



**CITY COUNCIL AGENDA**  
**AFTON CITY COUNCIL CHAMBERS**  
3033 St. Croix Trail South  
**TUESDAY, January 17, 2017**  
**7:00 P.M.**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

- 3. ROLL CALL**
- Mayor Bend
  - Council Member Nelson
  - Council Member Ross
  - Council Member Richter
  - Council Member Palmquist

**4. APPROVAL OF AGENDA**

- A. Approval of the Agenda for the Regular City Council meeting of January 17, 2017 -

**5. APPROVAL OF MINUTES**

- A. Minutes of the December 20, 2016 Regular City Council Meeting –

**6. PUBLIC INPUT**

Citizens may share their comments or concerns on any issue that is a responsibility or function of the Afton City Council, whether or not the issue is on the Agenda. Persons who wish to address the Council must fill out a Comment Card before the meeting begins and give it to the City Administrator or Council Chair. The Council Chair will request you to come to the podium, state your full name and address and present your comments. You are encouraged to limit your presentation to no more than 3 minutes. The Council Chair reserves the right to limit an individual's presentation if it becomes redundant, repetitive, overly argumentative, or if it is not relevant to an issue that is part of the City of Afton's responsibilities. The Council Chair may also limit the number of individual presentations to accommodate the scheduled agenda items.

**7. REPORTS/PRESENTATIONS**

- A. Sheriff's Monthly Report –
- B. Tom Niedzwiecki, Budget Report -
- C. Lower St. Croix Fire District Report –

**8. CONSENT AGENDA**

All matters listed on the Consent Agenda are considered to be routine by City Council and will be enacted in one motion. If a member wishes to discuss an item, that item will be removed from the Consent Agenda and considered separately. (Roll Call for Consent Agenda approval if Resolutions included):

- A. Just and Correct Claims
- B. 4M Fund Transfer – DECEMBER - **Resolution 2017-02**
- C. Renew 4M Joint Powers Agreement – Resolution **2017-03**
- D. Designate Official Depository – Resolution **2017-04**
- E. Designate Official Newspaper – Resolution **2017-05**
- F. 2017 Regular Meeting Schedule – Resolution **2017-06**

## **9. CITY COUNCIL BUSINESS**

### **A. Planning Commission Report – (PC Chair Report & Draft PC Minutes)**

1. Marcus and McLaurin Variance application at 4270 River Road – **Resolution 2017-07**
2. Ordinance Amendment Regarding Sec. 12-132. B.3. Contiguous Parcels Under Common Ownership– **Ordinance 01-2017**
3. Ordinance Amendment Eliminating “Storage Enclosed or Screened Principal Use” from the List of Allowed uses in the I1A and I1B Zoning Districts
4. Proposed Ordinance to Add Minimum Impact Design Standards (MIDS) to the Zoning Code

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

1. January Engineer’s Report
  - A. St. Croix Trail Agreement with Washington County
  - B. Engineering Services Proposal for 2017 Street Reclamation Projects
  - C. 2017 Fee Schedule for Engineering Services

### **C. Administration –**

1. Street Reconstruction Bonds Hearing **Cancelled**
2. Brown Trout LLC Application for Variance and Minor Subdivision – Resolution **2017-08**
3. Refinancing of Temporary Improvement Bonds – **Resolution 2017-09**
4. Designate City Attorney and Prosecution Attorney – Resolution **2017-10**
5. Designate City Engineer – Resolution **2017-11**
6. Designate Official 2017 City Signatories for Payroll and Checks – Resolution **2017-12**
7. Grants Committee Formation
8. Kim Swanson Linner Resignation
9. Temporary Staffing During City Clerk Position Vacancy
10. Periodic Review and Requests For Proposals for Contracted Services
11. Authorize Updating of the Downtown Village Improvements Project Cash Flow Spreadsheet

### **D. Committee Reports -**

1. Public Works
2. Personnel
3. Parks
4. Heritage Preservation Commission / Design Review
5. Natural Resources and Groundwater

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

- A.** Ward 1 Council Member Palmquist
- B.** Ward 2 Council Member Richter
- C.** Ward 3 Council Member Ross
- D.** Ward 4 Council Member Nelson
- E.** Mayor Bend
- F.** City Attorney Knaak
- G.** City Administrator Moorse

## **11. ADJOURN**

**A quorum of the City Council or Other Commissions may be present to receive information at, but not limited to, any of the following meetings: Planning Commission; the Public Works Committee; Parks Committee; Design Review and Historic Preservation Commission; Lower St. Croix Cable Commission; LSCWMO; MSCWMO; I-94 Corridor Coalition and the 5-City Mayor’s Alliance.**

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

**DRAFT City Council Regular Meeting Minutes  
December 20, 2016  
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 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 and City Administrator Ron Moorse.

4. **APPROVAL OF AGENDA** –

A. Agenda for the Regular City Council Meeting of December 20, 2016 – A presentation by Robert Craigs, Lower St. Croix Valley Foundation, was added as Item 7D. A cost estimate for engineering plans to reflect the design revisions for the Downtown Village Improvements Project was added as item 10.B.4.

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

5. **APPROVAL OF MINUTES** -

A. Minutes of the November 14, 2016 City Council Work session

**Motion/Second: Palmquist/Nelson. To approve the minutes of the November 14, 2016 City Council Work Session. Motion carried 5-0-0**

B. Minutes of the November 15, 2016 Regular City Council Meeting –

**Motion/Second: Nelson/Bend. To approve the minutes of the November 15, 2016 Regular City Council meeting as amended. Motion carried 5-0-0.**

C. Minutes of the November 30, 2016 City Council Work Session

**Motion/Second: Palmquist/Ross. To approve the minutes of the November 30, 2016 City Council Work Session. Motion carried 5-0-0.**

6. **PUBLIC INPUT** –

7. **REPORTS/PRESENTATIONS** -

A. Sheriff's Monthly Report – Deputy Sullivan provided the monthly report and indicated he has very much enjoyed working as a Patrol Deputy in the Afton and Lower St. Croix Valley area and is now moving to the Detective Division. Mayor Bend and the City Council members thanked Deputy Sullivan for his outstanding service and wished him the best in his new position.

B. Tom Niedzwiecki, Budget Report – Due to time constraints, there was no budget report.

C. Lower St. Croix Fire District Report – Nelson had nothing to report.

53 **D. Robert Craigs, Lower St. Croix Valley Foundation** – Provided an update regarding the improvement  
54 project for the recreational trail along CR 18, including the upgrade of the pedestrian bridge over Valley Creek  
55 in Afton. He reported that the Foundation’s fundraising efforts have been successful, which means the bridge  
56 upgrade project will move forward. Also, the Lower St. Croix Valley Foundation is developing a cost-  
57 reimbursement agreement with Washington County.

58  
59 **8. 2017 BUDGET AND TAX LEVY HEARING**

60 Mayor Bend opened the hearing at 7:20 p.m. Moose provided an outline of the 2017 proposed budget and tax  
61 levy. The focus of the proposed budget is increasing the resources for meeting street improvement needs. The  
62 proposed total tax levy is \$2,041,901, which is a 183,210 or 9.86% increase over the 2016 levy. The main item  
63 causing the tax levy increase is a \$150,000, or 75%, increase in the levy for street improvements. Based on the  
64 proposed tax levy, the City’s tax rate would be increased from 29.373% in 2016 to 32.3288% in 2017. The  
65 proposed budget and tax levy would result in the City’s share of property taxes on a home valued at \$200,000  
66 being \$581.04, an increase of \$49.98 or 9.417% over 2016. For a home valued at \$500,000, the increase would  
67 be \$139.94 or 9.53%.

