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

APPROVED City Council Regular Meeting Minutes
September 20, 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, City Administrator Ron Moore and City Clerk Kim Swanson Linner. Accountant Tom Niedzwiecki joined the meeting in progress.

4. **APPROVAL OF AGENDA** –

A. Agenda for the Regular City Council Meeting of September 20, 2016 – Item 7A was moved to 5D; Item 9A2 was moved to after 5D; Item 9C3 was moved to 7C. Three items were added: Item 9B2, Seal Coat Project of 32nd Street and Pateley Bridge; Item 9C11, Picnic Table Donation to Steamboat Park by Sandi Alexander; and, Item 9C12, Upper 34th Street Maintenance Agreement. Various items were moved up in the agenda as the meeting progressed. [Original Agenda item numbers will be maintained and will appear out of sequence.]

Motion/Second: Palmquist/Richter. To approve the agenda of the September 20, 2016 Regular City Council Meeting as amended. Motion carried 5-0-0.

5. **APPROVAL OF MINUTES** -

A. Minutes of the August 16, 2016 Regular City Council Meeting –

Motion/Second: Palmquist/Ross. To approve the minutes of the August 16, 2016 Regular City Council Meeting as presented. Motion carried 4-0-1 (Abstain: Richter, due to absence).

B. Minutes of the August 29, 2016 City Council Work Session –

Motion/Second: Palmquist/Ross. To approve the minutes of the August 29, 2016 City Council Work Session as presented. Motion carried 4-0-1 (Abstain: Richter, due to absence).

C. Minutes of the August 29, 2016 Special City Council Meeting –

Motion/Second: Palmquist/Ross. To approve the minutes of the August 29, 2016 Special City Council Meeting as presented. Motion carried 4-0-1 (Abstain: Richter, due to absence).

D. Sheriff's Monthly Report – [item moved from 7A] – Deputy Laura Jackson reported on the Cops and Cones event at Selma's Ice Cream Parlour, which had an amazing turnout. The deputies have been involved in extra Coulee patrols. Water violations are declining due to reduced end of summer traffic; the deputies are off the river.

Item 9A2. [Was moved here.] Solar Energy Ordinance Amendment, SEV MN1, LLC and Janice Schwitters & Steven Moll to allow a solar farm as a conditional use or interim use in the Agricultural District to enable a solar farm at 12351 15th Street –Resolution 2016-43 – The city received a request to delay action on this application

53 to the October 18, 2016 City Council meeting. Council accepted the request to delay. Staff was directed to
54 secure a 60-day extension, if needed.

55
56 **6. PUBLIC INPUT –**

57 1. Franz Hall, 5730 Trading Post Trail S, a neighbor to Will Carlson, felt the best use of the land is for
58 agriculture; he would hate to see it go into residential development. The watershed drains onto his property;
59 erosion will get worse. It also borders the trout stream and effluent will drain to that. Odell Ave never had
60 improvements; it can't handle the increased traffic a residential development would produce. He believed the
61 property at 5550 Odell Ave was purchased to get a 50% rural residential contiguous in order to rezone. The
62 proposed road on the south side does not have a setback.

63 2. Randy Graham, 5912 Trading Post Trail S, residents since 1981; iterated he had comments on the same
64 issues. He noted the development would put roads on two sides of his triangle-shaped 9-acre parcel and would
65 put an intersection near the point of his parcel. He placed his entire written comments on file with the City.

66 3. Patrick Leahy, 5680 Odell Ave S, opposed the development: this change is not in the interest of the city;
67 the applicant should have the burden of proof that it wouldn't negatively impact the city; this "land prospector"
68 bought the land to profit, he should be held to develop in compliance with the Comprehensive Plan; the site is
69 unsuitable for development because of Trout Brook; there is no way to hold the line on changing the Comp Plan
70 at any time in the future, as this will set precedent that the city would have to defend against litigation.

71 4. Renee Kinney, 12041 15th Street S, spoke against the solar ordinance amendment, stating the city just
72 finished its solar regulations less than a year ago. This amendment would have implications in that it would
73 allow Agriculture zoned land to be developed into Industrial use, having a huge impact on Afton's character.

74 5. Christian Dawson, 5888 Trading Post Trail S, opposed the development, stating it would have a
75 negative environmental and traffic impact, and would require adding additional resources to the city's road
76 capital improvement plan. Trout Brook is a sensitive area and the development runoff will negatively impact it.
77 The soil has been reported to be unsuitable for septic systems. A change to the Comprehensive Plan would
78 undermine the reasons people chose to live in Afton; he implored Afton to stay strong for the character it has.

79 6. James Rickard, 5650 Odell Ave S, felt the proposed development would impact their property with a
80 loss of value; he reported he placed on file with the city a pictorial testimony to the Planning Commission.

81 7. Mary McConnell, 5680 Odell Ave S, felt a change to the Comprehensive Plan would not be in the best
82 interest of the community; the project site is on land unsuitable for the proposed development and it would set a
83 dangerous precedent for the City of Afton for future development. Written comments were placed on file.

84 8. Bill Dickes, 14708 57th Street S, stated the northern proposed road to the subdivision will abut his
85 property and affect his property setbacks. It will change the nature of the neighborhood and the city in general.

86 9. George Kinney, 14433 59th Street S, was opposed to the rezoning. He chose to live in Afton because of
87 less density. The city should leave the property as it is zoned, to be developed in compliance with the
88 Comprehensive Plan.

