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

APPROVED City Council Regular Meeting Minutes
January 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 Diane Hankee, Planning Commission Chair Barbara Ronningen and City Administrator Ron Moore. City Accountant, Tom Niedzwiecki, joined the meeting in progress.

4. **APPROVAL OF AGENDA** –

A. Agenda for the Regular City Council Meeting of January 19, 2016 – Added Item 7E, recognizing Kenn Kopitzke for his many contributions to the City of Afton.

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

5. **APPROVAL OF MINUTES** -

A. Minutes of the December 15, 2015 City Council Work Session –

Motion/Second: Richter/Palmquist. To approve the minutes of the December 15, 2015 Regular City Council meeting as presented. Motion carried 5-0-0.

6. **PUBLIC INPUT** – none.

7. **REPORTS/PRESENTATIONS** -

A. Sheriff's Monthly Report – Deputy Sullivan was in attendance and gave the annual report 1,841 case reports, up 282 from 2014. Water and traffic enforcement were higher than they'd ever been. Phone calls asking for money have been happening again; these calls are not legitimate.

B. Jim Bougie, Finance Committee Report – Bougie did not have the year-end data. The Mayor indicated that the City Accountant and the Finance Committee should meet so that appropriate information, in addition to what the City Accountant gives to Council, can be answered.

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

D. Lower St. Croix Fire District Report – Nelson reported that the fire sign is moving forward. Mayor Bend reported the city had 49% of the calls last month, so the city is getting its money's worth. There should be a savings of \$85,000 next year.

E. Recognition of Kenn Kopitzke – The Mayor reported on the passing of Kenn Kopitzke, who served many years on City Council and as a former mayor. He was a civil engineer at MNDOT and also served on the Public Works Committee. Council members noted that Kenn was a rich source of knowledge and history for Afton and was a big part of the Afton Museum activities. He will be greatly missed.

8. **CONSENT AGENDA** –

A. Just and Correct Claims

- 54 **B. 4M Fund Transfer - DECEMBER - Resolution 2016-01**
- 55 **C. 2015 Regular Meeting Schedule – Resolution 2016-02**
- 56 **D. Renew 4M Joint Powers Agreement – Resolution 2016-03**
- 57 **E. Designate Official Depository – Resolution 2016-04**
- 58 **F. Designate Official Newspaper – Resolution 2016-05**

59
60 **Motion/Second: Richter/Nelson. To approve the Consent Agenda as presented, including Resolutions**
61 **2016-01, 2016-02, 2016-03, 2016-04 and 2016-05. ROLL CALL: All Ayes. Motion carried 5-0-0.**
62

63 **9. CITY COUNCIL BUSINESS -**

64 **A. Planning Commission Report** –Chair Barbara Ronningen reported for the Planning Commission:

65 1. Nature’s Trees, dba St. Croix SavATree, Variance Application at Hudson Road Property with PID#
66 06.028.20.24.0002 – Resolution 2016-10 – Administrator Moore reviewed the variance application for
67 St. Croix SavATree to construct its Minneapolis/St. Paul headquarters facility on a 5.9 acre site in the northeast
68 corner of the property on Hudson Road. St. Croix SavATree requested two variances: one to reduce the
69 landscaped buffer zone from 50 feet to 25 feet on the south side and from 100 feet to 25 feet on the east side; the
70 other was to allow steel siding as the main exterior building material. Moore explained that the City Attorney’s
71 opinion was that the 2009 ordinance language was not updated on the 2010 codified version posted to the
72 website. The Attorney noted that the 2009 ordinance is valid, but in this particular case, steel siding would be
73 allowed as an exterior building material because the applicant relied on the 2010 codified and posted ordinance.
74 It was noted that there are regulations in the code that restrict the amount of steel allowed and that brick and
75 glass must be 80% of the walls if steel wall panels are used. The Planning Commission recommended denial to
76 Council for the landscape buffer variance request based on the following findings:

- 77 1. The applicant had not shown a practical difficulty that the landscape buffer requirements were
78 not allowing the property to be put to a reasonable use. The applicant’s current design and site
79 layout caused the problem.
- 80 2. The difficulty is not due to the unique characteristics of the property, but is being created by
81 the applicant.
- 82 3. Granting a reduced landscape buffer would alter the character of the neighborhood.

