on by staff.

174
175 **Motion/Second: Bend/Palmquist. To grant the approval Resolution 2016-19 for a Conditional Use Permit for**
176 **the Islamic Society of Woodbury/East Metro for the construction of a place of worship (mosque) at 12585**
177 **Hudson Road, with conditions amended as indicated above in the resolution. ROLL CALL: All Ayes. Motion**
178 **carried 5-0-0.**

179
180 2. City of Woodbury Comprehensive Plan Amendment, Stonemill Farms 16th, Project No. 24-2016-
181 00201 – Administrator Moose reported on an amendment proposed by the City of Woodbury for its Comprehen-
182 sive Plan. The amendment would change the use of a vacant piece of property in the Stonemill Farms development,
183 at the corner of Settlers Ridge Parkway and Lake Road. The amendment would allow for 5.66 acres to be guided as
184 medium density residential instead of neighborhood commercial. This would enable the construction of a town-
185 home development similar to what is being constructed to the east of the property. The Comprehensive Plan update
186 process includes an opportunity for neighboring cities to comment on the proposed amendment.

187
188 **Motion/Second: Palmquist/Nelson. To state to the City of Woodbury that the City of Afton has no comment**
189 **about their Comprehensive Plan Amendment for Stonemill Farms 16th, Project No. 24-2016-00201. Motion**
190 **carried 5-0-0.**

191
192 **B. Engineering Report –**

193 1. Staff Report/Council Update – City Engineer Todd Hubmer reported on the progress of the
194 archeological studies, the legislation session items being considered and how they might affect project funding, and
195 Washington County’s construction timeline for County Road 21.

196
197 **C. Administration –**

198 1. Thomas Lehmann Request to Discuss Driveway Permit Denial at Stagecoach Trail and Sand Hill Road
199 – [This item was withdrawn from the agenda by the applicant prior to the meeting and will be placed on the May
200 agenda.]

201
202 Item 7C. Tom Niedzwiecki, Budget Report – reported that the Financials show expenses at about 16% to date; he
203 noted that is deceiving, as there are large items billed out quarterly (emergency services) that are not showing up
204 yet. He indicated that the Financials will soon reflect estimates for the entire year (much like the former cash flow
205 reports by Jim Bougie) which will then reflect the seasonal and quarterly expenditures.

206
207 2. Ordinance Amendment Regarding Firearms – Ordinance 04-2016 – Administrator Moose reported
208 that the City’s current ordinance regarding the possession of firearms was preempted by State Statute 471.633 and
209 by the Minnesota Personal Protection Act changing the authority of cities to regulate firearms, with the exception of
210 the discharge of firearms and the adoption of regulations identical to state law. The Minnesota Personal Protection
211 Act, which was passed in 2003, allows a person to carry a handgun with a permit. State statute 624.714 provides
212 regulations regarding carrying a firearm. Cities have the ability to adopt local regulations limiting the brandishing
213 and discharge of weapons within the city and the possible ability to regulate establishments where handguns may be
214 present. For instance, because the law makes it a crime to possess a pistol while under the influence of alcohol, the

215 city may be able to adopt an amendment to its liquor regulations, requiring all liquor license holders to ban
216 handguns. The drafted ordinance amendment revises the City's firearms ordinance to eliminate the regulation of the
217 possession of firearms.

218

219 **Motion/Second: Bend/Richter. To adopt Ordinance 04-2016 amending Sec. 14.1. Use, possession of weapons,**
220 **to eliminate the regulation of the possession of firearms and adding "discharge," with a friendly amendment**
221 **accepted to also change the word "possession" in the title to "discharge." ROLL CALL: Ayes-Ross, Richter,**
222 **Nelson, Bend. Nay-Palmquist. Motion carried 4-1-0.**

223

224 3. Agreement with Afton Historical Society regarding Mount Hope Cemetery Maintenance and
225 Restoration – Council Member Stan Ross, who is also the President of the Afton Historical Society (AHS), made a
226 presentation to Council outlining the proposal from the Afton Historical Society for the maintenance and restoration
227 of Mount Hope Cemetery, including a request for funding from the city of \$9,000 per year to have the AHS restore
228 and maintain the pioneer cemetery.

229

230 **Motion/Second: Palmquist/Nelson. To approve an Agreement with the Afton Historical Society for the**
231 **maintenance and restoration of Mount Hope Cemetery including funding, not to exceed \$9,000 annually**
232 **from the City to the Afton Historical Society. Motion carried 4-0-1 (Abstain: Ross).**

233

234 4. Draft Ordinance Regulating the Use and Maintenance of City-owned Cemeteries – Administrator
235 Moose indicated that a draft model ordinance was provided by the City Attorney to Council in the Supplemental
236 Packet. Council wished to have time to review and consider this model ordinance.

237

238 **Motion/Second: Bend/Nelson. To table the draft model ordinance to the May 17 City Council meeting.**
239 **Motion carried 5-0-0.**

240

241 5. Speed Enforcement – [This item was moved up to 9C2, but is recorded here.] Sgt. Lonnie Van Klei
242 indicated that the Sheriff's Office has the authority to put out a "directed patrol" by the department on slow days, in
243 order to enforce speeding violations. However, the City can authorize the same extra patrols as has been done in
244 past years.