89 10. Kevin Slaikeu, 14233 60th Street S, stated the proposed development access road is located too close to
90 Trading Post Trail and 60th Street S, and that being an almost 90 degree angle turn, the traffic would be too
91 much to handle safely. The city should dis-allow the rezoning.

92
93 **7. REPORTS/PRESENTATIONS -**

94 **A. Sheriff's Monthly Report – [Item was moved to 5D]**

95
96 **B. Tom Niedzwiecki, Budget Report – [Will be taken when the accountant joins the meeting in progress.]**

97
98 **C. Lower St. Croix Fire District Report – Kevin Johnson reiterated that the Fire Relief Association is
99 proposing a pension benefit level increase that would result in a surplus of assets over liabilities of 113.38% in
100 the Fire Relief Association's Pension Fund. This proposal would raise the pension benefit from \$3,250 to \$3,400
101 per year of service. A resolution was prepared for consideration by Council.**

102
103 **Motion/Second: Bend/Ross. To DENY the Lower St. Croix Fire District request for an increase in the
104 benefit level, per Resolution 2016-48. Motion carried 5-0-0.**

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D. Robert Craggs, Chair of the Lower St. Croix Valley Community Foundation – Presented information on the efforts to make improvements to the Afton-Lakeland bike and pedestrian trail along CR18, through the cities of Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Mary’s Point and Afton, including improvements to the pedestrian bridge in Afton. The presentation included a request for funding from Afton.

Motion/Second: Palmquist/Ross. To have Afton work with the LSCV Community Foundation and Washington County on a cost-share agreement to allow the County to design the specifications and put the work out for bids. Motion carried 5-0-0.

Motion/Second: Palmquist/Richter. To provide \$5,000 to be used exclusively for the 1,000 feet of the pedestrian trail and pedestrian bridge which is located on Afton’s right-of-way. Motion carried 5-0-0.

- 8. CONSENT AGENDA –**
- A. Just and Correct Claims**
 - B. 4M Fund Transfer – AUGUST - Resolution 2016-41**
 - C. Approve the Eleciton Judge Supplemental List**
 - D. Jon Kroschel request for Noise Ordinance Exception**

Motion/Second: Palmquist/Richter. To approve the Consent Agenda, including Resolution 2016-41 as presented. ROLL CALL: All Ayes. Motion carried 5-0-0.

9. CITY COUNCIL BUSINESS -

A. Planning Commission Report –

1. Miesner – Approved Variance at 1520 Stagecoach Trail, Corrected Conditions – Resolution 2016-42 – Administrator Moore explained that this is an administrative correction. The revised resolution includes not only the conditions recommended by staff, but the conditions added by the Planning Commission at the Public Hearing on July 11, 2016.

Motion/Second: Bend/Richter. To approve the revised Resolution 2016-42 which includes conditions as recommended by city staff and the Planning Commission at the July 11, 2016 Public Hearing. ROLL CALL: All Ayes. Motion carried 5-0-0.

2. Solar Energy Ordinance Amendment, SEV MN1, LLC and Janice Schwitters & Steven Moll to allow a solar farm as a conditional use or interim use in the Agricultural District to enable a solar farm at 12351 15th Street –Resolution 2016-43 – [Item was moved to after 5D.]

3. Comprehensive Plan Amendment, Will Carlson, Rezone four parcels from Agricultural to Rural Residential, located north of 60th Street and west of Trading Post Trail with PID’#s: 33.028.20.32.0001, 33.028.20.33.0004, 33.028.20.33.0005 and 32.028.20.41.0002, to enable a subdivision creating 18 lots on 113 acres – Resolution 2016-44 – Administrator Moore reviewed the application from Will Carlson, who owns approximately 200 acres of property north of 60th Street and west of Trading Post Trail. Mr. Carlson is planning to subdivide the eastern 103 acres of the property into eighteen 5-acre lots. The majority of the 200 acres of property is currently zoned Agricultural. Mr. Carlson desires to rezone the easterly 100 acres of the property to Rural Residential to enable the subdivision. The Comprehensive Plan shows the property as Agricultural on the Future Land Use Map, therefore, a rezoning requires an amendment to the Comprehensive Plan. Mr. Carlson has applied for a Comprehensive Plan amendment to revise the Future Land Use Map to show the easterly 100 acres of property as Rural Residential vs. Agricultural. Moore reported the Planning Commission, on a vote of 8-1-0, recommended denial of the Comprehensive Plan amendment application.

Council Discussion

Richter asked the attorney is this would be considered “spot zoning.”

157 Attorney Knaak stated that, since this is adjacent to Rural Residential, it would not isolate the area if
158 rezoned to Rural Residential.

159 Richter felt that the applicant should have to prove that the existing zoning is not providing health, safety
160 and welfare on the parcels; in the absence of that, he asked, wouldn't a rezoning be going against the
161 Comprehensive Plan?

162 Nelson commented that if that were the process, would there ever be a case for rezoning?

163 Richter felt that something that would have this potential impact to the character of Afton should be vetted
164 during the updating of the Comp Plan. For instance, if there were a plan to vacate the Village as an opportunity
165 for redevelopment, it should happen as part of the regular Comprehensive Plan update process.

166 Palmquist stated that agriculture land can be developed at 3 units per 40 acres, or 4 units per 40 acres with a
167 Preservation and Land Conservation Development (PLCD), so this applicant still has the ability to develop this
168 land in accordance with our current Comprehensive Plan.

