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

**APPROVED** City Council Regular Meeting Minutes  
February 20, 2018  
Afton City Hall  
3033 St. Croix Trail  
Afton, MN 55001  
7:00 P.M.

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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 Richter, Palmquist, Ross, Nelson. **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 Planner Stephen Gritman, City Clerk Julie Yoho, Planning Commission member Scott Patten.

4. **APPROVAL OF AGENDA** – [some agenda items were discussed out of sequence]
  - A. Agenda for the Regular City Council Meeting of February 20, 2018  
**Motion Palmquist/Bend To approve the Agenda for the February 20, 2018 Regular City Council meeting with the following changes: strike items 9A3 “Afton Creek Preserve” & 9A4 “Proposal to Dedicate 5550 Odell”.**

Discussion

Mayor Bend suggested striking item 9A3 “Afton Creek Preserve” as this is an obsolete version of the application and he would recommend waiting for revised version. Mayor Bend also suggested striking item 9A4 “Proposal to Dedicate 5550 Odell”.

Council member Richter stated that the proposal has been received by the city; need to tell the applicant if the council is in favor of Odell access. He stated it is unfair to use procedure to avoid confrontation. Need to have conversation about Odell; the developer is trying to circumvent the ordinances.

Mayor Bend stated he objects to that suggestion and would like to wait until we have all the information. Many issues have been raised and we don’t have all of the detail nor a recommendation from the Planning Commission.

Council member Palmquist stated he finds it odd to leave it on the agenda if striking item 9A3. Can’t give feedback without something in front of us to review.

Council member Richter stated it is wrong to wait until the council is ready to approve whole thing to discuss the access

Council member Ross is supportive of striking item 9A3. 9A4 is an interesting discussion in theory, but the council needs feedback from the planning commission on the plan that just came out. Would like to debate concept but unsure this is right timing.

Mayor Bend said the council can have conversations but it is inappropriate to make any decision.

City Attorney Knaak pointed out that the items are on the agenda; it is up to the discretion of the council to remove or not. This is a peculiar situation, since the original application has not been withdrawn.

Council member Richter asked if cities look at small parts of applications so that the developer has feedback early on?

City Attorney Knaak replied yes.

Council member Palmquist suggested leaving the item on the agenda and taking no action.

**Motion Withdrawn**

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**Motion/Second Bend/Palmquist To approve Agenda for the February 20, 2018 Regular City Council meeting as amended with item 9A3 “Afton Creek Preserve” deleted. Passed 5-0.**

**5. APPROVAL OF MINUTES**

**A. Minutes of the January 16, 2018 Regular City Council meeting.**

**Motion/Second: Palmquist/Ross To approve minutes of January 16, 2018. Passed 5-0.**

**6. PUBLIC INPUT –**

Jim Gasperini, 3121 St Croix Trail, Is submitting an application for Boatyard Grill restaurant.

Mary McConnell, 5680 Odell Ave; Encouraged council to spend time discussing PUD/PLCD. What does Afton’s ordinance say and what will we do about it? Planning commission found that PLCD is Aftons form of PUD. No PUDs are allowed in the shoreland district. The Odell access idea was rejected over 1 yr ago. Involves tearing down a house in an established neighborhood and would turn Odell into an arterial road. Would change areas all over Afton where there are no pre-existing roads. There is no need but for the development. Proposed park is in the middle of a subdivision, neighborhood doesn’t want. Reject the Odell access.

Patrick Leahy, 5680 Odell Ave. There have been 7 maps over the past year for this site. Essentially the same plan keeps coming back and isn’t addressing communities concerns. There are 18 lots on each plan, despite density concerns. Horse sanctuary on south border of development, the proposal abuts the pasture with lots. The owners researched prior to locating here; are asking the council to follow the comprehensive plan and ordinances. Comp plan calls for continued Ag use in the Ag zone, to preserve land.

James Rickard, 5650 Odell Ave S. Stated that when his property was purchased, he wanted ordinances that would protect his property. Expected land behind to be developed someday, but is against bisecting the neighborhood. Follow ordinances and have the application meet requirements.

David Husebye, 5830 Osgood Ave, Expressed concerns about road along the Shuster property – segment on 60<sup>th</sup> is saturated with water – unable to pave.

Christian Dawson, 5888 Trading Post Trail, asked the council to take your time on the process. There has been feedback and it has been ignored. Issues include the number of lots, horse sanctuary, road access - no designs have addressed concerns. What is the actual application? The design is not in spirit of conservation of the shoreland area. A PLCD is to be harmonious with surrounding area. This is not in alignment with the comp plan or neighborhood. Puts 18 homes on aquifer.

Randy Sampson, 8660 Ann Marie Trail, Inver Grove Heights. Beekeeper. Encourage the council to give consideration for how the potential solar property is dealt with and consider pollination plan. Significant issue in the area.

Doug Parker, 4795 Trading Post Trail. The Planning commission determined a PLCD is a PUD and also have rejected the application. Would encourage you to agree. Example is being set for future development. This is a prime example of the developer sidestepping rules with this Odell access proposal. Should expect any proposal to come in with no variance needed.