83 Mayor Bend stated that the application of the ordinance would be to have 20% on the three sides that face
84 residential and public ways (north, west and east) as steel wall panels and 80% architectural materials.

85 Palmquist stated that the exterior building materials and landscaped buffer issues on the east side, adjacent
86 to residential, didn’t seem as important because there is a power line easement that nothing can be built under.
87 He felt the 95% opacity of planted materials could be done in 25 feet. He felt it was important to maintain the
88 natural rise of the parcel to the west, which is what is forcing the building to the location that has been proposed.

89 Nelson felt a 25 foot landscaped buffer on the east would be enough because of the 200 foot power line
90 easement adjacent to the residential zone. He understands the next parcel to the east was purchased by a church
91 group and that use might be seen as more “industrial” than housing, therefore, the Nature’s Trees facility would
92 fit into the neighborhood with only a 25 foot buffer.

93
94 **Motion/Second: Bend/Richter. To adopt a drafted Resolution 2016-10 which provides that the applicant**
95 **is removed from the obligation to comply with the Ordinance 07-2009, per the City Attorney’ legal**
96 **opinion, but is required to comply with exterior building materials and percentages for facing materials**
97 **on walls per the City Code in place prior to the adoption of Ordinance 07-2009.**
98

99 Council Discussion

100 Richter felt it important to consider the impact of the parcel on the surrounding properties. He stated that the
101 City spent years considering every detail of the Downtown improvements: the trees, the height of the light poles,
102 imprint on the concrete sidewalks, how all items are going to affect the atmosphere, etc. He asked how is it that
103 the Council wouldn’t take that same amount of consideration in this Industrial Zone?

104 Palmquist ~~felt that the Industrial Zone does not have the same level of standards for surrounding parcels. He~~
105 reiterated that the frontage on Hudson Road should look different, but didn't think the other three sides in the
106 Industrial Zone needed to follow the standards. He felt it was impractical.

107 Richter felt concern for the residents in the surrounding neighborhoods that would be interested in the
108 quality of the building materials and the landscape buffers that the city requires.

109 Bend spoke about the history of the parcel, in that a lot of money went into the litigation concerning the
110 parcel that prompted the 2009 ordinance language, which is more restrictive than the requirements in the entire
111 Industrial Zone. He explained that the zoning on the parcel was Rezoned from Rural Residential to Industrial
112 ~~under~~ changed to comply with the terms of the litigation settlement, at which time three of the current council
113 members fought very hard to set a higher quality of building materials designated for that parcel, because it was
114 adjacent to residential and seen as a "gateway" to Afton.

115 Nelson stated the highest standards were the ones put on the property when it was first rezoned. He also said
116 that the property was not rezoned as a result of the litigation, it was rezoned before the lawsuit. Nelson didn't
117 agree with the Findings listed on Resolution 2016-10. He felt that the parcel does have unique characteristics, in
118 that the natural rise of the topography to the west lends itself to being a buffer. He also felt the reduced buffer of
119 25 feet on the east would not alter the characteristics of that residential neighborhood. He felt the power line
120 offered enough of a buffer for the parcel and the proposed building.

121 Mayor Bend asked how the power line creates a visual buffer, since they restrict any plant material from
122 growing underneath it.

123 Palmquist ~~tried to look at the power line as a practicality, not from a policy standpoint, that it is a large open~~
124 ~~space between the parcel and a residential zone.~~ stated that we have real practical issues to deal with in our
125 ordinances, but he was trying to look at the power line not necessarily from a policy standpoint but from a
126 common sense standpoint. No matter what is on the other side you will be looking at the high voltage power
127 lines from the Rural Residential district, and there is nothing the city can do to change that, nor can the
128 applicant.

129 Richter stated that when the residents who bought houses in that area, they envisioned another residential
130 neighborhood similar to theirs. That was taken away from them. The City countered with requiring higher
131 standards of building materials in the area rezoned from Residential to Industrial IIc.