68  
69 John Doyle of 14378 Valley Creek Trail asked what is planned to happen with the street improvements tax levy  
70 over the next ten years, based on the proposed street improvements funding plan.  
71 Moose provided information on the planned dollar and percentage increases to the street improvements levy  
72 over the next ten years.

73  
74 Peg Nolz of 15339 Afton Boulevard indicated that between 2017 and 2026 the street improvements funding plan  
75 would result in a cumulative total increase in the levy of 701%. She also indicated that,, although the notice for  
76 the budget and tax hearing indicates the 2017 budget is on the city’s website, the budget has not been posted to  
77 the website. A person would need to go to the meeting packet to find the budget.

78  
79 Riley /Anderson of 13501 50<sup>th</sup> Street, where the majority of funding for the annual budget is going right now.

80  
81 Moose outlined the main areas and amounts of expenditures and levies in the current budget.

82  
83 **Motion/Second: Palmquist/Ross. To close the hearing at 7:25 p.m. Motion carried 5-0-0.**

84  
85 **Motion/Second: Palmquist/Ross to Adopt Resolution 2016-55 adopting the final 2017 budget in the**  
86 **amount of \$2,222,110. Roll Call: All Ayes. Motion carried 5-0-0.**

87  
88 **Motion/Second: Palmquist/Ross. To adopt Resolution 2016-56 adopting the final 2017 Tax Levy in the**  
89 **amount of \$2,041,901. Roll Call: All Ayes. Motion carried 5-0-0.**

90  
91 **9. CONSENT AGENDA –**

92 **Motion/Second: Palmquist/Nelson. To approve the consent agenda, including Resolution 2016-57, as**  
93 **presented. Roll Call: All Ayes. Motion carried 5-0-0.**

94  
95 **9. CITY COUNCIL BUSINESS -**

96 **A. Planning Commission Report –**

97 1. Localized LLC Application for Conditional Use Permit for a Nature Center at 2167 Oakgreen  
98 Avenue and Two Adjacent Parcels with PID#s 16.028.20.23.0001 and 16.028.20.23.0002 – Moose indicated  
99 the application has been withdrawn, and the applicants have requested a refund of the fees that have been paid  
100 to-date.

101 **Motion/Second: Bend/Ross. To deny the request for the refund of fees, but to apply the fees paid to a**  
102 **future Nature Center CUP application, and to direct the City Administrator to reach out to the**  
103 **applicants to assist and encourage them to reapply. Motion carried 5-0-0.**

105           2. Ordinance Amending Sec. 12-132. B.3. Contiguous Parcels Under Common Ownership –  
106 Administrator Moorse reported that the Planning Commission had a number of questions and concerns  
107 regarding the proposed amendment. The Council discussed the questions and concerns and directed that the  
108 ordinance amendment be brought back to the Planning Commission with responses to the questions and  
109 concerns and additional language to add an exception for a lot with an existing house. The additional language  
110 is to be added to the end of subparagraph B as follows: “with the exception of a lot containing an existing  
111 residence, as long as the residence continues to qualify as an existing nonconforming structure.  
112 **Motion/Second: Bend/Palmquist. To approve the additional language to be added to the end of**  
113 **subparagraph B as follows: “with the exception of a lot containing an existing residence, as long as the**  
114 **residence continues to qualify as an existing nonconforming structure. Motion carried 5-0-0.**  
115

116           **B. Engineering Report –**

117           1. City Engineer Diane Hankee indicated the Seal Coat Project has been inspected and found to be  
118 satisfactory.

119 **Motion/Second: Palmquist/Richter. To approve payment of the invoice from Astech Corp. for the 2016**  
120 **Crack Fill and Seal Coat Project in the amount of \$32,804.**

121  
122           2. Diane Hankee indicated the cost for the culvert replacement on 30<sup>th</sup> Street could be reduced by at  
123 least \$20,000 if the city could obtain a permit from the Valley Branch Watershed District to use a smaller  
124 culvert. The cost of a permit would be between \$5,000 and \$7,500.

125  
126 **Motion/Second: Richter/Nelson. To authorize the City Engineer to provide the hydraulic analysis**  
127 **necessary to obtain a permit from the Valley Branch Watershed District to enable a smaller culvert at a**  
128 **cost between \$5,000 and \$7,500. Motion carried 5-0-0.**

129  
130           3. Putnam Bridge L8173 - Closure Requirements & Costs. Staff provided an update on the purchase  
131 and installation of required barricades and signage related to the bridge closure.

132  
133 **Motion/Second: Richter/Nelson. To approve the hauling and placement of the required concrete barriers**  
134 **by Tri County at a cost not to exceed \$2,000, and the purchase of warning barricades and Bridge Closed**  
135 **signs at a cost of \$882.80. Motion carried 5-0-0.**

136  
137           4. Cost Estimate for Downtown Village Improvements Project Design Revisions – Diane Hankee  
138 presented a cost estimate for developing final engineering plans for the design revisions in the area of  
139 the Rattlesnake Mound in the amount of \$46,931.

140  
141 **Motion/Second: Palmquist/Ross. To approve the WSB cost estimate of \$46,931 to develop final**  
142 **engineering plans related to the design revisions in the area of the Rattlesnake Mound. Motion carried 5-**  
143 **0-0.**

144  
145           **10. Administration –**

146           1. Street Improvements Planning – Moorse indicated the Council had been working to develop a long  
147 term plan for street improvements over the past several months. Next steps include selecting a  
148 funding option for the street improvements, selecting the street improvements to be completed in  
149 2017, and directing the City Engineer to prepare bid specifications and advertise for bids for a 2017  
150 Street Improvement Project.

151  
152           The Council discussed two bonding options – Street Reconstruction Bonds and Abatement Bonds.  
153 Dough Green, the City’s Bond Consultant, indicated the Street Reconstruction Bonds require a  
154 unanimous vote by the Council and are subject to a reverse referendum. The Abatement Bonds  
155 require a majority vote of the Council and are not subject to a reverse referendum. Abatement  
156 Bonds require additional effort regarding the determination of Property identification numbers for

157 parcels included in the project. They could also require an additional year of amortization and  
158 interest costs.

159  
160 Richter asked why the Street Reconstruction Bonds require unanimous approval.

161  
162 Doug Green indicated it is not clear why this requirement was placed on this type of bonds.  
163 Generally when the legislature adds a type of bonding authority requirements are added during the  
164 legislative discussion, and the specific reason for the requirement may not be clear.

165  
166 Richter indicated he did not have an opportunity to fully discuss the issues regarding bonding vs.  
167 pay-as-you-go funding at the street improvement open house. He indicated only 40 people attended  
168 the open house and only a small number commented. Richter reviewed a spreadsheet with a pay-as-  
169 you-go scenario that uses an initial cash infusion of \$400,000 that enables the planned reclamation  
170 projects to be completed by 2023 and enables the 14 miles of Mill and overlay to be completed by  
171 2026. He indicated that is a reasonable timeline.

