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

APPROVED City Council Regular Meeting Minutes
March 17, 2020
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 Bill Palmquist
2. **THE PLEDGE OF ALLEGIANCE** – was recited.
3. **ROLL CALL:** Mayor Palmquist, Council Members Lucia Wroblewski, Randy Nelson. Absent were Annie Perkins, Stan Ross (both excused). **A Quorum was present.**
- ALSO PRESENT:** City Administrator Ron Moorse, City Attorney Fritz Knaak
4. **APPROVAL OF AGENDA** –
Mayor Palmquist modified and shortened the agenda keeping only items 6, 8, 9A1, 9A2, 9 B1, 9c1, 9c2.
Motion/Second Palmquist/Wroblewski to approve the agenda for the March 17, 2020 Regular City Council meeting with changes noted. Passed 3-0.
5. **APPROVAL OF MINUTES**
Item not addressed this month
6. **PUBLIC INPUT** –
None
7. **REPORTS/PRESENTATIONS** –
Item not addressed this month
8. **CONSENT AGENDA**
A. Just and Correct Claims
B. 4M Fund Transfer January & February – Resolution 2020-16
Motion/Second Nelson/Wroblewski to approve Resolution 2020-16 4M Fund Transfers for January and February. Roll Call: All Aye, Passed 3-0.
9. **CITY COUNCIL BUISINESS**
A. Planning Commission Report – (PC report & Draft PC minutes)
1. Brooks Variance Application – Resolution 2020-17
Administrator Moorse provided a summary of the variance application to enable the existing house and detached garage on the property at 14186 Valley Creek to be replaced with a new house with an attached garage in a similar location. The existing house is located in a narrow area between Valley Creek and Valley Creek Road. The required setbacks to Valley Creek and to Valley Creek Trail overlap, leaving no area for a house that can meet the required setbacks.
- Council member Nelson asked about the one “no” vote on the planning commission.
(Discussion was held in the planning commission regarding buying a property with difficulties and strict interpretation with variances).

53 **Motion/Second Wroblewski/Nelson to approve Resolution 2020-17 approving the Brooks Variance**
54 **application at 14186 Valley Creek Trail with findings and conditions listed.**

55 **Findings**

- 56 1. The subject property is located in the Rural Residential zone, as are all surrounding
57 properties.
- 58 2. The property contains several existing structures, including a house and detached double
59 garage, all of which have nonconforming setbacks.
- 60 3. The required setbacks to Valley Creek and to Valley Creek Trail overlap, leaving no area
61 for a house that can meet the required setbacks.
- 62 4. The proposal would eliminate a detached double garage with a setback from Valley Creek
63 of 58.9 feet, in favor of an attached double garage with a setback from Valley Creek of
64 61.1 feet.
- 65 5. The proposal would retain an existing gazebo and patio with setbacks of 27.1 feet and 17.8
66 feet respectively from Valley Creek.
- 67 6. The proposal would retain an existing detached single stall garage with a side yard setback
68 of 12.5 feet.
- 69 7. The Brooks parcel is irregularly shaped, partially due to the adjacent property to the east
70 extending north to a point near the existing house and garages, and well within the setback
71 of Valley Creek, which substantially limits the buildable area of the parcel.

72 **Conditions**

- 73 1. The house, with attached garage, shall be constructed according to the revised plans
74 submitted at the March 2, 2020 Planning Commission meeting, except as the plans may be
75 revised by the Council or as revisions of plans may be approved by the Council.
- 76 2. All grading, drainage and erosion control issues shall be subject to review and approval,
77 both before and during construction, by the City Engineer, and by the Valley Branch
78 Watershed District if the project meets permit thresholds.
- 79 3. The existing detached double garage shall be removed from the property prior to issuance
80 of the building permit for the house.

81
82 Council member Wroblewski stated that significant changes were made to the application after
83 discussion with the planning commission. The property needed significant upgrading.
84 Mayor Palmquist stated that he appreciates the work that was done on this.

85 **Motion vote**

86 **Roll call: All Aye, Passed 3-0.**

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88 2. Short Term Rentals ordinance

89 Administrator Moose provided the following summary: A public hearing was held on the Short Term
90 Home Rentals Ordinance at the March 2, 2020 Planning Commission meeting. A small number of
91 residents attended the hearing and provided feedback regarding the ordinance. One comment
92 suggested that the City should not adopt an ordinance to address a potential few property owners who
93 may cause problems. Another comment suggested that safety should be the first priority. A third
94 comment suggested that a property should not be required to be homesteaded in order to have short
95 term rentals.

96 The Planning Commission recommended the adoption of the ordinance with the following three
97 additional revisions.

- 98 • Revise the language regarding the number of guests and exclude children under the age
99 of 12 from the calculation of the number of guests.
- 100 • Require the number of bedrooms in the application to match the number of bedrooms
101 reflected in the County's property tax records.
- 102 • Add an additional reason for license revocation as follows: If a licensee advertises the
103 property in a way that conflicts with any limitation of the ordinance.