James Clemens, 16065 32<sup>nd</sup> St S. Manager at Windmill Marina for past 2 years. Concerned about the connection of driveway to 32<sup>nd</sup> street (in proposal for restaurant), and impacts on traffic flow.

104 Julie Ziedel, 3055 St Croix Tr. Lights on city hall property are too bright. Also there are dying trees on city  
105 property would like to know where boundary is so she can plant new vegetation. Consider addressing gun  
106 regulations and hunting regulations in upcoming newsletter.

107  
108 Angie Kopacek, Stillwater Honey Bee Club, 15057 Afton Blvd S. Encourage any solar development to include  
109 habitat for honey bees.

110  
111 Kathy Graham, 5912 Trading Post Trail, is disappointed in developer no listening to concerns that residents  
112 have expressed. Most recent plat is back to very first sketch plan which was rejected. Seem to get nowhere.  
113 By striking 9a3 you leave 2 prelim plats in play. Seems they should be closed out.

114  
115 Elizabeth Welty, Honey Bee Club. 724 Oak St W, Stillwater MN. 50% of MN bees are dying every year, not  
116 sustainable. If forage is planted under a solar array it helps pollinators, helps farmers, soil, air quality. Started  
117 petition on change.org to plant pollinator friendly plants in solar arrays.

118  
119 Nancy Turner, 13926 60<sup>th</sup> St, Owns the horse sanctuary. Bought land because it was surrounded by ag land.  
120 If this goes through, her farm will be surrounded by housing. After 15 months of suggestions, same plans are  
121 coming out. Offended that it has been said they don't want development when we'd suggested 9 houses on  
122 cul de sac. We were told that 9 houses wouldn't cut it. Why are economic considerations of developer priority?  
123 3 of you have come and looked at the view from my property. Why are plans replicas of each other? If this  
124 goes wrong, it can't be taken back. Once in place how can it be mitigated? The developer is not listening or  
125 mitigating concerns.

126  
127 Ron Omann 13933 15<sup>th</sup> St. Would like to hear the presentation on the solar farm. Also a bee keeper. Excited  
128 to have project near his property.

129  
130 Mayor Bend announced the Valley Branch Library meeting on March to discuss the library's future.

131

132 **7. REPORTS/PRESENTATIONS -**

133 **A. Sheriff's Monthly Report**

134 No report

135  
136 **B. Tom Niedzwiecki, Budget Report**

137 Finalized the 2017 financials. ending year with \$164,594 surplus. Recommend to keep some in general  
138 fund, snow and ice reserve \$15k, \$10k for comp plan, \$10k for cc contingency fund, \$25k for city garage.

139  
140 **C. Lower St. Croix Fire District Report**

141 Nelson reported the assistant chief about consistent fire inspections for commercial and rental properties.  
142 They'd like a local ordinance; interval is an open issue

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144 **D. David Husebye, Applicant for the NRCG**

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146 **8. CONSENT AGENDA**

147 **Motion/Second:**

148 **A. Just and Correct Claims**

149 **B. 4M Fund Transfer – No transfers until March**

150 **Motion/Second: Palmquist/Richter to approve consent agenda as presented. Passed 5-0.**

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152 **9. CITY COUNCIL BUSINESS**

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

154 1. Application by USS Rambo Solar LLC

155 USS Rambo Solar LLC has made an application for a text amendment to the Zoning Code to allow  
156 “solar farm” as a conditional use or interim use in the Agricultural District. This application is related  
157 to a proposal for a 7.3 acre, 1.0 megawatt ground-mounted solar array at 12560 15th Street S.  
158 USS Rambo Solar LLC has entered into a lease with the property owner, Lyle Rambo, for the use of the  
159 property for a solar farm.

160  
161 Reed Richardson, US Solar; explained this is a local company, MN owned. There is no suitable site in the  
162 Industrial zone. This is not similar to industrial use. Locating in the Ag zone makes sense. All of their  
163 solar sites have pollinator habitat. In the Industrial zone there were 2 sites that may work but one is too  
164 small, one has flooding concerns. Analysis of tax revenue does not support solar in industrial zone. (detail  
165 in packet) It is not similar to industrial uses, Supports tax revenue in ag zone, provides native plants.  
166 There is an increase to front set back and this is a smaller size project than proposed by others in the past.  
167 Council member Palmquist stated that 1 megawatt doesn’t meet state production tax. The Assessor has to  
168 disregard if less than 1 megawatt. The land is still classified as Ag at that size.

169 Council member Richter asked why limit the maximum acreage to 10 acres?  
170 Richardson responded that smaller size is easier to landscape screen and that new applications are limited  
171 in size by the state within Xcel territory.

172 Council member Richter asked about the 1 mile buffer?  
173 Richardson answered it is a restriction on solar projects so they are not chaining together.

174 Council member Richter asked how many acres total would you like under solar?  
175 Richardson answered 1-4 total projects with 10 – 40 acres total.

176 Council member Richter asked about the Cottage Grove 70<sup>th</sup> St array. How far is that off road? Height  
177 and acreage?