132 Bend reminded the applicant that a buildable lot which requires for its use a variance is not permitted in
133 Afton by ordinance. This lot is being configured for acquisition for this particular use and if this use requires a
134 variance, they cannot get a variance. This is so that lots don't get created with variances to the zoning
135 regulations of the City. It is not the Council's obligation to enable the purchaser to acquire a lot in order to avoid
136 setbacks. He pointed out state statute language, which states, "the need for a variance is not created by the
137 owner." The current owner of this property is wanting to sell off this portion which requires variances for the
138 proposed use. He spoke in support of the applicant and their company and its services and felt Afton was a good
139 fit. He commended the Council at the time of the Rezoning litigation for their vision that this Industrial zone
140 have a higher standard of building materials.

141 Richter affirmed that the ordinances are in place for a reason and that another use could come along and not
142 need variances, they could meet all the standards, and they could keep the natural topography as well; so this
143 parcel is not unique in that it cannot be put to a reasonable use.

144 Palmquist felt the applicant was meeting all the standards related to the building.

145 Bend pointed out that the only reason impervious standards would be met by this application were that the
146 applicant shifted their driveway off of their parcel onto an adjacent parcel. He pointed out the driveway
147 ordinance requirement was missed when the application was brought in. The matter of the driveway being
148 placed off of the parcel, and later giving access to another future parcel, would require it to become a public
149 road, and that issue has not been addressed with an application. By not having the driveway on their own parcel,
150 the applicant has avoided a violation of the City's impervious surface requirement.

151 Administrator Moorse clarified that in the discussion it was noted the driveway could be enhanced to meet
152 standards to become a public road when other parcels were developed.

153 Ross asked for clarification on the requirement that the applicant does not own the property and therefore
154 cannot ask for a variance.

155 Bend stated that Moorse had clarified that the applicant only needs to have “an interest in the property” in
156 that they have a signed purchase agreement, conditional on the parcel meeting the requirements for their use.
157 The applicant had said that, for economic reasons, this is the size of the parcel they propose to purchase,
158 therefore requiring the variances -- even though economic reasons are not allowed under state statute for
159 granting a variance.

160 Ross asked if the steel siding is the only feasible exterior building material.

161 The applicant stated that steel is their preferred building material. They pointed out with two sides being
162 large garage doors, there is no way that those sides are not going to appear as steel.

163 Ross asked how this might impact future applications.

164 Richter brought up that when the Council debates whether to use asphalt shingles or cedar shakes on a park
165 building and why that is important to the Village and its residents, why would Council give away the higher
166 architectural standards required of this Industrial Zone, just because it is located along Hudson Road?

167 Palmquist stated that he lost that debate, and the council elected to replace the higher quality cedar shakes
168 with asphalt shingles.

169 Bend pointed out that the “shingle” decision on the park building was purely discretionary in nature, but this
170 application considers state statute and city ordinance standards. He questioned, absent a valid justification for
171 meeting the state-wide criteria for granting a variance, some members of Council want to grant a variance
172 anyway? Is it because Council doesn’t care what residents see when they walk by the Industrial property or
173 because Council doesn’t care that a church is adjacent to the Industrial Zone, that they feel it’s okay to grant
174 variances that violate state statute? He felt that the City Council needs to enforce the city ordinances as they are
175 drafted, being sensitive to true needs for variances not created by the landowner. He pointed out that this
176 applicant created the need for the variances by not purchasing the size parcel they would need for their use.
177 Bend furthered, if the City wants high quality building materials in this zone, as the agreement for the rezoning
178 was drafted into ordinance, and the City allows this variance, then future applicants may drive up there, see the
179 building, and have to decide: Is this a high-rent area or a low-rent area? They may determine they want a high-
180 quality area to maximize their tax base. Bend wants to see a good tax base in Afton driven by this Industrial
181 zone, not the lowering of desirability or tax base of the area by granting variances which don’t follow the
182 carefully crafted ordinances of the City.

183 Nelson contended that in the future, applicants will have to adhere to the higher quality materials as created
184 in the 2009 ordinance language.