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Mayor Palmquist noted that the reference to “or sleeping areas” in item J needs to be deleted.

Also:

- Item H performance standards, item #2, doesn't feel we should have a maximum length of stay; or change language to “maximum length of stay as it pertains to this ordinance is 30 days”.

- Item # 5 guest records would delete portion after “for all guests”. Can city request this?

Attorney Knaak stated that we can request within reasonable period of time; 48 hrs. is reasonable.

No changes need to be made.

- Item #7 maximum number of vehicles needs to be defined

Attorney Knaak stated they provide that information to us in the plan and it is reviewed. No changes need to be made.

- Insurance #12 must provide proof of property insurance “as determined by zoning administrator”
L4b add text “as determined by zoning administrator”

Council member Wroblewski add language to item L.4g. “conflicts with condition or requirement/limitation of this ordinance”.

Also:

- Landowner or lessee language in other ordinance – does that include short term rental? Concern is over discharge of firearms at short term rentals and renters not knowing the ordinances.

Attorney Knaak suggested language for the ordinance: “no lessee under this ordinance shall be considered a lessee for benefits under section 14.1”.

Council member Nelson stated he doesn't see upside for the city on allowing these rentals. Concern over noise, traffic and mainly over septic. Also has concern over getting the word out on the ordinance, concern over enforcement. Septic noncompliance should be fined heavily. Would favor banning.

Mayor Palmquist stated he feels we need to have something on the books.

Council member Wroblewski stated she feels it's better to have an ordinance to respond to potential problems.

Attorney Knaak stated it needs to be laid out clearly.

Motion/Second Palmquist/Wroblewski to approve Ordinance 03-2020, an ordinance amending chapter 12 Land Use to add section 12-232 related to Short Term Home Rentals as amended at this meeting.

Noncompliance fee schedule will be developed.

Council member Nelson stated there needs to be a heavy noncompliance fee for septic.

Council member Wroblewski stated there also needs to be a high fee for advertising without a license.

Roll call vote: Wroblewski Aye, Palmquist Aye, Nelson Nay. Passed 2-1

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

1. River Road Sanitary Sewer Sub-Project update and Capra Pay Voucher No. 1

Motion/Second Palmquist/Wroblewski to approve paying Pay Voucher No. 1 pending staff confirmation that required gravel work has been completed. All Aye, Passed 3-0.

C. Administration –

1. Pay-off of Downtown Project Temporary Bonds

Motion/Second Palmquist/Wroblewski to pay-off of the Downtown Improvement Project temporary bonds in the amount of \$1,995,345 using the current balance of \$1,271,118 in the Infrastructure fund, additional revenues to be received prior to April 1, and splitting a temporary internal loan of \$590,000 from the Special Revenue Fund and the Street Capital Improvement Fund. All aye, Passed 3-0.

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2. Gerhke Property Exchange

Discussion was held on the exchange option of the original 5-acre parcel with 4 of the acres placed under a conservation easement. This option eliminates many of the concerns of Mr. Gehrke Council member Nelson asked about identifying a secondary septic location on the lot. Administrator Moorse stated that would have to be done prior to closing, along with conservation easement recording.

Motion/Second Palmquist/Nelson to proceed with the Gerhke property exchange and come back next month with application for simple subdivision if we are to proceed.

Administrator Moorse stated that the subdivision needs to be done first. Council member Nelson recommended contacting the county and Belwin again to be sure this works. Council member Wroblewski recommended we talk to Mr. Gerhke again.

Motion vote: All Aye, Passed 3-0

3. COVID-19 planning

Administrator Moorse explained the procedures at city hall to eliminate face to face contact.

Motion/Second Palmquist/Wroblewski To cancel all committee meetings in April except Public Works which will be held via conference call. Passed 3-0.

Motion/Second Palmquist/Nelson To authorize staff to continue measures at city hall until Coronavirus cases begin to decrease rather than increase. Passed 3-0.

Motion/Second Palmquist/Nelson To authorize staff to purchase conference call equipment to allow all members to call in, not to exceed \$500. Passed 3-0.

Mayor Palmquist would like to help connect and organize volunteers with people needing assistance. Community Thread may be working on this, information will be posted on the city website.

D. Committee Reports - Item not addressed this month

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

Item not addressed this month

11. ADJOURN

Motion/Second Nelson/Wroblewski to adjourn. Passed 3-0.

Meeting adjourned at 8:25 PM.

Respectfully submitted by:

JY
Julie Yoho, City Clerk

Approved by Council April 21, 2020 as (check one): Presented: X Amended: _____

Mayor Bill Palmquist _____ Date _____