169 Richter commented that the city needs to maintain the 1 unit per 10 acre density overall. If rezoning
170 Agriculture zoned land to Rural Residential by individual development proposals, the city's density build-out
171 would happen too fast. [Afton's designation by the Metropolitan Council as "Diversified Rural" would be
172 jeopardized.] Richter maintained that Rural Residential land needs to be developed accordingly.

173 Nelson stated that is why the PLCD works for Afton. Density can be a bit higher, but open space is
174 maintained.

175 Bend felt that: 1) the application for rezoning and packet materials were lacking dimensions of the parcels
176 involved to find whether over 50% was contiguous to Rural Residential in order to meet requirements for
177 rezoning from Agriculture to Rural Residential; 2) the parcels have not been joined; two parcels have less than
178 50% contiguous of Rural Residential and two parcels may have more than 50%, but that calculation hasn't been
179 determined; 3) the Met Council 2040 Plan guides Afton as a "Diversified Rural" community; they do not want
180 our Agriculture zoned land to be turned to Rural Residential at this time.

181

182 **Motion/Second: Richter/Ross. To adopt a resolution to DENY the application by Will Carlson for a**
183 **Comprehensive Plan Amendment to enable a rezoning of the easterly portion of the property north of**
184 **60th Street and west of Trading Post Trail with PIDs: 33.028.20.32.0001, 33.028.20.33.0004,**
185 **33.028.20.33.0005 and 32.028.20.41.0002, from Agricultural to Rural Residential to enable a subdivision**
186 **of the property to create 18 lots on 113 acres, per Resolution 2016-44. A Friendly Amendment was**
187 **accepted as Finding of Fact: None of the parcels have been proven to meet the 50% contiguous to**
188 **adjoining Rural Residential parcels. ROLL CALL: All Ayes. Motion carried 5-0-0.**
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190

191 4. Conditional Use Permit for a Trailer Parking Facility, Anchor Bank, FSB and Brockman
192 Investments, located on Hudson Road with PID 05.028.20.11.0007 – Resolution 2016-45 – Administrator
193 Moose gave the background of the Brockman Investments and Anchor Bank application for a Conditional Use
194 Permit for a trailer parking lot on the property on Hudson Road with PID# 05.028.20.11.0007 (located east of
195 the Chandler, Inc. property at 13526 Hudson Road). This lot will be similar to two other trailer parking lots
196 Brockman Trucking currently has along Hudson Road. The trailer parking lot falls within the "storage enclosed
197 or screened" use, which requires a conditional use permit. The City Engineer's review of the grading and
198 Stormwater Management Plan met the stormwater and grading requirements; they noted that the proposed
199 project would be subject to the items in the September 7 memo being addressed prior to final permit issuance by
200 the City. Moose indicated the driveway proposed to serve the parking area meets the grading requirements for
201 driveways, but does involve disturbance of a small area of slope 18% or greater adjacent to Hudson Road. This
202 area was not shown on the survey; staff have requested the applicant add this area to the survey. The Valley
203 Branch Watershed District (VBWD) reviewed the grading and drainage plan; their report indicates the plan
204 meets the rate, volume and water quality requirements of the VBWD.

205 Moose reviewed that in the IIC Zone, architectural standards require screening that provides 95% opacity
206 year round. The standards also require a landscape guarantee, which is an agreement between the City and the
207 owner which states that, in exchange for issuance of a building permit, the owner will construct, install, and
208 maintain all items shown on the approved plan and that the owner will replace and/or correct any deficiencies or

209 defaults that occur in the plan for a period of two complete growing seasons subsequent to the installation of the
210 landscaping plan. The landscape guarantee agreement includes a performance bond. If after two growing
211 seasons all the commitments are met, then the bond and contract agreement are released to the applicant or
212 property owner. The intent enclosing or screening this use is so that it not be visible to the public. The trailer
213 parking lot constructed by Brockman in 2014 was to be fully screened by vegetation. While the vegetation to
214 screen the trailers was installed according to the approved landscape plan, the vegetation did not provide
215 sufficient screening, either from Hudson Road or from I-94. This application, because the land slopes down
216 substantially from Hudson Road, and a portion of the slope is in the Hudson Road right-of-way, will require
217 trees to be carefully placed so as to screen the trailers from view by traffic on Hudson Road. Moore reported
218 that the Planning Commission had expressed concern about the inadequate screening on the previous truck
219 parking lot and indicated that they had added a condition to require a final screening plan to be approved by the
220 City Engineer's landscape architect and that require the screening vegetation be maintained or replaced for a
221 period of five years. Proposed findings and conditions were as follows:
222

223 Findings

- 224 1. The applicant has submitted all necessary documents needed for a Conditional Use Permit.
- 225 2. The applicant is proposing a 4.51 acre gravel-surfaced trailer parking facility with 209 parking stalls.
- 226 3. The applicant has submitted a landscape plan, illustrating 50 coniferous trees, including two rows of
227 trees along the south boundary of the parking area. A similar landscaping plan did not provide sufficient
228 screening for a similar facility at Neal and Hudson Road.
- 229 4. The proposal does not include any lighting.
- 230 5. Access into the site is proposed at one location off Hudson Road via a driveway which accesses the
231 parking lot.
- 232 6. The proposed parking area meets setback requirements.
- 233 7. The proposal meets impervious coverage requirements.
- 234 8. The proposal meets the Valley Branch Watershed District's stormwater management requirements.
- 235 9. The proposal includes grading of a small area of steep slopes adjacent to Hudson Road for the driveway
236 access to the property.