178 Richardson answered that is a 5 megawatt site, 15’ high  
179 Council member Nelson stated the visual piece is his biggest concern

180 Council member Ross stated that he sat in on the Planning Commission’s work on solar. They did a great  
181 job and he would not be inclined to modify anything they did.

182 Mayor Bend agreed he would not want to change the ordinance without having the Planning Commission  
183 look at .

184 Council member Palmquist stated he is supportive, but the city went through an 18 month process and the  
185 existing ordinance is what came out of it.

186  
187 **Motion/Second Ross/Bend To adopt Resolution 2018-11 Denying the USS Rambo Solar LLC**  
188 **application to amend relevant sections of the Zoning Code to allow “solar farm” as a conditional**  
189 **use or interim use in the Agricultural District, based on the findings listed below.**

190 **Findings:**

- 191 **1. The City has a well written ordinance in place based on extensive public input**
- 192 **2. There is sufficient and well-equipped land in the industrial zone for this**
- 193 **3. There is no demonstrated need that indicates the current ordinance is deficient**
- 194 **4. Recommend considering adding pollinator language in current ordinance**
- 195 **denying application / bend.**

196 **Discussion**

197 **Roll call Vote; All aye, Passed 5-0.**

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199 **2. Consideration of PLCD and PUD**

200 **Background**

201 The Shoreland Management Article of the City’s Zoning Code (in Sec. 12-363) indicates that a Planned  
202 Unit Development (PUD) is not allowed in the Shoreland Overlay District. This has raised the question  
203 of whether the City’s Preservation and Land Conservation Development (PLCD) ordinance (and the  
204 Proposed Afton Creek Preserve PLCD subdivision) is a Planned Unit Development (PUD). The question  
205 involves an interpretation as to whether a Preservation and Land Conservation Development, as outlined

206 in Article XII of the Zoning Code is or is not a PUD. The interpretation could have an impact on the  
207 Afton Creek Preserve PLCD proposal.

208 Use Interpretation Process

209 Sec. 12-364 of the Zoning Code, which addresses questions regarding use, as well as questions regarding  
210 the upgrading of inconsistent land use districts, requires that “When an interpretation question arises about  
211 whether a specific land use fits within a given "use" category, the interpretation shall be made by the City  
212 Council after a public hearing and a recommendation by the Planning Commission.” Based on this  
213 requirement, the Council referred the question regarding an interpretation of whether a PLCD is or is not  
214 a PUD to the Planning Commission for a public hearing and a recommendation.

215 Correspondence from the City Attorney and the City’s Planning Consultant

216 Both the City Attorney and the City’s Planning Consultant have provided written correspondence  
217 regarding the PLCD/PUD question. This correspondence is attached. The City Attorney’s opinion is part  
218 of a letter dated November 30, 2017 that addresses a number of items related to the Afton Creek Preserve  
219 PLCD application. The Attorney’s opinion regarding the PLCD/PUD is item number 9 on pages 6 to 8  
220 of his letter. The Planning Consultant’s letter is dated December 18, 2017.

221 The Council met with the City Attorney and the City’s Planning Consultant at a work session on January  
222 30 at which each provided their perspectives on the PLCD/PUD interpretation question, and the Council  
223 had the opportunity to ask questions of each of them to better understand their perspectives. The City  
224 Attorney has indicated that there are a number of similarities between the PLCD and a PUD, but there are  
225 also differences that create sufficient ambiguity such that both an interpretation that a PLCD is a PUD  
226 and that a PLCD is not a PUD could be defended.

227 The Planning Consultant has indicated that while the PLCD ordinance provides limited and specific  
228 flexibility in relation to development regulations, and requires variances for broader flexibility (requiring  
229 the demonstration of practical difficulty) a PUD provides broad flexibility in relation to development  
230 regulations and the flexibility is gained through a negotiated design process, not through a variance  
231 process. Therefore, the PLCD as outlined in Article XII of the Zoning Code is not a PUD.

232 Planning Commission Recommendation

233 The Planning Commission, on a vote of 6-1-0, voted to recommend to the City Council that the PLCD be  
234 considered as Afton’s idea of a PUD, based on the following findings:

235 Findings

- 236 1. Section 12-363 protects trout streams and prohibits PUDs
- 237 2. Planned Agricultural Unit Development (PAUD) was the original verbiage
- 238 3. Afton does not allow mixed use development so that PUD criterion does not apply
- 239 4. The Comprehensive Plan emphasizes protection of water quality and waterways
- 240 5. The intent was more restrictions rather than fewer
- 241 6. Any development will affect the trout stream temperature and quality
- 242 7. The PUD and PLCD are the same in Afton based on the nature of the original discussion of the
- 243 PAUD. The original and current intent was that these terms were interchangeable and one in the
- 244 same in the context of these ordinances.

245  
246 Discussion

247 Council member Richter takes exception with contrasting the in this way. Afton has never used PUD this  
248 way. PLCD cannot be defined as the term is only found in Afton. Have to look at the ordinance to find  
249 intent. Intent was to protect shoreland. Reads word for word except for name change. He does not recall  
250 where the PLCD name came from but it replaced PAUD. Never used PUD as it has been described to us.  
251 Intent of PLCD was to allow farmers to develop at slightly higher density than allowed with underlying  
252 zoning. Planning Commission feels the same and that is their interpretation.