185 Bend asked, if Council doesn’t enforce the 80% “lower quality” building material requirement that is being
186 offered to these applicants [from ordinance language in effect prior to 2009], how will the City enforce the
187 restrictions of higher quality building materials the City has now in that Industrial Zone? He didn’t believe the
188 ordinances would be enforced.

189 Palmquist suggested flexibility for strictly enforcing the 20% steel on three sides. The east and west walls
190 have steel garage doors and it may be impractical to require the 80% architectural materials.

191 Bend felt the City has a valid reason for excluding the garage doors from the wall surface calculations,
192 as they are not wall panels. He pointed out that the language this applicant is being held to is prior to
193 Ordinance 07-2009, and requires that all walls be subject to the ordinance [inserted here for clarity]:

194 *“...buildings constructed of curtain wall panels of finished steel, aluminum or fiberglass shall be*
195 *required to be faced with brick, wood, stone, architectural concrete cast-in-place or precast concrete*
196 *panels on wall surfaces abutting public rights-of-way, a residential zoning district, or public areas.*
197 *The required wall surface treatment may allow a maximum of 20% of the metal or fiberglass wall to*
198 *remain exposed if it is coordinated into the architectural design and is similar to the building*
199 *frontage. Said requirement shall apply to all exterior walls.”*

200 Mayor Bend called the question.

201

202 **ROLL CALL: Nay-Ross, Palmquist, Nelson; Aye-Richter, Bend. Motion failed 2-3-0.**

203

204 **Motion/Second: Palmquist/Nelson. To adopt a Resolution 2016-10 for Nature’s Trees dba St. Croix**
205 **SavATree that approved both the buffer width variance and the exterior building material variance for**
206 **the property on the northeast 5.9 acres of the parcel off Hudson Road with PID 06.028.20.24.0002.**

207 **With a Friendly Amendment by Bend/ accepted by Palmquist and Nelson. To use portions of his proposed**
208 **resolution, particularly the findings in his proposed resolution regarding the building materials variance,**
209 **as he believed his findings were more comprehensive than the findings in the resolution drafted by staff.**

210
211 As part of the Mayor’s friendly amendment proposal, Council members and staff worked through the drafts of
212 various resolutions to identify the final conditions and findings of fact.

213
214 **ROLL CALL: Ayes-Nelson, Ross, Palmquist; Nays-Richter, Bend. Motion carried 3-2-0.**

215
216 [It was found, after the meeting, that when staff re-drafted the resolution tracking the discussion and Council
217 members’ notes, that there was not general agreement on the motion that was voted upon. Therefore, it is being
218 advised that the city send a 60-day extension letter to the applicant (if needed) and Council will need to
219 reconvene to decide the matter of this Resolution.]

220
221 2. Update on Solar Power Hour Held at the January 4, 2016 Planning Commission Meeting – Chair
222 Ronningen reported on the large turnout for the presentation for the alternative of solar energy. She mentioned
223 that all of the materials are available on the City website’s home page.

224
225 **A point of clarification** was called by Richter on the City Attorney whether Council should provide direction
226 through a motion to incorporate Ordinance 07-2009 into the City Code. Attorney Knaak advised that it could be
227 done to iterate that the Council does agree that Ordinance 07-2009 remains a decision of the Council and it
228 should therefore be incorporated into the City Code. No Public Hearing is required.

229
230 **Motion/Second: Richter/Palmquist. To incorporate Ordinance 07-2009 into Chapter 12 of the City Code**
231 **of ordinances. With Friendly Amendment by Bend/accepted by Richter and Palmquist. To direct staff to**
232 **incorporate any other ordinance changes that were the subject of the court approved settlement between**
233 **FOC and the City of Afton that may have been inadvertently left out of the 2010 codification. Motion**
234 **carried 5-0-0.**

235
236 Administrator Moose indicated that Ordinance 07-2009 will be incorporated immediately, however, it may take
237 some time to verify if other ordinances have been left out.