237
238 Conditions

- 239 1. All appropriate provisions of the Afton Code of Ordinances shall be complied with for the duration of
240 the permit.
- 241 2. Valley Branch Watershed District provisions and recommendations shall be met for the duration of the
242 permit.
- 243 3. City Engineer specifications and recommendations for all work including the driveway shall be met for
244 the duration of the permit.
- 245 4. Mn/DOT requirements and recommendations regarding site access shall be met.
- 246 5. The grading and drainage plan, including ponding areas and the infiltration area, shall be constructed
247 according to plans approved by the VBWD and the City Engineer and in conformity with Valley Branch
248 Watershed District requirements.
- 249 6. The final landscape plan will need to be approved by the City Engineer's landscape architect.
- 250 7. The developer shall post an irrevocable letter of credit in the amount of 125% of the estimated cost of
251 construction of the stormwater facilities and the landscape plan; such letter of credit shall extend for five
252 years beyond the date of approval of this permit by the City Council, and shall be used as a guarantee
253 that the grading will be completed, the drainage facilities will be built and the vegetation planted will
254 survive. The portion of the letter of credit related to the grading and drainage facilities may be reduced
255 after three years if the grading has been completed and the facilities are built and have been approved as
256 built by the City Engineer.
- 257 6. There shall be no fueling of vehicles on site.
- 258 7. There shall be no maintenance of vehicles on site.
- 259 8. Design and location of trailer parking shall conform to the approved site and construction plans.

- 260 9. Storage of anything other than the trailers used by the applicant shall not be allowed, nor shall the
- 261 applicant use the site for storage of personal property or other vehicles, campers, boats, automobiles, etc.
- 262 10. Parking areas shall have a durable and dustless surface, as approved by the City Engineer.
- 263 11. The proposal does not include lighting. If any lighting is added, it shall require an administrative
- 264 permit. Any lighting shall be designed so that light is directed from the perimeter of the facility towards
- 265 the center. Lights shall not be directed towards the residential area to the south of the facility, nor shall
- 266 they adversely affect other property in the area.
- 267 12. Design, location, and specifications of all signs shall conform to the Afton Sign Ordinance. All signs
- 268 shall require a permit to be issued by the Zoning Administrator.
- 269 13. Silt fences or other types of erosion control shall be properly installed prior to construction; and, shall
- 270 maintained in good condition until the construction is complete.
- 271 14. No trucks or trailers shall be parked in areas other than those indicated on the plan.
- 272 15. Primary hours of operation shall be between the hours of 6:00 a.m. and 8:00 p.m. No more than an
- 273 average of 10 trucks per day shall be operated in or out of the property between the hours of 6:00 a.m.
- 274 and 8:00 p.m. The average shall be calculated on a monthly basis.
- 275 16. All trucks shall use the Manning Avenue exit/entry on Interstate Highway 94 for the purpose of entering
- 276 and exiting the site.
- 277 17. The use of guard dogs on the premises is prohibited.
- 278 18. No hazardous substances, pollutants, (including petroleum and petroleum products) contaminants or
- 279 harmful substances shall be located or handled or stored on site.
- 280 19. Non-compliance with the conditions of this permit shall be considered a violation and may result in
- 281 revocation of this permit.
- 282 20. Compliance with conditions of this permit shall be monitored on a periodic basis. The conditions of this
- 283 permit shall apply to the property described and shall not in any way, except as herein noted, be affected
- 284 by any subsequent sale, lease, or other change in ownership.
- 285 21. Construction shall begin within one year of the date of issuance of this permit or the permit shall
- 286 become null and void.
- 287 22. An amended conditional use permit shall be required for any future expansions or alterations.

288
289 **Motion/Second: Bend/Nelson. To approve the application by Brockman Investments for a Conditional**
290 **Use Permit for a trailer parking facility on the property on Hudson Road with PID 05.028.20.11.0007, per**
291 **Resolution 2016-45, including findings and conditions as presented.**
292

293 Planning Commission Chair Ronningen noted that the condition added by the Planning Commission was not
294 shown on the draft resolution. **Condition #23** was then added to Resolution 2016-45 requiring a final screening
295 plan to be approved by the City Engineer's landscape architect and requiring the screening vegetation be
296 maintained or replaced for a period of five years.

297
298 Staff noted duplicate item numbers in the draft resolution that should be corrected.

299
300 Council added **Condition #24** requiring screening to be kept in place for the duration of the Conditional Use
301 Permit.

302
303 **Bend withdrew the above motion.**
304

305 **Motion/Second: Nelson/Palmquist. To TABLE the Brockman Investments application for a Conditional**
306 **Use Permit for a trailer parking facility on the property on Hudson Road with PID 05.028.20.11.0007, to**
307 **the October 18 City Council meeting, so that resolution anomalies can be corrected and so that the**
308 **applicant could upgrade the landscape plan for review and comment by the City Engineer. Motion**
309 **carried 5-0-0.**

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311 **The applicant agreed to a 60-day extension.**

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5. Ordinance Adopting the County Septic Ordinance by Reference – Ordinance 08-2016 – Administrator Moose reviewed that in April of 2015, Washington County adopted an updated Subsurface Sewage Treatment Systems Ordinance, which the city needed to adopt within a year. At their meeting on February 16, 2016 the City Council voted approval to adopt the ordinance by reference. The Planning Commission held a public hearing on September 12, 2016 and recommended approval of the ordinance.