172  
173 Richter indicated a \$400,000 cash infusion is possible unless more funding is needed for the  
174 downtown village improvement project. He stated that the City should not move forward with  
175 bonding until the costs and revenues of the downtown project have been updated, in case the  
176 downtown project requires more funding from the city.

177  
178 Mayor Bend asked Tom Niedzwiecki, City Accountant, about the possibility of having \$400,000  
179 available for an initial cash infusion. Niedzwiecki indicated that he estimates a \$200,000 surplus in  
180 the 2016 General Fund budget, which could, along with the use of some of the existing funds in the  
181 Street Capital Improvement Fund, provide close to the \$400,000.

182  
183 Mayor Bend asked for a comparison of the timing of Richter's pay-as-you-go option vs. a bonding  
184 option. Moore indicated the pay-as-you-go option does not complete the mill and overlays as  
185 timely as recommended, which could cause some of those roads to deteriorate into needing a  
186 reclamation vs. a mill and overlay.

187  
188 Richter indicated the City needs to figure out how to do road maintenance on a pay-as-you-go basis,  
189 just like other General Fund activities.

190  
191 Mayor Bend indicated he agreed, except that there is a backlog of street maintenance, which has  
192 allowed roads to deteriorate to the point of needing reclamation. He indicated he is concerned with  
193 the risks related to increasing road costs.

194  
195 Ross indicated that stretching out the reclamation projects to 2023 would result in the need for more  
196 large patches similar to the ones required on Afton Hills Road and 15<sup>th</sup> Street, which could cost as  
197 much or more than a mile of reclamation.

198  
199 **Motion/Second: Bend/Nelson. To fund the planned street improvements with a bonding mechanism.**

200 **Motion carried 4-1-0, Richter Nay.**

201

202

203 **Motion/Second: Bend/Nelson. To finance the street improvements with Street Reconstruction Bonds and**  
204 **to set in motion the process required to sell the bonds, and to authorize the City Administrator to proceed**  
205 **on a dual track with Abatement Bonds in the case the Street Reconstruction Bonds are not approved with**  
206 **a unanimous vote. Motion carried 4-1-0, Richter Nay.**

207

208 **Motion/Second: Palmquist/Nelson. To move forward to plan street improvements for 2017 and to choose**  
209 **reclamation priorities based on the priorities identified by the Public Works Committee and shown on the**  
210 **Street improvements planning spreadsheet.**

211  
212 **Richter indicated that River Road is going to be more difficult to plan, due to its narrowness, and will be**  
213 **more expensive.**

214  
215 **It was suggested that the City Engineer prepare a cost estimate for each road.**

216  
217 **Motion carried 4-1-0, Richter Nay.**

218  
219 **Motion/Second: Nelson/Palmquist. To direct the City engineer to prepare a proposal for preparing cost**  
220 **estimates and bid specifications and advertising for bids for review at a Special Council Meeting in early**  
221 **January. Motion carried 4-1-0, Richter Nay.**

222  
223 2. Refinancing of the Downtown Village Improvements Project Temporary Bonds – Doug Green, The  
224 City’s Bond Consultant, provided information regarding the refinancing of the temporary bonds.  
225 He will bring information regarding refinancing options to a Special Council meeting in early  
226 January.

227  
228 3. Purchase Electronic Drop Box to Store and Access the City Accountant’s Records – Moose  
229 indicated the contracted City Accountant currently stores the City’s accounting records in an  
230 electronic drop box, to which the City does not have direct access. The recommended solution for  
231 the City to purchase a dropbox to which both the City and the City Accountant would have access.

232 **Motion/Second: Palmquist/Ross to authorize the purchase of an electronic dropbox through Dropbox**  
233 **Business at a cost of \$99 per year. Motion carried 5-0-0.**

234  
235 4. Authorize Updating of the Downtown Village Improvements Project Cash Flow Spreadsheet- The  
236 Council agreed to continue this item to the January regular Council meeting.

237  
238 5. Periodic Review and Requests For proposals for Contracted Services – The Council agreed to  
239 continue this item to the January regular Council meeting

240  
241 6. Michael Pofahl - Proposal for Annual Audit Services - **Resolution 2016-58**

242 **Motion/Second: Nelson/Ross. To adopt resolution 2016-58 appointing Michael Pofahl to provide annual**  
243 **audit services for fiscal year 2016 at a cost not to exceed \$5,650. Roll Call Vote: Motion carried 5-0-0.**

244  
245 7. Amendment No. 4 to DNR Flood Hazard Mitigation Grant Agreement- Moose indicated the  
246 amendment is to add \$15,000 of funding to the grant amount.

247 **Motion/Second: Palmquist/Bend. To approve amendment No. 4 to the DNR Flood Hazard Mitigation**  
248 **Grant Agreement #3000006474. Motion carried 5-0-0.**

249  
250 8. Replacement of Dais Chairs in the Council Chambers

251 **Motion/Second: Nelson/Ross. To approve the replacement of the five upper dais chairs and the 12 lower**  
252 **dais chairs in the Council Chambers at a cost not to exceed \$3,549. Motion carried 5-0-0.**

253

254

255 **D. Committee Reports –**

256 1. Public Works – None

257 2. Personnel – None

258 3. Parks – None.

- 259 4. HPC/DR – None
- 260 5. Natural Resources and Groundwater – None
- 261

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

- 263 **A.** Ward 1 Council Member Palmquist –None
- 264 **B.** Ward 2 Council Member Richter – None
- 265 **C.** Ward 3 Council Member Ross – None
- 266 **D.** Ward 4 Council Member Nelson –None
- 267 **E.** Mayor Bend – None.
- 268 **F.** City Attorney Knaak – Prosecution Report is on file; it was a quiet month.
- 269 **G.** City Administrator Moorse – None.
- 270

271 **11. ADJOURN –**

272 **Motion/Second: Nelson/Ross. To adjourn the meeting at 10:55 p.m. Motion carried 5-0-0.**

273 Respectfully submitted by:

274  
275  
276  
277  
278 \_\_\_\_\_  
279 Ronald J. Moorse, City Administrator

280 **Approved by Council (on December 20, 2016) as (check one): Presented: \_\_\_\_\_ Amended: \_\_\_\_\_**

281 **Signed by Mayor Richard Bend \_\_\_\_\_ Date \_\_\_\_\_**

## City of Afton – Financial Reports December, 2016 (Preliminary)

Ref	Description	Pages
A.	Balance Sheet	A1
B.	Statement of Changes in Fund Balance: Current Month	B1
C.	Statement of Changes in Fund Balance: Year to Date	C1
D.	Statement of Revenue and Expenditures: General Fund Summary plus Detail for All Other Funds	D1 to D8
E.	Detail Statement of Revenue and Expenditures: General Fund Only	E1 to E6
F.	Summary and Detail of Special Activities Fund - YTD	F1 to F5
G.	Street Improvement Fund: YTD Detail by Account	G1 to G2
H.	Building and Land Fund: YTD Detail by Account	H1
I.	City Dock Fund: YTD Detail by Account	I1
J.	General Fund Streets, Rehab and Public Works: YTD Detail by Account	J1 to J5
K.	Customer Receipts and Other Deposits – MTD Sorted by Account	K1 to K2
L.	Claims Paid during <b>December: \$125,934.06</b>	L1 to L13
M.	Permit Escrow and Fee Detail	M1 to M17
N.	Building Insp Fees by Acct: YTD Detail for Afton	N1 to N5
O.	Park Reserve Fund – YTD Detail by Account	O1
P.	Road Debt Service Fund – YTD Detail by Account	P1
Q.	City Infra-Structure Improvement Fund – LTD Summary + YTD 2016 Detail	Q1 to Q6

**Year End Estimate:**

Schedule E has been enhanced to reflect a full year estimate. While we are through December 2016 there are still some revenue and expense items that haven't been received yet.