245

246 **Motion/Second: Palmquist/Bend. To authorize extra speed enforcement patrols for three (3) 4-hour shifts,**
247 **possibly two hours at two locations, on sunny weekend days, in coordination with the Sheriff's Office and**
248 **Afton's City Administrator. Motion carried 5-0-0.**

249

250 6. Appointment of Annie Perkins to the Middle St. Croix Water Management Organization Board –
251 Administrator Moose reported that Annie Perkins, who was recently appointed to the City's Natural Resources and
252 Groundwater Committee, has expressed her interest in serving on the Middle St. Croix Water Management
253 Organization (MSCWMO) Board.

254

255 **Motion/Second: Palmquist/Nelson. To appoint Annie Perkins to the MSCWMO Board. Motion carried 5-0-0.**

256

257 7. Branding Committee Volunteers – Administrator Moose indicated five more volunteers have applied
258 to serve on the Afton Branding Committee: Julia Welter, Raenette Manderfeld-Pung, Darcy Gaspar, Dan Jarvis and
259 Laurel Ross. If appointed, they will join previously appointed Lucy McAllister, Jeff Brower and Scott Patten.
260 Council Member Stan Ross will act as liaison to the Committee.

261

262 **Motion/Second: Palmquist/Ross. To appoint Julia Welter, Raenette Manderfeld-Pung, Darcy Gaspar, Dan**
263 **Jarvis and Laurel Ross as additional members to the Afton Branding Committee. Motion carried 5-0-0.**

264

265 8. Liability Coverage and Statutory Liability Limits – Administrator Moose explained that Minnesota has
266 statutory tort limits that place a limit on the amount a claimant can recover on a tort liability claim. The City
267 purchases liability insurance in excess of the statutory tort liability limits because the statutory liability limits do not

268 extend to a federal liability claim. Because the City purchases excess liability coverage, it is required to make an
269 election as to whether to waive the statutory liability limits to the extent of its liability coverage. In the past the City
270 has not waived the statutory liability limits.
271

272 **Motion/Second: Nelson/Richter. To not waive the monetary limits on tort liability established by Minnesota**
273 **Statutes, Section 466.04. Motion carried 5-0-0.**
274

275 9. Schedule Work Sessions – Administrator Moose explained that there are several topics for discussion
276 at a Council Work Session. There also needs to be a joint work session with the Planning Commission about goals
277 for 2016 and the Comprehensive Plan update. Staff will schedule a work session for early May. Topics included:

- 278 1. Expansion of Valley Branch Watershed District’s Septic System Inspection Program related to Kelle’s
279 Creek Water Quality.
 - 280 2. Goals for 2016.
 - 281 3. Updates to ordinance requirements related to accessory buildings.
 - 282 4. Discussion of amount of detail to be provided in the City Council meeting minutes.
 - 283 5. Discussion regarding the protection of man-made steep slopes.
 - 284 6. Downtown Improvement projects update.
- 285

286 **Council prioritized items 1, 2 and 4 for discussion at an early May City Council Work Session to be**
287 **scheduled.**
288

289 10. Seasonal Maintenance Worker – Administrator Moose indicated the city had advertised for a part-time
290 seasonal maintenance position, but did not receive any applications. Staff met with the 2015 seasonal maintenance
291 worker and recommended hiring this qualified candidate.
292

293 **Motion/Second: Nelson/Palmquist. To hire part-time seasonal maintenance worker, Todd O’Leary, who was**
294 **the 2015 seasonal maintenance worker. Motion carried 5-0-0.**
295

296 **D. Committee Reports -**

- 297 1. Public Works – meeting is next week.
- 298 2. Personnel – Ross reported that staff are continuing to check into document storage and task
299 management software. He mentioned interest in the City’s Disaster Recovery Plan and in fire
300 protection for City Hall.
- 301 3. Parks – none.
- 302 4. HPC/DR – monthly meeting tomorrow.
- 303 5. Natural Resources and Groundwater – had a joint meeting with City Council at their March meeting;
304 their monthly meeting is tomorrow.
- 305 6. High Speed Internet – the agreement with CenturyLink will be done at the end of the week.
306

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

- 308 **A.** Ward 1 Council Member Palmquist – announced Robin McDowell won a Pulitzer Prize today.
 - 309 **B.** Ward 2 Council Member Richter – none.
 - 310 **C.** Ward 3 Council Member Ross – none.
 - 311 **D.** Ward 4 Council Member Nelson – none.
 - 312 **E.** Mayor Bend – indicated he was impressed with Afton residents and their support of the mosque CUP and
313 that the community handled the conflict and differences well.
 - 314 **F.** City Attorney Knaak – Prosecution Report on file; he noted that not as many are using the Hearing Officers
315 this year, but he couldn’t speculate on why that was happening.
 - 316 **G.** City Administrator Moose – none.
- 317

318 **11. ADJOURN –**
319

320 **Motion/Second: Palmquist/Nelson. To adjourn the meeting at 10:17 p.m. Motion carried 5-0-0.**

321

322 Respectfully submitted by:

323

324

325 _____

326 Kim Swanson Linner, City Clerk

327

328 **Approved by Council (on May 17, 2016) as (check one): Presented: X Amended: _____**

329

330

331 **Signed by Mayor Richard Bend _____ Date _____**