253 Nelson ordinance seems to be more about downtown and commercial uses.

254 Council member Nelson stated that when you look at a side by side comparison, there is dramatic  
255 difference

256 Council member Palmquist stated that the focus is on preservation of natural resources. Bigger discussion  
257 than this one application. Doesn’t make sense to exclude shoreland, whole goal was to preserve areas.

258 Council member Ross stated that he researched email, ordinances, attorney, planner, previous mayor.  
259 Trying to keep this separate from one project. In favor of stream protections, would seem PLCD ordinance  
260 should have language for water protection. PUD is very broad.

261 Mayor Bend has met with previous mayor and council members, reviewed ordinances and minutes. In  
262 2006 Open Space was adopted and amended as CUP/PUD ordinance. Cedar Bluffs development passed.  
263 Administration was thrown out. In January a new ordinance was put in place with little flexibility by new  
264 council. Revisions were made and named PLCD in April. There is a PUD and Conservation development  
265 difference.

266 City Planner Gritman stated that distinctions are PUD is used for plan irrespective of what zoning applies  
267 to land. Developer negotiates with city the various uses, setbacks, lot sizes. It is a specific district for that  
268 area. Conservation/Open space are designed to set up standards and act like a zoning district specifying  
269 lot sizes and uses. Usually variations, purpose is to protect a resource and clearly says how.

270 Mayor Bend asked in PUD are deviations and variances required?

271 Gritman responded not in a PUD, but part of negotiated final plan. Conservation design has specific  
272 standards; would have to apply for variances

273 Mayor Bend believes the intent was conservation when originally passed. Peg Knowls recalled PUD and  
274 PLCD were the same

275 Patten asked what the source was for the comparison chart in the supplemental packet?

276 Mayor Bend prepared

277 Council member Richter stated Afton has never used PUD as this chart indicates. The old council wanted  
278 to use that way

279 Council member Palmquist doesn't believe the old council wanted 48 condos downtown

280 Council member Richter stated PUD "clustering of land proceeding open space". PUD is a broad concept  
281 and any city can define how they're using it. We have to look at what we wrote compared to what PLCD  
282 says. Under general provisions of ordinance and intent.

283 Gritman stated that despite the labels, they are not significantly different; but that does not make it a  
284 PUD. PLCD has different aspects. Both ordinances are designed to restrict development in specific ways  
285 which are characteristics of a conservation development.

286 Council member Palmquist stated he can look at from different points of view. There is a history of PUD  
287 being exploited.

288 **Motion/Second Palmquist/Nelson Move that a Preservation and Land Conservation Development,**  
289 **as outlined in Article XII of the Zoning Code, is not a PUD. Passed 4-1 (Richter nay)**

290  
291 **Motion/Second Palmquist /Nelson Move to add findings below to the motion. Passed 4-1 (Richter**  
292 **nay)**

293 Findings:

294 1. Afton's ordinance captioned "Preservation and Land Conservation Developments" ("PLCD") is  
295 designed with the primary intent to preserve open space and natural resource attributes of the land,  
296 unlike a planned unit development ("PUD") which is designed to promote mixed use through the use  
297 of flexible design standards.

298 2. Afton's PLCD ordinance was designed to prohibit the unpopular design flexibility contained in  
299 Afton's previous PUD ordinances.

300 3. A hastily drafted, immediately preceding PAUD ordinance was drafted to eliminated PUD  
301 attributes and quickly renamed "Preservation and Land Conservation Developments" to reflect its  
302 conservation development focus.

303 4. Afton's PLCD has very limited design flexibility.

304 5. Unlike a PUD, the PLCD has specific, objective restrictions on uses and dimensional standards  
305 in the following areas:

- 306 a. Multiple housing units are prohibited
- 307 b. Commercial uses are prohibited
- 308 c. Setbacks are fixed by ordinance
- 309 d. Lot dimensions are fixed by ordinance

- 310 e. Residential lot sizes are fixed at greater than or equal to five acres
- 311 f. Road frontage is fixed at greater than or equal to 300 feet
- 312 6. Underlying zoning district requirements are incorporated by reference and must be observed,
- 313 unlike in PUDs.
- 314 7. Deviation from ordinances is prohibited, unlike in PUDs.
- 315 8. Negotiation of changes from ordinance requirements is not permitted by the approval process,
- 316 unlike in PUDs.
- 317 9. Variances from ordinance requirements are not permitted, unlike in PUDs.
- 318 10. Afton’s PLCD ordinance is unlike Afton’s prior Open Space Preservation Planned Unit
- 319 Development and its Planned Unit Development in the VHS-C which permitted various deviations
- 320 from the underlying zoning districts, including in one or both, and at one time or another, multiple
- 321 housing units, commercial uses, variable setbacks, sub-surface communal sewage treatment
- 322 systems, communal active recreation areas, non-conforming lot sizes, non-conforming height
- 323 provisions, non-conforming road frontage requirements and variations in impervious surface
- 324 requirements.
- 325 11. Afton’s unfortunate experiences with PUDs resulted in its adoption of a conservation ordinance
- 326 following presentations to the Planning Commission by, among others, a representative from the
- 327 township of Grant who described the problems Grant had with PUDs.