I will review those and how they impact the full year estimated financials for the General Fund at the 1/17/17 Council meeting.

You can see the full year estimate on Schedule E6 which is a Favorable \$240,741, a very good number indeed (assuming it holds).



Prepared by Thomas H. Niedzwiecki, Accountant

*City of Afton*  
*Claims to be Approved*  
*December 21, 2016 thru January 17, 2017*

Checks Numbered			
From	To	Description	To Be Approved
21486		Check(s) from Administrator stock: Postage & Cemetary Rd leaf removal	\$182.84
21576	21577	12/31/16 Staff Payroll	\$1,607.46
21578	21584	1/15/17 Staff & Council Payroll, Benefits + one routine Vendor Bill	\$1,988.61
21585	21592	Routine Vendor Bills	\$1,800.54
21593	21605	Significant Vendor & Other Bills	\$16,756.08
21606		US Bank: 2/1/17 2015A Road Bond Payment (\$165,000 is principal)	\$213,450.00
21607		West Lakeland Township: share of Prop Taxes re Century College	\$2,266.72
21608	21609	More Significant Vendor Bills	\$19,486.50
201701001	201701006	EFT: 12/31/16 Staff Payroll + Payroll Taxes	\$10,976.37
201701007	201701017	EFT: 1/15/17 Staff & Council Payroll	\$5,895.48
201701018	201701028	EFT: Postage, Internet/Phone and Utility Bills	\$1,165.54
201701029	201701031	PERA & Bldg Surcharges	\$2,385.72
<b>Claims to be approved at 1/17/17 meeting</b>			<b>\$277,961.86</b>



Submitted by Thomas H. Niedzwiecki, Accountants  
 File: Afton 2016 Claim Summary.xlsm Worksheet: Dec16 1/11/2017

01/11/17

**City of Afton**  
**Claims to be Approved**  
December 21, 2016 through January 17, 2017

Type	Date	Num	Name	Memo	Account	Original Amount
Bill Pmt -C...	01/06/2017	21486	Postmaster		100 - 4M Fund/US Bank - General F...	(182.84)
Bill	12/31/2016	JanNewslett...	100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5560 Newsletter	January 2017 Newsletter	5560 - Newsletter Expenses	182.84
TOTAL						182.84
Paycheck	12/28/2016	21576	Johnson, Kenneth L		100 - 4M Fund/US Bank - General F...	(950.15)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		5020 - Maintenance Person	882.45
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		2302 - PERA Payable - Staff	(57.36)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		5053 - PERA Contribution - Employer	66.18
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		2302 - PERA Payable - Staff	(66.18)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		5020 - Maintenance Person	450.00
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		2210 - Federal Withholding	(158.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		5051 - Social Security Tax - Employer	82.62
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		2205 - Soc Sec Payable - Employer	(82.62)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		2204 - Social Security W/H - Employee	(82.62)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		5052 - Medicare Tax - Employer	19.32
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		2213 - Medicare Payable - Employer	(19.32)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		2212 - Medicare W/H - Employee	(19.32)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		2208 - MN State Withholding	(65.00)
TOTAL						950.15
Paycheck	12/28/2016	21577	Meads, Debra J		100 - 4M Fund/US Bank - General F...	(657.31)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		5007 - Intern/Office Assistant Wages	842.52
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		2302 - PERA Payable - Staff	(54.76)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		5053 - PERA Contribution - Employer	63.19
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		2302 - PERA Payable - Staff	(63.19)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		2210 - Federal Withholding	(43.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		5051 - Social Security Tax - Employer	52.24
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		2205 - Soc Sec Payable - Employer	(52.24)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		2204 - Social Security W/H - Employee	(52.24)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		5052 - Medicare Tax - Employer	12.21
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		2213 - Medicare Payable - Employer	(12.21)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		2212 - Medicare W/H - Employee	(12.21)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		2208 - MN State Withholding	(23.00)
TOTAL						657.31
Bill Pmt -C...	12/29/2016	21578	Meyer Sewer Service, Inc	Account No. W0291 or PO872	100 - 4M Fund/US Bank - General F...	(200.00)
Bill	12/29/2016	61477	400 201 Project Fund:B. Exp:5915 201 Project Maintenance	pumped lift station	5915 - 201 Project Maintenance	200.00
TOTAL						200.00
Liability C...	12/31/2016	21579	Madison National Life	103815000000000	100 - 4M Fund/US Bank - General F...	(165.21)
				103815000000000	2325 - Madison Life ST & LT Disability	108.51
				103815000000000	2325 - Madison Life ST & LT Disability	56.70

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Type	Date	Num	Name	Memo	Account	Original Amount
<b>TOTAL</b>						<b>165.21</b>
Paycheck	01/12/2017	21580	Johnson, Kenneth L		100 · 4M Fund/US Bank - General F...	<b>(353.39)</b>
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		5020 - Maintenance Person	474.53
					2302 - PERA Payable - Staff	(30.84)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		5053 - PERA Contribution - Employer	35.59
					2302 - PERA Payable - Staff	(35.59)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		2210 - Federal Withholding	(35.00)
					5051 - Social Security Tax - Employer	29.42
					2205 - Soc Sec Payable - Employer	(29.42)
					2204 - Social Security W/H - Employee	(29.42)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5020 Gen'l Ma...		5052 - Medicare Tax - Employer	6.88
					2213 - Medicare Payable - Employer	(6.88)
					2212 - Medicare W/H - Employee	(6.88)
					2208 - MN State Withholding	(19.00)
<b>TOTAL</b>						<b>353.39</b>
Paycheck	01/12/2017	21581	Mende, Debra J		100 · 4M Fund/US Bank - General F...	<b>(708.71)</b>
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		5007 - Intern/Office Assistant Wages	842.52
					2302 - PERA Payable - Staff	(54.76)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		5053 - PERA Contribution - Employer	63.19
					2302 - PERA Payable - Staff	(63.19)
					1190 - Other Receivables	51.41
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		2210 - Federal Withholding	(43.00)
					5051 - Social Security Tax - Employer	52.24
					2205 - Soc Sec Payable - Employer	(52.24)
					2204 - Social Security W/H - Employee	(52.24)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5007 Intern/Of...		5052 - Medicare Tax - Employer	12.22
					2213 - Medicare Payable - Employer	(12.22)
					2212 - Medicare W/H - Employee	(12.22)
					2208 - MN State Withholding	(23.00)
<b>TOTAL</b>						<b>708.71</b>
Paycheck	01/13/2017	21582	Nelson, Randall P		100 · 4M Fund/US Bank - General F...	<b>(187.10)</b>
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...		5002 - Mayor & Council Wages	200.00
					2303 - PERA Payable - Council	(10.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...		5053 - PERA Contribution - Employer	10.00
					2303 - PERA Payable - Council	(10.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...		5052 - Medicare Tax - Employer	2.90
					2213 - Medicare Payable - Employer	(2.90)
					2212 - Medicare W/H - Employee	(2.90)
<b>TOTAL</b>						<b>187.10</b>
Paycheck	01/13/2017	21583	Palmquist, William B		100 · 4M Fund/US Bank - General F...	<b>(187.10)</b>
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...		5002 - Mayor & Council Wages	200.00