Motion/Second: Palmquist/Richter. To adopt Ordinance 08-2016 which adopts the entire Washington County Septic Ordinance #196 by reference. ROLL CALL: All Ayes. Motion carried 5-0-0.

6. Ordinance Amendment Opting Out of the Temporary Health Care Dwelling Statute – Ordinance 09-2016 – Administrator Moose summarized that in May, 2016, a new temporary health care dwelling statute was signed into law. The statute includes a complex set of requirements related to allowing temporary health care dwellings on residential lots in addition to the principal dwelling. The City has the option of opting out of the statutory requirements. It was reported that a neighboring City Administrator surveyed 30 cities about opting out of the statutory requirements; all but one of the cities indicated they had or were preparing to opt out. Afton currently has ordinance language that allows the use of a manufactured home as a temporary dwelling unit for an infirm family member. The City also allows non-rental guest apartments within certain parameters, which could be used as a temporary healthcare dwelling unit. Moose reported that the Planning Commission, on a vote of 9-0-0, recommended approval of the ordinance opting out of the statutory requirements regarding temporary health care dwellings.

Motion/Second: Bend/Richter. To adopt Ordinance 09-2016 for the City of Afton to Opt-Out of Minnesota Statute 462.3593 requirements regulating Temporary Health Care Dwellings. ROLL CALL: All Ayes. Motion carried 5-0-0.

B. Engineering Report –

1. 2016 Bridge Inspections – Engineer Hankee reported that last year 5 bridges were inspected through Mn/DOT’s annual bridge inspection program. Some bridges are inspected every year and some every other year. This year 2 bridges need to be inspected and reports submitted by October 31, 2016 to Mn/DOT. The base reporting work will be completed along with the onsite inspections and final copies sent to the City.

Motion/Second: Richter/Palmquist. To authorize 2016 Afton Bridge Inspections by the City Engineers, WSB, for an amount not to exceed \$2,466. Motion carried 5-0-0.

2. Seal Coat Project on Pateley Bridge and 32nd Street S [Agenda Item was added at meeting] – Council Member Ross stated he has been getting complaints that the 2016 seal coat project on 32nd Street was sub-standard. One resident watched the entire process and reported that the contractor, Astech, swept the road immediately after the rock was applied to the sealing material, and that some areas of the road are entirely devoid of aggregate.

Engineer Hankee indicated that they have been out to inspect and take pictures of the work and are checking into the situation. The contractor will need to re-do the roads if that is the case.

It was also noted that the seal coating aggregate left over from two years ago was not used by the contractor.

C. Administration –

Item 9C2. Solid Waste and Recycling Service - Request for Proposal Process [This item was moved to the beginning of the Administrative section to accommodate consultant attendance.] – Administrator Moose explained that the past contract for solid waste and recycling services was renewed in 2015 for a two-year period. This Request for Proposals (RFP) for Solid Waste Management Services and the Solid Waste Services Agreement will cover a 5-year period. The Request for Proposals will be sent to providers after approval by Council. Proposals will be reviewed by a proposal evaluation committee assisted by Nicole Stewart of

364 Washington County and Susan Young, a consultant contracted by Washington County. Both Ms. Stewart and
365 Ms. Young were in attendance to answer any questions the Council had regarding the Request for Proposal
366 process.

367
368 **Motion/Second: Palmquist/Bend. To approve the Request for Proposals for Solid Waste Management**
369 **Services as presented. Motion carried 5-0-0.**

370
371 Supplemental Item 9C12. Upper 34th Street Maintenance Agreement [This item was moved here to
372 accommodate resident attendance.] – Administrator Moore reviewed the following Letter of Agreement for the
373 minimum maintenance for Cemetery Road, which the city has been developing with residents:

374
375 The gravel portion of Upper 34th Street South is in need of maintenance involving the placement of lime rock.
376 The residents who use the road have historically performed and/or paid the cost of this maintenance. The City
377 has now declared this road to be a “Minimum Maintenance Road” and will undertake minimum maintenance,
378 which will involve adding and grading needed lime rock and clearing culverts at least twice annually. Further,
379 upon agreement of the undersigned property owners, the City will undertake to contract for snow removal in
380 the winter and the owners agree to reimburse the City 100% of that cost. Further, the City shall post signs
381 allowing for only seasonal access on the road by the public. By signing this agreement, the undersigned
382 owners agree that if they do not each pay their one-third share of the cost of snow removal within 30 days of
383 receipt of an invoice from the City, the unpaid amount may be assessed to their property and they agree they
384 will not appeal the assessment. Further, the property owners agree that this agreement is intended to attach to
385 their properties and bind any future property owners or their own successors in interest.

386
387 **Council indicated that the final form will be approved by the City Attorney, to be executed by the parties**
388 **in the agreement. The Letter of Agreement will be in the form to be recorded against properties at**
389 **Washington County.**

390
391 [A related item, not on the agenda; no written information was received by the City Clerk for this item involving
392 city expenditures.]

393
394 **Motion/Second: Bend/Nelson. Directed the City Administrator to contract with Tri County to install the**
395 **culvert at the entrance to Mt. Hope Cemetery, in an amount not to exceed \$4,500. Motion carried 5-0-0.**

396
397 1. Preliminary 2017 Budget and Tax Levy – Resolutions 2016-46 and 2016-47 [This item will be
398 addressed when the Accountant arrives from another meeting.]