**Motion/Second Bend/Nelson Move to include chart below as part of findings.**

Discussion

Council member Richter is opposed to including as it doesn’t reflect the use of PUD in the ag district but rather as used in the Old Village. Open space language was used in cedar bluff. Misleading in design of chart.

Mayor Bend this list is attributes of PUD vs Afton PLCD. There is no statement that these are Afton’s PUDs

Palmquist offered friendly amendment to change titled to “Commonly Found PUD Attributes”. Bend/Nelson accepted.

Motion Vote 4-1 (Richter Nay)

**Planned Unit Developments  
 Contrasted with  
 Afton’s Planned Land Conservation Development**

<b>Commonly Found PUD Attributes</b>	<b>Afton PLCD Attributes</b>
Highly flexible design	Limited design standards
Variable internal standards	Specific internal standards
Underlying zoning district standards may be varied in PUD developments	Underlying zoning district requirements incorporated by reference and must be observed
Departures from ordinance standards permitted without variances	Departures from ordinances standards require variances
Does not function like an overlay district	Functions like an overlay district
Variances not required for deviation from ordinance provisions	Deviation from ordinances prohibited with no variances allowed (state law supersedes this provision making it voidable; most conservation development ordinances permit deviation by variance)
<b>Mixed land uses permitted:</b>	<b>Mixed land uses not permitted</b>

Multiple unit housing possible	Multiple unit housing prohibited
Commercial uses possible	Commercial uses prohibited
<b>Dimensional standards may vary</b>	<b>Dimensional standards may not be varied</b>
Setbacks may vary (0 setbacks permitted sometimes in Afton’s VHS-C PUD)	Setbacks fixed by ordinance
Lot dimensions may vary	Lot dimensions fixed by ordinance
Residential lot acreage may vary	Residential lot size fixed at > or = 5 acres
Height of structures may vary	Height of structures limited by ordinance
Road frontage may vary	Road frontage fixed at > or = 300 ft
Afton’s experience with a PUD in the VHS-C resulted in a moratorium then repeal and adoption of an ordinance prohibiting PUDs anywhere in Afton. It does not imply that a PLCD (conservation development) is a PUD (unit development), rather it demonstrates that having rejected PUDs once, and a PAUD once, Afton never wants anything that functions as a PUD ever again.	The PLCD stands on its own as a conservation development. It is designed to insure long-term preservation of areas of high ecological value and to conserve open space by freezing density at Afton’s current limit of one residence per ten acres.

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3. Afton Creek Preserve PLCD Subdivision Application  
 (Removed from agenda)

4. Proposal to Dedicate 5550 Odell parcel as Parkland and Findings necessary for a PLCD Application  
 Administrator Moose provided the following information:  
 Council member Richter has requested that the proposal by Will Carlson to dedicate the parcel at 5550 Odell Avenue to the City for use as parkland, with the reservation of a 60 foot wide public road right-of-way through the parcel, be discussed by the Council in advance of the revised Afton Creek Preserve PLCD Subdivision application being considered by the Planning Commission.

Council member Richter has also requested that the five findings listed in Sec. 12- 2379 B of the PLCD ordinance (and listed below) be reviewed to determine if the application meets these findings before it is moved forward for consideration by the Planning Commission. The City’s Planning Consultant has advised that the five findings are to be used by the Planning Commission and Council in their consideration of the application and as a basis for an action to approve or deny the application, rather than a determination regarding these findings being made prior to review by the Planning Commission and Council.  
 Sec. 12-2379.

B. In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of Administrative Permits, the following additional findings shall be made before the approval of the outline development plan:

1. The proposed PLCD is in conformance with the comprehensive plan.
2. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
3. Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.

- 373 4. The PLCD will not create an excessive burden on parks, schools, streets, and other public facilities  
374 and utilities that serve or are proposed to serve the district.  
375 5. The proposed total development is designed in such a manner as to form a desirable and unified  
376 environment within its own boundaries.

377  
378 Council member Palmquist stated that he wanted this item on the agenda but he does not support doing  
379 this. This is a platted neighborhood, not appropriate to tear a house down and build a road in a  
380 neighborhood.

381 Council member Ross noted that the road here came back into the design because of the cul de sac  
382 ordinance.

383 Council member Nelson asked the City Engineer if they have looked at traffic impacts.

384 Engineer Guilliams answered they are currently studying and will have some comments for the Planning  
385 Commission meeting.

386 Council member Richter stated that the PLCD language says existing parcels cannot be joined to the  
387 PLCD. The developer would be limited to 9 homes; but by allowing this road could have 18. City would  
388 have to arrange to take the land for a park and put in road so it is preexisting in order for the developer  
389 to connect without joining. Then no neighborhood would be safe, anyone could put a road in. The  
390 residents in this area want to be left alone and ask for little.