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Type	Date	Num	Name	Memo	Account	Original Amount
			100 Gen'l Fd.B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...		2303 - PERA Payable - Council	(10.00)
					5053 - PERA Contribution - Employer	10.00
			100 Gen'l Fd.B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...		2303 - PERA Payable - Council	(10.00)
					5052 - Medicare Tax - Employer	2.90
					2213 - Medicare Payable - Employer	(2.90)
					2212 - Medicare W/H - Employee	(2.90)
<b>TOTAL</b>						<b>187.10</b>
<b>Paycheck</b>	<b>01/13/2017</b>	<b>21584</b>	<b>Richter, Joseph J</b>		<b>100 - 4M Fund/US Bank - General F...</b>	<b>(187.10)</b>
			100 Gen'l Fd.B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...		5002 - Mayor & Council Wages	200.00
			100 Gen'l Fd.B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...		2303 - PERA Payable - Council	(10.00)
					5053 - PERA Contribution - Employer	10.00
					2303 - PERA Payable - Council	(10.00)
					5052 - Medicare Tax - Employer	2.90
					2213 - Medicare Payable - Employer	(2.90)
					2212 - Medicare W/H - Employee	(2.90)
<b>TOTAL</b>						<b>187.10</b>
<b>Bill Pmt -C...</b>	<b>01/12/2017</b>	<b>21585</b>	<b>Advantage Signs &amp; Graphics, Inc.</b>		<b>100 - 4M Fund/US Bank - General F...</b>	<b>(882.80)</b>
<b>Bill</b>	<b>12/31/2016</b>	<b>00029429</b>	100 Gen'l Fd.B. Exp:B03 Strts, Rehab & Pub Wks:B3.1 Streets:5860 Sig...	signage	5860 - Signs & Signals	882.80
<b>TOTAL</b>						<b>882.80</b>
<b>Bill Pmt -C...</b>	<b>01/12/2017</b>	<b>21586</b>	<b>Croix Crystal Water Treatment</b>	cooler lease and water	<b>100 - 4M Fund/US Bank - General F...</b>	<b>(33.25)</b>
<b>Bill</b>	<b>12/31/2016</b>	<b>51407</b>	100 Gen'l Fd.B. Exp:B04 Bldgs & Land:6030 Misc Expense	rent on hot & cold cooler, bottled water	6030 - Misc Exp - Bldg & Land	33.25
<b>TOTAL</b>						<b>33.25</b>
<b>Bill Pmt -C...</b>	<b>01/12/2017</b>	<b>21587</b>	<b>Highland Sanitation</b>	Acct No. 7208	<b>100 - 4M Fund/US Bank - General F...</b>	<b>(190.00)</b>
<b>Bill</b>	<b>12/31/2016</b>	<b>0000330520</b>	100 Gen'l Fd.B. Exp:B02 Public Safety & Health:B2.2 Public Health:572...	extra hauling	5720 - Refuse Hauling - City Hall	190.00
<b>TOTAL</b>						<b>190.00</b>
<b>Bill Pmt -C...</b>	<b>01/12/2017</b>	<b>21588</b>	<b>Menards - Hudson</b>		<b>100 - 4M Fund/US Bank - General F...</b>	<b>(40.49)</b>
<b>Bill</b>	<b>12/31/2016</b>	<b>35654</b>	100 Gen'l Fd.B. Exp:B04 Bldgs & Land:6030 Misc Expense	supplies	6030 - Misc Exp - Bldg & Land	17.92
<b>Bill</b>	<b>12/31/2016</b>	<b>36169</b>	100 Gen'l Fd.B. Exp:B04 Bldgs & Land:6050 Supplies	supplies	6050 - Supplies - Bldg & Land	17.92
<b>Bill</b>	<b>12/31/2016</b>	<b>36046</b>	100 Gen'l Fd.B. Exp:B04 Bldgs & Land:6050 Supplies	supplies	6050 - Supplies - Bldg & Land	4.65
<b>TOTAL</b>						<b>40.49</b>
<b>Bill Pmt -C...</b>	<b>01/12/2017</b>	<b>21589</b>	<b>Security Response Services Inc</b>	account number 120857	<b>100 - 4M Fund/US Bank - General F...</b>	<b>(149.50)</b>
<b>Bill</b>	<b>12/31/2016</b>	<b>1161890</b>	100 Gen'l Fd.B. Exp:B04 Bldgs & Land:6040 Repairs & Maintenance	card reader at main office	6040 - City Property Maintenance	149.50

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Type	Date	Num	Name	Memo	Account	Original Amount
<b>TOTAL</b>						149.50
Bill Pmt -C...	01/12/2017	21590	Squire House Gardens		100 - 4M Fund/US Bank - General F...	(25.00)
Bill	12/31/2016	CaughtRecy...	100 Gen'l Fd:B. Exp:B02 Public Safety & Health:B2.2 Public Health:570...	Recycling Star program	5705 - Recycling - Afton	25.00
<b>TOTAL</b>						25.00
Bill Pmt -C...	01/12/2017	21591	US Bank Equipment Finance	Acct# 1473396 Contract # 500-0466085-000	100 - 4M Fund/US Bank - General F...	(230.00)
Bill	12/31/2016	320935927	100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5516 Copier Lease.	Ricoh C4503 copier lease S/N E175MC60291	5516 - Copier Lease	230.00
<b>TOTAL</b>						230.00
Bill Pmt -C...	01/12/2017	21592	ZoneOne Locating		100 - 4M Fund/US Bank - General F...	(249.50)
Bill	12/31/2016	23862	100 Gen'l Fd:B. Exp:B03 Strts, Rehab & Pub Wks:B3.1 Streets:5870 Ot...	Locate Labor and travel	5870 - Other Road Maintenance	249.50
<b>TOTAL</b>						249.50
Bill Pmt -C...	01/17/2017	21593	Archaeo-Physics		100 - 4M Fund/US Bank - General F...	(507.83)
Bill	12/31/2016	AFT-16-02	800 City InfraStructure Imp Fd:B. Exp:8894 Septic Permits, Fees, Admin	consulting	8894 - Septic Permits, Fees, Admin	507.83
<b>TOTAL</b>						507.83
Bill Pmt -C...	01/17/2017	21594	Environmental Law Group	VOID:	100 - 4M Fund/US Bank - General F...	0.00
<b>TOTAL</b>						0.00
Bill Pmt -C...	01/17/2017	21595	Environmental Law Group		100 - 4M Fund/US Bank - General F...	(4,452.00)
Bill	12/31/2016	16017	800 City InfraStructure Imp Fd:B. Exp:8894 Septic Permits, Fees, Admin	Environmental review and permitting issues	8894 - Septic Permits, Fees, Admin	4,452.00
<b>TOTAL</b>						4,452.00
Bill Pmt -C...	01/17/2017	21596	Holstad & Knaak, PLC	Legal Services	100 - 4M Fund/US Bank - General F...	(4,000.00)
Bill	12/31/2016	Dec2016	100 Gen'l Fd:B. Exp:B01 G & A:B1.2 Prof Serv:5321 General - Legal F... 100 Gen'l Fd:B. Exp:B01 G & A:B1.2 Prof Serv:5320 Prosecution - Leg... 800 City InfraStructure Imp Fd:B. Exp:8894 Septic Permits, Fees, Admin	Civil / General Prosecution Condemnation	5321 - Legal Fees - General 5320 - Legal Fees - Prosecution 8894 - Septic Permits, Fees, Admin	1,593.00 2,230.00 177.00
<b>TOTAL</b>						4,000.00
Bill Pmt -C...	01/17/2017	21597	Niedzwiecki, Thomas H.		100 - 4M Fund/US Bank - General F...	(1,375.00)
Bill	12/30/2016	Budget2017	100 Gen'l Fd:B. Exp:B01 G & A:B1.2 Prof Serv:5304 Accounting Fees 120 Street Imp Capital Fd:B. Exp:7942 2016 Street Projects	budget street related	5304 - Accounting Fees 7942 - 2016 Street Projects	750.00 625.00