399
400 2. Solid Waste and Recycling Service - Request for Proposal Process [This item was moved to the
401 beginning of the Administrative section.]

402
403 3. Lower St. Croix Valley Fire Relief Association Request for Pension Benefit Increase – Resolution
404 2016-48 [This item was moved to Item 7C.]

405
406 Item 9C6. Schedule a Public Hearing to Vacate the Cartway off of Afton Boulevard – [This item was moved
407 from 9C6 to Item 9C3.] – Administrator Moore explained that at its August 16 meeting, the Council reviewed
408 information indicating the cartway adjacent to property at 14933 Afton Boulevard S was created as a statutory
409 cartway and that the rental house with an address of 14925 Afton Boulevard S, has access to the Paradox End
410 right-of-way. Based on this information, the Council directed staff to move forward with the process of vacating
411 the cartway. The first step in this process is for the Council to schedule a public hearing regarding the vacation
412 of the cartway and to provide notice of the hearing to property owners adjacent to the cartway.

413
414 **Motion/Second: Nelson/Ross. To schedule a public hearing regarding the vacation of Cartway #7, located**
415 **west of the property at 14933 Afton Boulevard South, currently serving as road access to 14925 Afton**
416 **Boulevard S, to be held at 7:00 p.m. on October 18, 2016. Motion carried 5-0-0.**

417

418 Item 9C1 Preliminary 2017 Budget and Tax Levy – Resolutions 2016-46 and 2016-47 [This item was heard
419 at this time, as the Accountant arrived from another meeting.] – Council Member Richter requested time to talk
420 about his work on the Afton Road CIP, which affects the 2017 Budget and Levy.

421 Richter provided copies of his adjustments to the Afton Road Planning Spread Sheet to Council and staff to
422 show that there are options for the city to accomplish road maintenance without taking out additional bonds, as
423 Afton’s policy has been to “pay as you go.” The spreadsheet showed a 20-year plan of expected road
424 maintenance, including: reclamation; mill & overlay; micro-surfacing (extends pavement life by up to 25 years);
425 and, crack sealing.

426 It was noted that some roads may need to be put in the “reclamation” column by the time they are scheduled
427 to be repaired. Some council members preferred large-scale projects (which may need to be funded by bonds) to
428 yearly smaller road projects (funded with current tax revenues).

429 It was estimated that to “kick start” this proposed maintenance plan, the city would need to designate an
430 additional \$200,000 this year toward street improvements.

431

432 **2017 Budget Overview**

433

434 Accountant Tom Niedzwiecki provided a budget overview for the proposed 2017 budget which reflects the
435 city’s effort to avoid discretionary expenditure and tax levy increases for general city operations to enable a
436 focus on providing additional funding for street improvements.

437

438 Street Improvements Funding

439 The City Council met on Wednesday, September 14 and Friday, September 16 to review and discuss priority
440 street improvement needs and funding options for meeting those priority needs. While the Council did not reach
441 a consensus regarding a street improvements funding plan, the Council directed staff to draft budget and levy
442 resolutions reflecting a levy for street improvements of \$375,000. This is an increase of \$175,000, or 87.5%,
443 over the 2016 street improvements levy.

444

445 Tax Levies and Transfers

- 446 • The \$75,000 levy that was used to partially fund the high speed internet project in 2016 has been partially
447 redirected to the Special Reserve Fund to repay the \$50,000 used from that fund as a temporary partial
448 funding source for the high speed internet project and partially redirected to the Street Improvement Capital
449 Fund to increase the annual level of street improvement funding.
- 450 • The levy to the Street Improvement Capital Fund has been increased by \$175,000 by redirecting \$25,000 of
451 the 2016 High Speed Internet levy to the Street Improvement Fund and by an additional levy of \$150,000 to
452 position the City to meet current and future street improvement needs.

453

454 Tax Levy, Tax Rate and Impact on Property Owners

455 The proposed 2017 budget results in a total tax levy, including the General Fund levy and the debt service and
456 transfer levies, of \$2,041,901. This is a \$182,210 or 9.86% increase over the total 2016 levy. The main item
457 causing this increase is the \$150,000 levy increase for street improvements funding. Based on the proposed total
458 levy, the City’s tax rate would be increased from 29.373% in 2016 to 32.324% in 2017. The proposed budget
459 and tax levy would result in the City’s share of property taxes on a home valued at \$200,000 being \$581.14, an
460 increase of \$50.08 or 9.43% over 2016. For a home valued at \$500,000 the City’s share of property taxes would
461 be \$1,608.81, an increase of \$140.17 or 9.54% over 2016. For a commercial property valued at \$500,000, the
462 city’s share of property taxes would be \$2,975.19, an increase of \$258.20, or 9.50% over 2016.

463

464 Certification of Preliminary Tax Levy

465 The City is required to submit the preliminary tax levy to the County by September 30. The preliminary tax
466 levy certified to the County cannot be increased, but can be reduced. The final budget and tax levy will be
467 adopted in December, after the Council holds a Budget and Tax Hearing.

468

469 Date for Budget and Tax Hearing

470 The date for the required Budget and Tax Hearing also needs to be provided to the County. This hearing is
471 normally held at the beginning of the December City Council meeting, which will be on December 20, 2016.