391 Council member Palmquist agreed that this sets a precedent that he cannot support.

392 Mayor Bend stated that he doesn't have enough information to make decision on this or develop findings.  
393 As a percentage, the input of additional traffic numbers are low. He will not make a decision until all the  
394 facts are available

395 **Motion/Second Richter/Palmquist To instruct the developer that the Odell access will not be**  
396 **approved by the Council because it does not conform to Ordinance 12-2379.**

397 Discussion

398 Council member Palmquist stated that it is premature to pass. Attorney Knaak agreed.

399 Council member Richter stated that we have a sketch plan and if the ordinance is being violated, the city  
400 has to let developer know.

401 City Attorney Knaak pointed out that the council doesn't have a formal dedication which has to be  
402 accepted. This is a worthwhile discussion, but premature as no action item is in front of you.

403 Council member Nelson asked if the 2<sup>nd</sup> access will make it safer by dispersing traffic?

404 City Engineer Guilliams is still reviewing it

405 Council member Ross stated that this seems to have come about due to objections to the second cul de  
406 sac. Agree that splitting a property and putting in a road is a bad precedent.

407 Mayor Bend stated if we allow variances now, then the door opens. He is not inclined to give a variance.  
408 If there are 9 lots, it won't be a conservation development and won't protect the open space and the  
409 environment. We have areas there with 2 acre lots, this would be 12 acre density overall.

410 Council member Palmquist stated he is thinking 50 yrs. down the road and longer term. We want a plan  
411 that is reasonable that we can look at.

412 Council member Richter stated he feels we have all been put in a box from beginning by not looking at  
413 the portion of land that has been set aside.

414 Mayor Bend stated the process on this has been good. We have shared values with different ways to get  
415 there. Key items to preserve open space, protect the environment, and maintain distance between homes.  
416 The DNR and the MN Land Trust identified the ecologically sensitive areas.

417 Council member Richter stated that the city has to consider and represent the residents

418 Council member Nelson stated that this is 224 acres, averaging 12.5 acres per lot. Huge piece of open  
419 space will help protect the groundwater.

420 Mayor Bend stated that other than people in this neighborhood, he hasn't found anyone in Afton that is  
421 opposed to this.

422 **Motion Withdrawn (Richter/Palmquist)**

423

424 5. Comprehensive Plan Update  
425 Council member Palmquist would like to review the redline version again.

426 **Motion/Second: Palmquist/Nelson To table the Comprehensive Plan discussion. Passed 5-0.**

427

428 C5. Appointment of David Husebye to the Natural Resources Groundwater Committee (taken out of  
429 order)

430 **Motion/Second Bend/Palmquist To approve the appointment of David Husebye to the Natural  
431 Resources and Groundwater committee. Passed 5-0.**

432

433 6. Recognition of Barb Ronningen

434 Barbara served on the Planning Commission for 19 years – from 1999 to 2018, including serving as the  
435 Chair for 9 years. Barbara’s thorough knowledge of the Zoning Code, passion for protecting and  
436 preserving Afton’s rural character, her technical expertise in the area of population statistics and her  
437 willingness to devote years to serving the City. Her legacy of dedicated service to the City includes the  
438 protection and preservation of Afton’s rural character for future generations.

439 **Motion/Second Ross/Richter To recognize and thank Barbara for her work and dedication to the  
440 City of Afton. Passed 5-0.**

441

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

443 1. Downton Village Improvement Project

444 Landscaping to begin this spring.

445 **Motion/Second Palmquist/Nelson to award the landscaping contract to Great Northern Landscapes  
446 in the amount of \$84,092.00. Passed 5-0.**

447

448 2. 30<sup>th</sup> St Culvert Replacement

449 At its January 30, 2018 work session, the Council discussed two options for the replacement of the 30<sup>th</sup>  
450 Street culvert and discussed whether 30<sup>th</sup> Street should be improved through a reclamation project in 2018.

451 **Motion/Second Nelson/Richter to approve of the replacement of the whole culvert on 30<sup>th</sup> Street at  
452 a total cost of 113,766.**

453 **Motion withdrawn**

454 **Motion/Second Palmquist/Ross to request bids for the work on 30<sup>th</sup> Street culvert replacement.  
455 Passed 5-0.**

456

457 3. Update of Surface Water Management Plan for Comprehensive Plan

458 **Motion/Second Ross/Palmquist to accept proposal from WSB to update the City’s Surface Water  
459 Management Plan for a cost not to exceed \$7,300. Passed 5-0.**

460

461 4. Expansion of Peterson Management Company Maintenance Contract

462 The City is currently contracting with Peterson Management Company (Peterson) to operate and  
463 maintain the new wastewater treatment system. In response to an inquiry from staff, Peterson has  
464 indicated they are interested in expanding their contract to include the maintenance of the Downtown  
465 Village lift stations, including emergency response. Prior to determining costs for the expanded service  
466 and expanding the contract, Peterson needs to become more familiar with the operation and technical  
467 details of the lift stations, especially the remote communication capabilities. The ability to remotely  
468 monitor and control the lift stations (similar to the way they monitor and control the wastewater  
469 treatment system) is important to them and would have a significant impact on the costs. (Please see the  
470 attached email from Tony Birrittieri of Peterson).