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Type	Date	Num	Name	Memo	Account	Original Amount
<b>TOTAL</b>						<b>1,375.00</b>
Bill Pmt -C...	01/17/2017	21598	Niedzwiecki, Thomas H.	Accounting Services	100 · 4M Fund/US Bank - General F...	(1,271.00)
Bill	12/31/2016	AcotDec2016	100 Gen'l Fd:B. Exp:B01 G & A:B1.2 Prof Serv:5304 Accounting Fees 100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5540 Office Supplies 100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5540 Office Supplies 100 Gen'l Fd:B. Exp:B01 G & A:B1.2 Prof Serv:5304 Accounting Fees	Monthly charge for Accounting Services per Contract Monthly charge for QB Pro software including Payroll Service & ... Mailing envelopes, copies of invoices, misc postage Attendance at CC Meeting	5304 · Accounting Fees 5540 · Office Supplies 5540 · Office Supplies 5304 · Accounting Fees	1,107.00 26.00 38.00 100.00
<b>TOTAL</b>						<b>1,271.00</b>
Bill Pmt -C...	01/17/2017	21599	Northwest Assoc (City Projects)	Technical Assistance - City Projects	100 · 4M Fund/US Bank - General F...	(652.30)
Bill	12/31/2016	22680	550 Special Activities Fund:B. Cable Comm/July 4th/Comm Garden:636...	Carlson property	6366 · City Council Contingency Exp	652.30
<b>TOTAL</b>						<b>652.30</b>
Bill Pmt -C...	01/17/2017	21600	Northwest Assoc (Private Projects)	Technical Assistance - Private Projects	100 · 4M Fund/US Bank - General F...	(42.00)
Bill	12/31/2016	22681	100 Gen'l Fd:B. Exp:B01 G & A:B1.2 Prof Serv:5335 Other Fees for Ser...	Nelson Estates	5335 · Other Fees for Service	42.00
<b>TOTAL</b>						<b>42.00</b>
Bill Pmt -C...	01/17/2017	21601	Springsted Incorporated		100 · 4M Fund/US Bank - General F...	(1,000.00)
Bill	12/31/2016	16-230	805 Downtown Imp Debt Service:7738 Bond Issue Expense 725 Road Paving Debt Service Fund:7736 2014A Refund Bd Admin Exp 725 Road Paving Debt Service Fund:7736 2014A Refund Bd Admin Exp 805 Downtown Imp Debt Service:7738 Bond Issue Expense	Continuing Disclosure Services - Temp Imp Bonds Continuing Disclosure Services - Road Refunding Bonds General Obligation Tax Abatement Refunding General Obligation Temp Improvement Bonds	7738 · 2015A Adm Exp Dwtwn Tem... 7736 · 2014A Refunding Bds Admin E... 7736 · 2014A Refunding Bds Admin E... 7738 · 2015A Adm Exp Dwtwn Tem...	300.00 300.00 200.00 200.00
<b>TOTAL</b>						<b>1,000.00</b>
Bill Pmt -C...	01/17/2017	21603	US Bank (Admin Fee)	Acct No. 0020325NS	100 · 4M Fund/US Bank - General F...	(450.00)
Bill	12/31/2016	4499562	725 Road Paving Debt Service Fund:7736 2014A Refund Bd Admin Exp	2016 Admin Fee: GO Tax Abatement 2014A	7736 · 2014A Refunding Bds Admin E...	450.00
<b>TOTAL</b>						<b>450.00</b>
Bill Pmt -C...	01/17/2017	21604	Wash Cty (Rd & Bridge)(Trans & Phys Dev)	Account No. 20490	100 · 4M Fund/US Bank - General F...	(2,450.95)
Bill	12/31/2016	99021	100 Gen'l Fd:B. Exp:B03 Strts, Rehab & Pub Wks:B3.1 Streets:5830 Sn...	snow & ice control 11/30/16	5830 · Snow & Ice Control	2,450.95
<b>TOTAL</b>						<b>2,450.95</b>
Bill Pmt -C...	01/17/2017	21605	Wenck Associates Inc.	project 2656	100 · 4M Fund/US Bank - General F...	(555.00)
Bill	12/31/2016	11607331	800 City InfraStructure Imp Fd:B. Exp:8896 Sanitary Sewer Imp	B2656-0005 Afton LSTS - bidding, construction & po	8896 · Sanitary Sewer Improvements	555.00
<b>TOTAL</b>						<b>555.00</b>