238
239 **B. Engineering Report** – City Engineer Diane Hankee updated the City Council:

240 1. 33rd Street Design – Hankee presented the newest design the engineers worked on with both
241 property owners. The Afton House would like to expand their patio 2 to 3 feet into the right-of-way on the
242 northeastern side of the street and staff directed them to work with the City as a separate project and approvals.
243 This area will be restored with green space. She indicated there may be other considerations to be decided on the
244 south sidewalk. Parking will be put back the way it is now.

245 Palmquist requested that action on the plan be put off until February, so that all items, while agree upon, be
246 totally worked out prior to Council action.

247 Bend had understood that the Afton House was interested in using some of the City’s right-of-way. Based
248 on the valuation by the Afton House of their property (being a much higher valuation than what the City thought
249 it was worth) in terms of what the City was seeking for an easement, he is not inclined to give any right-of-way
250 use to the Afton House. He still felt the proposed design would be attractive and be a win-win for all.

251 Nelson asked for clarification on the section in front of the Current restaurant that shows parking, which will
252 be eliminated and replaced with green space.

253 Council members felt the new design will give an improvement of the streetscape.

254 Hankee pointed out that the parking on the south side will “jog” to the north to accommodate the sidewalk
255 and parking.

256
257 **Action on the revised 33rd Street design was moved to the February 16 City Council meeting.**

258

259 **Item 7C. Tom Niedzwiecki, Budget Report** – Administrator Moose suggested that City Accountant
260 Niedzwiecki give his Budget Report at this time.

261 Mayor Bend asked Niedzwiecki about the cash flow report from the 4M Fund and what it shows the
262 Council. He also had questions about who is authorized to make transfers to and from the 4M Fund and how it
263 works.

264 Niedzwiecki described making deposits to the bank and requesting checks from the checking account. He
265 described how it relates to the 4M Fund. At the end of each day the deposits and checks that clear the bank go
266 through to the 4M Fund, either positive or negative, from the bank. The 4M Fund was originally set up by the
267 League of Minnesota Cities. The City earns interest income each day and a small deduction fee is taken out for
268 using the 4M Fund. Checks only interact with the General Fund. The City Accountant makes the internal
269 transfers into specific accounts of the General Fund.

270 Niedzwiecki reviewed the preliminary Year-End Financials, which estimated some of the expenses and
271 revenues that haven't come in for the end of the year. The General Fund has a favorable amount of \$98,000.
272 Property tax revenue being paid up to the end of the year do not come in until February, estimated at about
273 \$20,000. He pointed out some significant differences in some categories between budgeted and actual expenses
274 for 2015: Intergovernmental has a favorable \$9,600 credit for agriculture property; Licenses, Fees & Permits is
275 favorable by \$58,000; Wages and Benefits is favorable by \$11,000 (in part from the City having no intern this
276 year). He reviewed the various deficits or favorable differences in each account and category.

277 Council members felt that having Niedzwiecki come to report at the meetings has been very helpful.
278

279 **C. Administration –**

280 Item 3. Designate City Engineer – Resolution 2016-08 – [This was moved up from Item 3 to
281 accommodate the City Engineer's schedule.] Administrator Moose summarized that the City Engineer is
282 designated every year. The Council approved the WSB 2016 Rate Schedule last month.

283
284 **Motion/Second: Bend/Ross. To adopt Resolution 2016-08 designating the firm of WSB as the City
285 Engineer. ROLL CALL: All Ayes. Motion carried 5-0-0.**

286
287 1. 2016 Annual City Appointments – Resolution 2016-06 – Council discussed appointing to the
288 positions listed as #14, #16, and #18. All were in agreement as to the other appointments, which remained the
289 same as 2015.

290
291 **Motion/Bend: Nelson/Bend. To adopt Resolution 2016-06 filling appointments on the 2016 Annual City
292 Appointments as proposed, including Judy Seeberger for the Yellow Ribbon Network, to aggressively seek
293 someone to appoint as the MSCWMO Representative, and to come back with information about what the
294 Lower St. Croix Partnership Team does before making an appointment. ROLL CALL: All Ayes. Motion
295 carried 5-0-0.**

296
297 2. Designate City Attorney and Prosecution Attorney – Resolution 2016-07 – Administrator Moose
298 indicated that the firm of Holstad and Knaak have been the City Attorney and Prosecuting Attorney for the City
299 for several years.