471

472 During the period leading up to the time that Peterson is able to provide a proposal for expansion of  
473 their contract, they would be interested in providing management and 24 hr response for the lift stations  
474 on a time and material basis. During this time, their hourly rate charges would be \$75/hr during normal

475 business hours. Emergency response and nonbusiness hours response would be \$125/hr. Confined space  
476 entry services would be at a rate of \$150/hr. All rates would be per technician.

477 **Motion/Second Ross/Palmquist To accept the proposal from Peterson Management Company for**  
478 **management and 24 hour response for the lift stations in the Downtown Village area, with an**  
479 **hourly rate of \$75/hr during normal business hours, \$125/hr for emergency response and**  
480 **nonbusiness hours response, and \$150/hr for confined space entry services. Passed 5-0.**

481

482

### C. Administration –

483

#### 1. Transfer of general fund surplus

484

While the 2017 Preliminary Financials presented in January showed a surplus of \$145,000, Tom  
485 Niedzwiecki, City Accountant has indicated the actual surplus is \$165,000. He also indicated the  
486 General Fund currently has a sufficient fund balance, so the surplus can be transferred to other Funds.  
487 His suggestions for the use of the 2017 General Fund surplus are as follows:

488

- \$15,000 to Snow and Ice Reserve (Special Activities Fund). Current balance is  
489 \$15,000 all from 2015.

490

- \$10,000 to the City Council Contingency Reserve – currently has only \$230 balance.

491

- The remainder to the Street Improvement Fund.

492

In addition, the Council may want to consider transferring a portion of the surplus to the Land and  
493 Buildings Fund to fund costs related to the construction of the Deputies Facility and to set aside funds for  
494 future improvements and major repairs to City Hall. It appears the City's share of the Deputies Facility  
495 costs will be approximately \$70,000. The Land and Buildings Fund currently has a balance of \$15,586,  
496 and will be reimbursed for \$100,000 of the Deputies Facility cost by the County.

497

**Motion/Second Richter/Ross to approve transfer of funds.**

498

Discussion

499

Council member Palmquist would like to use \$10,000 to restore the path to Steamboat Park and \$5,000 to  
500 screen the generator equipment between the home and levy.

501

Council member Nelson recommended keeping that in the General Fund.

502

Palmquist why 10k into comp plan? Amend to put into

503

Administrator Moore added that there will be money in the Contingency Reserve also

504

**Motion Passed 5-0.**

505

506

#### 2. Afton Historical Museum proposal for review of property file documents

507

Table until next month

508

509

#### 3. Impound contract with Malley's Sunshine Kennel

510

The Hillcrest Animal Hospital, the City's current animal impound provider, has notified the City that,  
511 after February 28, 2018, it will no longer be providing animal impound services. Based on this  
512 information, Afton's contracted Animal Control Officer has contacted a large number of possible  
513 impound facilities in the area, including veterinary hospitals and the Woodbury Humane Society, and all  
514 have indicated that either they are not interested in providing the impound service or they are not taking  
515 any new clients.

516

The Animal Control Officer did suggest the City consider using Malley's Sunshine Kennel near New  
517 Richmond, Wisconsin that she uses for her Wisconsin clients. Staff has talked with the owner, who was  
518 very helpful and provided a contract. The kennel avoids euthanasia if at all possible. They work with  
519 an animal rescue/rehoming organization called Gregory's Gift of Hope, Inc. Staff also checked  
520 references and did not find any concerns.

521

The City Attorney has reviewed the contract and recommended a \$2 million liability coverage amount  
522 vs. the \$1 million limit currently provided by MSK LLC. MSK LLC will look into increasing the  
523 coverage amount, but it may cause the service cost to increase.

524

The routine service costs related to the impounds are relatively similar to the current costs. However,  
525 MSK LLC does charge an annual retainer fee of \$900, or \$75.00 per month.

526 Term and Cancellation: The term of the contract is one year. The contract can be cancelled with a 30  
527 day notice. Staff recommends the 30 day period be increased to 60 or 90 days or more, due to the  
528 difficulty of finding alternate service providers.

529 **Motion/Second Bend /Nelson To approve contract with Malley's Sunshine Kennels. Passed 5-0.**  
530

531 4. Pay Voucher No. 10 from Geislinger and Sons, Inc. for the Downtown Improvement Project

532 **Motion/Second Ross /Palmquist To approve payment of Pay Voucher No. 10 from Geislinger and**  
533 **Sons, Inc. for the Downtown Village Improvement Project in the amount of \$127,450.58. Passed 5-**  
534 **0.**

535  
536 5. Appointment of David Husebye (done, taken out of order)  
537

538 6. Volunteer Commission Reappointments

539 **Motion/Second Palmquist / Ross To reappoint Lucia Wroblewski to a three year term on the**  
540 **Planning Commission expiring on February 15, 2021, and to reappoint Kathy Bolton Iverson and**  
541 **Jim Randers each to a three year term on the Design Review/Heritage Preservation Commission**  
542 **expiring on February 15, 2021. Passed 5-0.**  
543

544 7. Position Reclassification and Pay Adjustments

545 The Personnel Committee has completed position reclassification processes for the Office Assistant  
546 position and the Public Works Supervisor position. This process has involved a job evaluation process  
547 and an external salary comparison process.