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Type	Date	Num	Name	Memo	Account	Original Amount
Bill Pmt -C...	01/17/2017	21606	US Bank (Road Bond Pymts)	Acct # 002032SNS Abatement Refunding Bond Series 2014A	100 · 4M Fund/US Bank - General F...	(213,450.00)
Bill	01/17/2017	339982 2/1/...		GO Tax Abatement 2014A: Interest due 2/1/17 GO Tax Abatement 2014A: Principal 2/1/17	2035 · Acc Int - 2014A Road Refund ... 2701 · 2014A Refunding Road Bonds	48,450.00 165,000.00
TOTAL						213,450.00
Bill Pmt -C...	01/17/2017	21607	West Lakeland Township	PropID: 04.028.20.21.0005 Scannell Prop#107 LLC	100 · 4M Fund/US Bank - General F...	(2,266.72)
Bill	01/17/2017	2016TaxAll...	100 Gen'l Fd:A. Rev:A02 Intergovernmental Revenue:4100 Gravel Tax/...	Prop Taxes: West Lakeland Township re. Century College (2016 ...	4100 · Gravel Tax/West Lakeland	2,266.72
TOTAL						2,266.72
Bill Pmt -C...	01/17/2017	21608	Innovative Office Solutions LLC	customer # V105001	100 · 4M Fund/US Bank - General F...	(3,549.00)
Bill	12/31/2016	IN1460930	115 Bldg & Land Capital Fund:B. Exp:6003 City Hall Improvements	Chairs	6003 · City Hall Improvements	3,549.00
TOTAL						3,549.00
Bill Pmt -C...	01/17/2017	21609	Tri-County Services (Snow Ice)		100 · 4M Fund/US Bank - General F...	(15,937.50)
Bill	12/31/2016	73	100 Gen'l Fd:B. Exp:B03 Strts, Rehab & Pub Wks:B3.1 Streets:5830 Sn...	Snow & Ice Control: Dec2016	5830 · Snow & Ice Control	15,937.50
TOTAL						15,937.50
Paycheck	12/29/2016	201701001	Moorse, Ronald J	Direct Deposit	100 · 4M Fund/US Bank - General F...	0.00
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5004 · Administrator Salary	3,839.58
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5053 · PERA Contribution - Employer	287.97
				Direct Deposit	2302 · PERA Payable - Staff	(287.97)
				Direct Deposit	2302 · PERA Payable - Staff	(249.57)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5037 · Flexible Benefits	1,100.00
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5018 · Insurance Benefits	28.35
				Direct Deposit	2325 · Madison Life ST & LT Disability	(28.35)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	2325 · Madison Life ST & LT Disability	(108.51)
				Direct Deposit	2210 · Federal Withholding	(731.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5051 · Social Security Tax - Employer	306.25
				Direct Deposit	2205 · Soc Sec Payable - Employer	(306.25)
				Direct Deposit	2204 · Social Security W/H - Employee	(306.25)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5052 · Medicare Tax - Employer	71.63
				Direct Deposit	2213 · Medicare Payable - Employer	(71.63)
				Direct Deposit	2212 · Medicare W/H - Employee	(71.63)
				Direct Deposit	2208 · MN State Withholding	(279.00)
				Direct Deposit	2110 · Direct Deposit Liabilities	(3,193.62)
TOTAL						0.00
Paycheck	12/29/2016	201701002	Swanson Linner, Kimberly J	Direct Deposit	100 · 4M Fund/US Bank - General F...	0.00
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5008 · Office Manager Wages	1,828.80
				Direct Deposit	2302 · PERA Payable - Staff	(118.87)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5053 · PERA Contribution - Employer	137.16

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Type	Date	Num	Name	Memo	Account	Original Amount
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	2302 - PERA Payable - Staff	(137.16)
				Direct Deposit	5018 - Insurance Benefits	28.35
				Direct Deposit	2325 - Madison Life ST & LT Disability	(28.35)
				Direct Deposit	2210 - Federal Withholding	(114.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5051 - Social Security Tax - Employer	113.38
				Direct Deposit	2205 - Soc Sec Payable - Employer	(113.38)
				Direct Deposit	2204 - Social Security W/H - Employee	(113.38)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5052 - Medicare Tax - Employer	26.52
				Direct Deposit	2213 - Medicare Payable - Employer	(26.52)
				Direct Deposit	2212 - Medicare W/H - Employee	(26.52)
				Direct Deposit	2208 - MN State Withholding	(54.00)
				Direct Deposit	2110 - Direct Deposit Liabilities	(1,402.03)
TOTAL						0.00
Liability C...	12/28/2016	201701003	QuickBooks Payroll Service	Created by Payroll Service on 12/26/2016	100 - 4M Fund/US Bank - General F...	(4,599.15)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5505 Bank/IRS Fees/Sal...	Fee for 2 direct deposit(s) at \$1.75 each	5505 - Bank/IRS/Sales Tax	3.50
			QuickBooks Payroll Service	Created by Payroll Service on 12/26/2016	2110 - Direct Deposit Liabilities	4,595.65
TOTAL						4,599.15
Liability C...	12/31/2016	201701004	PERA (Staff)	3030-01 210990	100 - 4M Fund/US Bank - General F...	(1,035.06)
				3030-01 210990	2302 - PERA Payable - Staff	480.56
				3030-01 210990	2302 - PERA Payable - Staff	554.50
TOTAL						1,035.06
Liability C...	12/31/2016	201701005	IRS (US Treasury)	41-1290668	100 - 4M Fund/US Bank - General F...	(4,555.16)
				41-1290668	2210 - Federal Withholding	1,945.00
				41-1290668	2213 - Medicare Payable - Employer	260.30
				41-1290668	2212 - Medicare W/H - Employee	260.30
				41-1290668	2205 - Soc Sec Payable - Employer	1,044.78
				41-1290668	2204 - Social Security W/H - Employee	1,044.78
TOTAL						4,555.16
Liability C...	12/31/2016	201701006	MN Dept of Revenue	5050730	100 - 4M Fund/US Bank - General F...	(787.00)
				5050730	2208 - MN State Withholding	787.00
TOTAL						787.00
Paycheck	01/12/2017	201701007	Swanson Linner, Kimberly J	Direct Deposit	100 - 4M Fund/US Bank - General F...	0.00
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5008 - Office Manager Wages	609.60
				Direct Deposit	2302 - PERA Payable - Staff	(39.62)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5053 - PERA Contribution - Employer	45.72
				Direct Deposit	2302 - PERA Payable - Staff	(45.72)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5051 - Social Security Tax - Employer	37.80

01/11/17

**City of Afton**  
**Claims to be Approved**  
December 21, 2016 through January 17, 2017

Type	Date	Num	Name	Memo	Account	Original Amount
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	2205 - Soc Sec Payable - Employer	(37.80)
				Direct Deposit	2204 - Social Security W/H - Employee	(37.80)
				Direct Deposit	5052 - Medicare Tax - Employer	8.84
				Direct Deposit	2213 - Medicare Payable - Employer	(8.84)
				Direct Deposit	2212 - Medicare W/H - Employee	(8.84)
				Direct Deposit	2110 - Direct Deposit Liabilities	(523.34)
TOTAL						0.00
Liability C...	01/11/2017	201701008	QuickBooks Payroll Service	Created by Payroll Service on 01/10/2017	100 - 4M Fund/US Bank - General F...	(525.09)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5505 Bank/IRS Fees/Sal... QuickBooks Payroll Service	Fee for 1 direct deposit(s) at \$1.75 each Created by Payroll Service on 01/10/2017	5505 - Bank/IRS/Sales Tax 2110 - Direct Deposit Liabilities	1.75 523.34
TOTAL						525.09
Bill Pmt -C...	01/12/2017	201701009	Spencer D Klover (DD)	Videographer \$25.00/hour	100 - 4M Fund/US Bank - General F...	(175.00)
Bill	12/31/2016	VideoDec20...	100 Gen'l Fd:B. Exp:B01 G & A:B1.2 Prof Serv:5120 Contract - Video ...	PC mtg, CC mtg, Video Maint	5120 - Contract - Video Meetings	175.00
TOTAL						175.00
Check	01/11/2017	201701010	QuickBooks Payroll Service	Created by Direct Deposit Service on 01/10/2017	100 - 4M Fund/US Bank - General F...	(1.75)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5505 Bank/IRS Fees/Sal...	Fee for 1 direct deposit(s) at \$1.75 each	5505 - Bank/IRS/Sales Tax	1.75
TOTAL						1.75
Paycheck	01/13/2017	201701011	Moorse, Ronald J	Direct Deposit	100 - 4M Fund/US Bank - General F...	0.00
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5004 - Administrator Salary	3,839.58
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5053 - PERA Contribution - Employer	287.97
				Direct Deposit	2302 - PERA Payable - Staff	(287.97)
				Direct Deposit	2302 - PERA Payable - Staff	(249.57)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5037 - Flexible Benefits	1,100.00
				Direct Deposit	2210 - Federal Withholding	(727.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5051 - Social Security Tax - Employer	306.25
				Direct Deposit	2205 - Soc Sec Payable - Employer	(306.25)
				Direct Deposit	2204 - Social Security W/H - Employee	(306.25)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5004 Administr...	Direct Deposit	5052 - Medicare Tax - Employer	71.62
				Direct Deposit	2213 - Medicare Payable - Employer	(71.62)
				Direct Deposit	2212 - Medicare W/H - Employee	(71.62)
				Direct Deposit	2208 - MN State Withholding	(279.00)
				Direct Deposit	2110 - Direct Deposit Liabilities	(3,306.14)
TOTAL						0.00
Paycheck	01/13/2017	201701012	Swanson Linner, Kimberly J	Direct Deposit	100 - 4M Fund/US Bank - General F...	0.00
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5008 - Office Manager Wages	717.55
				Direct Deposit	2302 - PERA Payable - Staff	(46.64)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5053 - PERA Contribution - Employer	53.82