300
301 **Motion/Second: Richter/Nelson. To adopt Resolution 2016-07 designating the firm of Holstad and Knaak as the
302 City Attorney and Prosecuting Attorney. ROLL CALL: All Ayes. Motion carried 5-0-0.**

303
304 4. Designate Official 2016 City Signatories for Payroll and Checks – Resolution 2016-09 –
305 Administrator Moose summarized that four official signatories need to be designated for signing payroll and
306 checks; two from Council and two from staff. Council designees are proposed as Council Member Nelson and
307 Mayor Bend; staff are the City Administrator and Deputy Clerk.
308

309 **Motion/Second: Richter/Palmquist. To adopt Resolution 2016-09 designating the official signatories for**
310 **payroll and checks as Council Member Nelson and Mayor Bend; staff are the City Administrator and**
311 **Deputy Clerk. ROLL CALL: All Ayes. Motion carried 5-0-0.**
312

313 5. 2016 Fee Schedule Ordinance Amendment – Ordinance 01-2016 – Administrator Moore reviewed
314 that the last time the fee schedule was updated was 2013, when the City realized the Liquor License fees were much
315 below other cities. Council agreed to increase the license fees incrementally over a series of years, so as not to burden
316 liquor license holders. He summarized that while most of the fees are not recommended to be changed, a number of
317 fees are recommended for increases. Moore explained that:

- 318 • Afton’s on-sale liquor license fee is lower than in other cities, i.e. Bayport’s fee is \$2,000 and Lakeland’s
319 fee is \$1,600. In 2013, Afton’s fee was increased from \$1,000 to \$1,200, with the plan to continue to
320 increase it incrementally each year. Because the fee was not increased in 2014 or 2015, it is
321 recommended the fee be increased to \$1,600.
- 322 • Afton’s off-sale liquor license is also lower than other cities. It is recommended the fee be increased
323 from \$100 to \$200. [Maximum allowable fee is \$240.]
- 324 • The Peddler/Solicitor license fee is recommended to increase from \$25 to \$50.
- 325 • The fee for rezoning from Ag Preserve to Agricultural is proposed to be reduced from \$350 to \$150.
326 This action requires minimal staff effort beyond processing the application and ensuring the property’s
327 Ag Preserve certification has expired.
- 328 • Staff had also added the Solid Waste Hauler annual fee, as it had been missing from previous years’ lists.

329
330 Council Discussion

331 Palmquist suggested the On-Sale License go from its current \$1,200 to \$1,400 and for Off-Sale to go
332 from \$100 to \$150.
333

334 **Motion/Second: Palmquist/Richter. To adopt Ordinance 01-2016 the City’s Fee Schedule for as**
335 **presented, but amending the Liquor License fees as amended in the Council Discussion above. ROLL**
336 **CALL: All Ayes. Motion carried 5-0-0.**
337

338 **Motion/Second: Bend/Nelson. To adopt Summary Ordinance 01-2016 the City’s Fee Schedule for**
339 **publication. ROLL CALL: All Ayes. Motion carried 5-0-0.**
340

341 6. Number of City Liquor Licenses Ordinance Amendment – Ordinance 02-2016 – Administrator
342 Moore reviewed that the ordinance that establishes the number of on-sale liquor licenses available in the City
343 was amended in 2005 to provide that the number of liquor licenses shall not exceed the number then-currently
344 issued. The Data Retention Act requires keeping records for 6 years beyond the license expiration date,
345 therefore, the City’s records regarding issued liquor licenses do not extend back to 2005, so the number of on-
346 sale liquor licenses that were issued at that time is not clear. The maximum number of on-sale liquor licenses
347 allowed by the State in a city of Afton’s size is five (5). The current number of liquor licenses issued is two (2).
348 Staff is recommending that Council adopt an ordinance amendment to clearly establish the number of liquor
349 licenses that can be issued.