548 **Motion/Second Ross/Palmquist To set the job value of the Public Works Supervisor position at 230**  
549 **points. Passed 5-0.**  
550

551 **Motion/Second Ross/Nelson To set the pay range of the Office Assistant position at \$19.00/hr.-**  
552 **\$22.00/hr, and to set the pay range of the Public Works Supervisor position at \$25.00/hr-\$33.00/hr.**  
553 **passed 5-0.**  
554

555 **Motion/Second Palmquist/Ross To increase the pay rate of the Office Assistant position to**  
556 **\$21.00/hr and to increase the pay rate of the Public Works Supervisor position to \$26.00/hr. Passed**  
557 **5-0.**  
558

559 8. Cab for Tractor/Snowblower

560 The Council has authorized the Public Works Supervisor to snow blow the sidewalks along St. Croix Trail.  
561 The tractor used for the snowblowing does not have a cab. The experience of snowblowing in subzero  
562 weather has demonstrated the need to provide a cab for the tractor. The cost of a cab with a safety glass  
563 windshield and windshield wipers and a small heater is \$1,368.00.

564 **Motion/Second Palmquist/Nelson to approve the purchase of a hardtop cab for the snowblower**  
565 **tractor, including a safety glass windshield and windshield wipers and a heater, at a cost of \$1,368.**  
566 **Passed 5-0.**  
567

568 9. Application for Grant from Washington County CDA - Resolution 2018-12

569 The Washington County CDA has developed a grant program to increase the availability of shovel-ready  
570 properties in the County as a way to facilitate economic development. The program provides grants,  
571 with a 20% local match, to fund environmental studies, engineering studies and reports, and other  
572 activities that can assist a property to be prepared for development. The grant could be used to determine  
573 the extent of buildable areas and the underlying soils, as well as to conduct storm water feasibility  
574 studies, so that a potential business would know what it would take to build a road or a building on a  
575 parcel. Chris Eng, Washington County Economic Development Director, has advised the City of a  
576 quality business that is looking to relocate in the east I-94 area. The City's I.I.c zone would be a great  
577 option, if some preliminary questions regarding the buildability of the land could be answered. This is

578 the purpose of the Predevelopment Finance Fund grants. Mr. Eng has suggested the City apply for a  
579 grant of \$10,000, with a \$2,000 local match.

580 **Motion/Second Palmquist /Richter To adopt Resolution 2018-12 authorizing an application for a**  
581 **CDA Predevelopment Finance Fund Grant with condition that 20% match be pass-through to**  
582 **property owner. Roll Call: All Aye, passed 5-0.**

583  
584 10. Schedule Public Information Meeting Regarding PFCs  
585 Table item

586  
587 11. Schedule Work Session on 28<sup>th</sup>  
588 **Motion/Second Bend/Nelson To schedule a City Council work session for February 28<sup>th</sup> at 5:00.**

589  
590 12. Schedule Special Meeting with Closed Session  
591 **Motion/Second Bend/Nelson To schedule a Special Council meeting for a closed session to discuss**  
592 **the Afton Marina Assessment Appeal on February 28 at 6:30 p.m., following the work session**  
593 **scheduled for 5:00 p.m. Passed 5-0**

594  
595 **Motion/Second Palmquist/Richter To un-table item 10 and identify possible dates in late March for**  
596 **a public information meeting regarding PFC's and well testing. Passed 5-0.**

597  
598 **D. Committee Reports**

- 599 1. Public Works – meeting tomorrow is canceled  
600 2. Personnel – signing at bank next week  
601 3. Parks – nothing  
602 4. Heritage Preservation Commission / Design Review – nothing  
603 5. Natural Resources and Groundwater – no quorum

604  
605 **10. COUNCIL, CONSULTANT, AND STAFF REPORTS, ANNOUNCEMENTS, AND UPDATES**

- 606 A. Ward 1 Council Member Palmquist – has been receiving calls from residents wanting to pre-pay  
607 assessments. People were expecting a letter with invoice. Send letter and allow for extension.  
608 B. Ward 2 Council Member Richter – nothing.  
609 C. Ward 3 Council Member Ross –. Chromebook review: did not like. Nothing local, all cloud based. If no  
610 internet connection it does nothing. Richter asked about Surface. Ross will look into if there is a  
611 returnable option / trial.  
612 D. Ward 4 Council Member Nelson – interested in road list  
613 E. Mayor Bend – Award application for downtown project  
614 F. City Attorney Knaak – no report  
615 G. City Administrator Moorse – no report

616  
617 **11. ADJOURN –**

618 **Motion/Second Bend/Nelson to adjourn. Passed 5-0**

619 Meeting adjourned at 11:21pm

620  
621  
622  
623  
624 Respectfully submitted by:

625  
626  
627  
628 \_\_\_\_\_  
629 Julie Yoho, City Clerk