472

473 **Motion/Second: Palmquist/Nelson. To adopt Resolution 2016-46 approving the 2017 Preliminary Budget**
474 **in the amount of \$2,222,110. ROLL CALL: All Ayes. Motion carried 5-0-0.**

475

476 **Motion/Second: Palmquist/Nelson. To adopt Resolution 2016-47 approving the 2017 Preliminary Tax**
477 **Levy for certification to Washington County, in the amount of \$2,041,901, which includes a 9.86% levy**
478 **increase over 2016. ROLL CALL: All Ayes. Motion carried 5-0-0.**

479

480 **Motion/Second: Nelson/Bend. To set the date and time for the Budget and Tax Hearing for the adoption**
481 **of the final 2017 Budget And Tax Levy for December 20, 2016 at 7:00 p.m. Motion carried 5-0-0.**

482

483 4. Cluster Mailboxes – Administrator Moore explained that at its July 19, 2016 meeting, Council
484 reviewed information regarding residents in a number of rural neighborhoods working with the Post Office to
485 install cluster metal mailboxes with locking boxes to improve mail security. The residents and the Post Office
486 have contacted the City regarding whether the City has any requirements for the mailboxes. The City has
487 approved one cluster mailbox which included a decorative wood wrap, located in the Cedar Bluffs development.
488 The Post Office proposes using a metal pedestal mailbox. This issue was referred to the Heritage Preservation
489 Commission (HPC) for design review and recommendation. The HPC prefers the character of the Cedar Bluffs
490 mailbox with the wood and metal vs. all metal cluster mailbox. The addition of wood also would work on a
491 pedestal mailbox. Council questioned whether members of a neighborhood would be required or pressured to
492 eliminate their individual mailbox in favor of a cluster mailbox. The Afton Postmaster indicated no one would
493 be required to eliminate their individual mailbox. The Post Office would not install a cluster mailbox unless a
494 substantial percentage of the residents would participate. But if some residents do not want to participate they
495 could keep their individual mailboxes.

496

497 **Motion/Second: Bend/Nelson. To approve using metal cluster mailboxes in the city’s rural area with the**
498 **addition of a wood surround similar to that approved by the Heritage Preservation Commission. Motion**
499 **failed 2-3-0 (Nay: Ross/Richter/Palmquist).**

500

501 **Motion/Second: Bend/Palmquist. To not approve cluster mailboxes, as they are not in keeping with the**
502 **city’s rural character. Motion carried 5-0-0.**

503

504 5. Draft Ordinance for Septic System Compliance Inspection Trigger – Administrator Moore
505 explained that at its August 16, 2016 meeting, Council directed staff to draft an ordinance for additional triggers
506 for septic compliance inspections. A draft ordinance was provided for Council’s direction to the Planning
507 Commission for a public hearing and recommendation.

508

509 **Motion/Second: Palmquist/Richter. To refer the amended draft ordinance for additional septic**
510 **compliance inspection triggers to the Planning Commission for a Public Hearing.**

511

512 **Bend offered a Friendly Amendment to add language at the end of statement 1.B: “of the principal**
513 **structure.” The Friendly Amendment was accepted. Motion carried 5-0-0.**

514

515 6. Schedule a Public Hearing to Vacate the Cartway off of Afton Boulevard – [This item was moved to
516 Item 9C3.]

517

518 7. Letter of support for Jill Lucas reappointment to VBWD – Administrator Moore stated Jill Lucas
519 has served on the Valley Branch Watershed District (VBWD) Board of Managers for six years. She has
520 submitted a letter of interest to the County Commissioners regarding being reappointed to another term on the

521 Board of Managers. The City process is to send a letter of support to the County Commissioners for her
522 reappointment.
523

524 **Motion/Second: Bend/Nelson. To direct staff to prepare a letter of support for the reappointment of Jill**
525 **Lucas to another term on the Valley Branch Watershed District’s Board of Managers. Motion carried 5-**
526 **0-0.**

527 8. Deputies Facility – Moose reviewed that staff met with Jim Cox, the architect who prepared the
528 concept plan, and Doug Anschutz, the Commander with the Sheriff’s Department who is coordinating this
529 project for the Sheriff’s Department, to finalize the needs assessment and concept design for the deputies facility
530 planned to be constructed adjacent to City Hall. Commander Anschutz clarified that the way the deputies will
531 use the facility does not require that the facility be connected to water or sewer. Both Cox and Anschutz agreed
532 that the preferred location for the facility is adjacent to the eastern side of the City Hall building, rather than
533 located toward the eastern edge of the City Hall property. Also, it was agreed that it would be advantageous to
534 have the grading work for the building pad and driveway and the paving of the driveway done by the contractor
535 who will be reconstructing and paving the street/parking lot in front of the City Hall, and to have the survey
536 work for the grading of the building pad and driveway done by WSB as it fits into the work of their survey crew
537 working on the downtown project.
538

539 **Motion/Second: Palmquist/Nelson. To approve that the concept plan that no water or sewer will be**
540 **needed for the deputies facility and it will be located adjacent to the eastern side of City Hall. Motion**
541 **carried 5-0-0.**
542