350 Council members clarified that the City has discretion for approving liquor licenses. Attorney Knaak said
351 the City has an enormous discretion for approving particular establishments for a liquor license. Some Council
352 members felt that if the City has discretion, why wouldn’t the City want to have all five liquor licenses
353 available, as the City Attorney stated, the City is not required to issue all of its liquor licenses.

354 Council felt they may want to add other regulating language in the ordinance as well.

355 Staff was directed to find out information as to the percentage of food sold to liquor sold from both
356 restaurants with current liquor licenses in Afton.
357

358 **Motion/Second: Bend/Richter. To TABLE to the February 16 meeting the discussion on Ordinance 01-**
359 **2016 amending the number of on-sale liquor licenses that may be issued in Afton. Motion carried 5-0-0.**

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7. Lake Elmo Minor Comprehensive Plan Update – Administrator Moose reviewed that Lake Elmo has proposed a Minor Comprehensive Plan Update to allow senior housing at higher densities than other multi-family housing uses (up to 20 units per acre) in several areas, including an area in the southeastern portion of the City north of I-94 and adjacent to Manning Avenue. The City of Lake Elmo is requesting an expedited review of the Plan Update so that the Plan Update can move to the next step of the review and approval process. The Met Council map already shows the area is to be sewerred.

Motion/Second: Nelson/Palmquist. To accept the edits to the Lake Elmo Minor Comprehensive Plan Update with no comments and no objections. Motion carried 5-0-0.

8. Expense Reimbursement Policy for Council Members – Administrator Moose indicated the City’s policy regarding spending city funds has a section on mileage reimbursement that reads as follows:

“The Council will designate employees and officials who will be reimbursed on a monthly basis for mileage and other authorized expenses incurred in the performance of their responsibilities. The total reimbursement due to each person shall be submitted to the Office Assistant (should be changed to Deputy Clerk) and Accountant who shall list each claim on the monthly claim sheet.”

Moose indicated that employees are regularly reimbursed for mileage and other authorized expenses. He noted that, in recent years, Council members have been reimbursed for mileage and expenses related to Council-authorized attendance at a conference or similar activity. He indicated that staff have not received reimbursement requests from Council members for mileage to other activities related to the performance of their responsibilities. Moose indicated that the mayor’s trip to the Duluth conference had received prior Council authorization.

Mayor Bend indicated that he had not submitted his reimbursement for the Duluth conference by the end of 2015, and when he looked back at the dates for that conference he saw all the other meetings he had attended on his calendar. Not knowing just what the policy was, he submitted his mileage for all the meetings for the year 2015. He recused himself from the discussion and vote.

Council agreed that reimbursable expenses for Council members be expenses related to training and/or conferences which must be pre-authorized by the Council. Council members’ monthly stipend may be thought of as payment for any extraneous expenses. Council wondered whether mileage could be deducted on taxes and thought that expense reimbursement should be auditable. It was noted that elected officials serve as public servants, but it is somewhat important for residents to know what Council members volunteer of their time.

Motion/Second: Nelson/Palmquist. To cover the mayor’s conference mileage and room for the 2015 Duluth conference. And to clarify that the City’s policy regarding expense reimbursement for Council members is for pre-authorized conference, seminars, workshops and/or travel. Motion carried 5-0-0.

9. Deputy Clerk Professional Development – There was no discussion on the Deputy Clerk’s request to attend two days of the International Code Council (ICC) Educational Institute in Chaska. Administrator Moose had recommended approved in the Council memo, as the Professional Development/Permit Techs/Housing/Code Enforcement track directly relates to dealing with the public, dealing with difficult situations, and developing and maintaining credibility with the public. The memo maintained this training will be helpful in dealing with customer service situations, and particularly those that will come up during the downtown improvement projects construction process. The request included the registration fee for two days of the Educational Institute on Monday, February 8 and Tuesday, February 9, one night of lodging and mileage reimbursement for one round trip for a total cost of \$464.04.

Motion/Second: Nelson/Bend. To approve the request by Deputy Clerk Kim Swanson Linner to attend the International Code Council Educational Institute at a cost of \$464.04 on February 8 and 9, 2016 in Chaska, MN. Motion carried 5-0-0.

411 10. Renewal of Minnesota City/County Management Association Membership – There was no
412 discussion on the request to approve the annual renewal to the Minnesota City/County Management Association
413 (MCMA) professional and educational organization for appointed management executives and assistants serving
414 cities, counties and other local governments in Minnesota.

415
416 **Motion/Second: Nelson/Palmquist. To approve payment for the annual renewal cost of the City
417 Administrator’s membership in the MCMA in the amount of \$106.00. Motion carried 5-0-0.**
418

419 11. Fire Department Informational Sign Contribution – There was no discussion on the Lower St. Croix
420 Valley Cable Commission that provided a special distribution of Cable TV fee revenue to its member cities.
421 Afton’s share of the distribution was \$1,404.51. The cities chose to fund the installation of a digital information
422 sign at the Lower St. Croix Valley Fire Station with the revenue. The sign will provide public safety and other
423 community event information.

424 Ross felt that the digital sign at Lakeland Plaza could be used by the communities. He felt this sign would be
425 a waste of money.

426
427 **Motion/Second: Nelson/Richter. To approve funding for a digital information sign for the Lower St.
428 Croix Valley Fire Station in the amount of \$1,404.51. Motion carried 4-1-0 (Nay-Ross).**
429

430 12. Schedule Work Session – Administrator Moorse indicated that there are a number of topics that need
431 to be addressed or finalized by the Council. In addition, there may be additional work items related to the downtown
432 improvement projects. Work session topics were listed as: Resolve the remaining issues related to the ordinance
433 amendment regarding accessory buildings; Goal setting for 2016; Joint work session with the Planning Commission;
434 2016 goals; Comprehensive Plan update process; and, Review bids for the wastewater treatment system. To enable the
435 Council to address these items, staff wished to schedule a work session. No dates were found in February that work, so
436 a work session may be scheduled for early March.

437 Council felt the agenda item should say “Work Session Topics” rather than “Schedule Work Session” as it is
438 difficult to schedule the work session at a council meeting.

439
440 **D. Committee Reports -**

441 1. Public Works – had no meetings.

442 2. Personnel – nothing to report.

443 3. Parks – have not met, but should have preliminary information on the Town Square Restroom
444 Building grant in March.

445 4. HPC/DR – the HPC is working on the local designation process; the consultant is doing work.

446 5. Natural Resources and Groundwater – members of the NRGK have had articles in the monthly
447 newsletter on their work product. They are working on base data for wells in Afton, and locating wells to be
448 tested. They are doing liaison work with Washington County and the State so as not to duplicate information.

449 6. High Speed Internet – there will be a meeting in February with CenturyLink and the City
450 Administrator to get some definition on what the CAF program is going to look like. It will be starting in the
451 spring.

452
453 **10. COUNCIL, CONSULTANT AND STAFF REPORTS, ANNOUNCEMENTS AND UPDATES**

454 **A.** Ward 1 Council Member Palmquist – none.

455 **B.** Ward 2 Council Member Richter – attended the Fire Department award night with the mayor; it was
456 very interesting. The full-time person was first to arrive on-scene in time to save the person’s life. Dispatch was
457 able to instruct a person on site to keep his heart going until Emergency Services arrived. His heart was restarted
458 16 times with the AED on the way to the hospital.

459 **C.** Ward 3 Council Member Ross – none.

460 **D.** Ward 4 Council Member Nelson – reported on the Gateway Corridor; Lake Elmo withdrew support.

461 **E.** Mayor Bend – none.

- 462 F. City Attorney Knaak – quiet month; Prosecution Report on file. Commissioners have been
- 463 appointed for the condemnation hearing. They will not do a review until the snow has cleared.
- 464 G. City Administrator Moore – none.

465
466 **11. ADJOURN –**

467
468 **Motion/Second: Richter/Palmquist. To adjourn the meeting at 10:28 p.m. Motion carried 5-0-0.**

469
470 Respectfully submitted by:

471
472
473 _____
474 Kim Swanson Linner, Deputy Clerk

475
476 **Approved by Council (on February 16, 2016) as (check one): Presented: _____ Amended: X**

477
478
479 **Signed by Mayor Richard Bend _____ Date _____**