543 9. Bill Isaacson and Family Request for Burials at Mt. Hope Cemetery – Administrator Moose
544 reviewed that Council, several months ago, approved the request from Bill Isaacson, that he, his wife and his
545 parents be buried at Mt. Hope Cemetery. These will be the last burials at the cemetery, as the Council has
546 determined the cemetery will be closed to any further burials beyond the Isaacson family. The Isaacson family
547 would like to bury the cremains of Mr. Isaacson’s wife and his parents this fall. The recently adopted ordinance
548 regarding the operation of Mt. Hope Cemetery requires the purchase of a burial permit and a burial plot. The
549 family has identified a preferred burial plot location. Stan Ross, President of the Afton Historical Society, has
550 indicated the proposed plot is in an acceptable location, as it is near the Tierney plot, which was the most recent
551 burial plot, and well clear of the historic burial sites. The plot is large enough to accommodate four cremains.
552 The Afton Historical Museum has a survey of the cemetery to which they can add the Isaacson burial site.
553 Moose indicated he had contacted the City of Wayzata, who operates a historic cemetery, to obtain information
554 about their policies and procedures regarding burials. They indicated they charge \$1,082 for a burial plot and
555 \$489 for a cremain opening for a burial. One burial plot can accommodate four cremains.
556

557 **Motion/Second: Richter/Palmquist. To approve a burial permit for the Isaacson family for the proposed**
558 **burial site which was approved by the Afton Historical Society. A nominal fee of \$1,000 will be a donation**
559 **to the Afton Historical Society for their administration and documentation of the burial plot and cremain**
560 **opening. Motion carried 5-0-0.**
561

562 10. Street Repair Needs – Administrator Moose stated there are three street repair items about which
563 staff is requesting direction from the Council. One is the repair of the Pennington Avenue erosion issue, the
564 other is the repair of the bridge/culvert on 30th Street and the third is temporary repairs to 15th Street S. The
565 costs related to each are as follows:
566

567	1) Pennington Ave. bank erosion repair:	\$7,000.00
568	2) 30th Street Bridge repair:	\$37,600.00
569	3) 15th Street S repair including skim coating:	\$35,000.00
570		

571 Moose indicated there is currently sufficient funding in the Seal Coating line-item of the General Fund to
572 fund two of the three repairs.

573

574 *[The Videographer informed Council that the recording was out of time; Council decided that the recording*
575 *could be finalized and staff would continue taking minutes for the remainder of the meeting. The City*
576 *Attorney confirmed that minutes, as they are the official record of the meeting, would be sufficient.]*
577

578 It was noted that no quotes were provided for the repairs and no contractors were identified in the Council
579 packet. It was also noted that the City Engineer had left the meeting and so was not available to offer answers to
580 Council questions about the needed repairs.

581 Richter, Council Member liaison to the Public Works Committee, stated that the Pennington Avenue repairs
582 need to be done; the engineers are working to recover the cost from Comcast.
583

584 **Motion/Second: Palmquist/Nelson. To authorize repairs on the Pennington Avenue bank erosion in the**
585 **amount of \$7,000.00. Motion carried 5-0-0.**
586

587 It was reported that City Engineer Diane Hankee had, in the past, indicated the 30th Street bridge was a higher
588 priority, as it contained a road hazard because of the missing barrier.
589

590 **Motion/Second: Bend/Nelson. To authorize repairs on the 30th Street bridge in the amount of \$37,600.00.**
591 **Motion carried 5-0-0.**
592

593 It was noted that the Public Works Committee put 15th Street S to the top of the street repair list. It was
594 reported that the western portion is in bad condition and that a skim patch could be done now to limp along
595 further; it is scheduled for reconstruction in 2018. The skim patch would hopefully allow the road to be placed
596 further down the list for reconstruction.
597

598 **Motion/Second: Palmquist/Nelson. To authorize repairs on 15th Street S including skim coating in the**
599 **amount of \$35,000.00. Motion carried 5-0-0.**
600

601 11. Picnic Table Donation to Steamboat Park by Sandi Alexander – Council Member Ross informed
602 Council that Sandi Alexander would like to purchase a picnic table to replace the wood one on the Steamboat
603 Park beach to commemorate her husband who recently passed.

604 Council members were reminded that the city has a Park Dedication Program for residents to be able to
605 make the type of donation Ms. Alexander desires to make.
606

607 12. Upper 34th Street Maintenance Agreement – [Was moved to before 9C1]
608

609 **D. Committee Reports –**

- 610 1. Public Works – covered in agenda; none.
- 611 2. Personnel – the server for Laserfiche is installed.
- 612 3. Parks – haven't received bids back for construction of Town Square Park restroom building yet.
- 613 4. HPC/DR – on Wednesday, September 21 they will be reviewing a fence for Squire House Gardens.
- 614 5. Natural Resources and Groundwater – the well testing program is moving forward.
615

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

- 617 **A.** Ward 1 Council Member Palmquist – none.
- 618 **B.** Ward 2 Council Member Richter – getting a lot of “my road is bad” calls.
- 619 **C.** Ward 3 Council Member Ross – the newsletter will have the update on the High Speed Internet project.
- 620 **D.** Ward 4 Council Member Nelson – none.
- 621 **E.** Mayor Bend – none.
- 622 **F.** City Attorney Knaak – Prosecution Report is on file.
- 623 **G.** City Administrator Moore – none.

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11. ADJOURN –

Motion/Second: Bend/Nelson. To adjourn the meeting at 11:27 p.m. Motion carried 5-0-0.

Respectfully submitted by:

Kim Swanson Linner, City Clerk

Approved by Council (on October 18, 2016) as (check one): Presented: X Amended: _____

Signed by Mayor Richard Bend _____ Date _____