01/11/17

**City of Afton**  
**Claims to be Approved**  
December 21, 2016 through January 17, 2017

Type	Date	Num	Name	Memo	Account	Original Amount
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	2302 · PERA Payable - Staff	(53.82)
				Direct Deposit	5051 · Social Security Tax - Employer	44.48
				Direct Deposit	2205 · Soc Sec Payable - Employer	(44.48)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	2204 · Social Security W/H - Employee	(44.48)
				Direct Deposit	5052 · Medicare Tax - Employer	10.40
				Direct Deposit	2213 · Medicare Payable - Employer	(10.40)
				Direct Deposit	2212 · Medicare W/H - Employee	(10.40)
				Direct Deposit	2110 · Direct Deposit Liabilities	(616.03)
TOTAL						0.00
Paycheck	01/13/2017	201701013	Bend, Richard H	Direct Deposit	100 · 4M Fund/US Bank - General F..	0.00
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...	Direct Deposit	5002 · Mayor & Council Wages	300.00
				Direct Deposit	2303 · PERA Payable - Council	(15.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...	Direct Deposit	5053 · PERA Contribution - Employer	15.00
				Direct Deposit	2303 · PERA Payable - Council	(15.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...	Direct Deposit	5052 · Medicare Tax - Employer	4.35
				Direct Deposit	2213 · Medicare Payable - Employer	(4.35)
				Direct Deposit	2212 · Medicare W/H - Employee	(4.35)
				Direct Deposit	2110 · Direct Deposit Liabilities	(280.65)
TOTAL						0.00
Paycheck	01/13/2017	201701014	Ross, Stanley A	Direct Deposit	100 · 4M Fund/US Bank - General F..	0.00
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...	Direct Deposit	5002 · Mayor & Council Wages	200.00
				Direct Deposit	2303 · PERA Payable - Council	(10.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...	Direct Deposit	5053 · PERA Contribution - Employer	10.00
				Direct Deposit	2303 · PERA Payable - Council	(10.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5002 Mayor &...	Direct Deposit	5052 · Medicare Tax - Employer	2.90
				Direct Deposit	2213 · Medicare Payable - Employer	(2.90)
				Direct Deposit	2212 · Medicare W/H - Employee	(2.90)
				Direct Deposit	2110 · Direct Deposit Liabilities	(187.10)
TOTAL						0.00
Liability C...	01/12/2017	201701015	QuickBooks Payroll Service	Created by Payroll Service on 01/10/2017	100 · 4M Fund/US Bank - General F..	(4,396.92)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5505 Bank/IRS Fees/Sal... QuickBooks Payroll Service	Fee for 4 direct deposit(s) at \$1.75 each Created by Payroll Service on 01/10/2017	5505 · Bank/IRS/Sales Tax	7.00
					2110 · Direct Deposit Liabilities	4,389.92
TOTAL						4,396.92
Paycheck	01/17/2017	201701016	Swanson Linner, Kimberly J	Direct Deposit	100 · 4M Fund/US Bank - General F..	0.00
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5004 · Administrator Salary	893.32
				Direct Deposit	2210 · Federal Withholding	(20.00)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5051 · Social Security Tax - Employer	55.39
				Direct Deposit	2205 · Soc Sec Payable - Employer	(55.39)
				Direct Deposit	2204 · Social Security W/H - Employee	(55.39)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.1 Wages & Benefits:5006 Deputy ...	Direct Deposit	5052 · Medicare Tax - Employer	12.96
				Direct Deposit	2213 · Medicare Payable - Employer	(12.96)

01/11/17

**City of Afton**  
**Claims to be Approved**  
December 21, 2016 through January 17, 2017

Type	Date	Num	Name	Memo	Account	Original Amount
				Direct Deposit	2212 - Medicare W/H - Employee	(12.96)
				Direct Deposit	2208 - MN State Withholding	(10.00)
				Direct Deposit	2110 - Direct Deposit Liabilities	(794.97)
TOTAL						0.00
Liability C...	01/13/2017	201701017	QuickBooks Payroll Service	Created by Payroll Service on 01/10/2017	100 - 4M Fund/US Bank - General F...	(796.72)
			100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5505 Bank/IRS Fees/Sal...	Fee for 1 direct deposit(s) at \$1.75 each	5505 - Bank/IRS/Sales Tax	1.75
			QuickBooks Payroll Service	Created by Payroll Service on 01/10/2017	2110 - Direct Deposit Liabilities	794.97
TOTAL						796.72
Bill Pmt -C...	01/17/2017	201701018	Comcast (EFT) (8772 10 572 0001508)	Account # 8772 10 572 0001508	100 - 4M Fund/US Bank - General F...	(199.55)
Bill	12/31/2016	Dec2016	100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5510 Computer Serv/Sof...	Comcast Business Internet	5510 - Computer Service/Software	34.90
			100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5565 Telephone	Comcast Business Voice	5565 - Telephone	164.65
TOTAL						199.55
Bill Pmt -C...	01/17/2017	201701019	CP Energy (EFT) (6217601-1)	Meter # M19702480474 Account No. 6217601-1	100 - 4M Fund/US Bank - General F...	(252.24)
Bill	12/31/2016	Dec2016	100 Gen'l Fd:B. Exp:B04 Bldgs & Land:6045 City Garage Expense	1675 Stagecoach Trl S: City Garage	6045 - City Garage Expense	252.24
TOTAL						252.24
Bill Pmt -C...	01/17/2017	201701020	CP Energy (EFT) (8000015314-0)	Acct No. 8000015314-0	100 - 4M Fund/US Bank - General F...	(212.69)
Bill	12/31/2016	Dec2016	100 Gen'l Fd:B. Exp:B04 Bldgs & Land:6010 Gas Heat	6010 5280051 3175 St. Croix Trl S Meter #M19810528546	6010 - Gas Heat	61.49
			100 Gen'l Fd:B. Exp:B03 Strts, Rehab & Pub Wks:B3.1 Streets:5855 Ga...	5855 5297140 3033 St. Croix Trl S Meter #M19981171295	5855 - Gas Lamps - Operating Costs	27.19
			100 Gen'l Fd:B. Exp:B03 Strts, Rehab & Pub Wks:B3.1 Streets:5855 Ga...	5855 5297143 3033 St. Croix Trl S Meter #M19981171296	5855 - Gas Lamps - Operating Costs	124.01
TOTAL						212.69
Bill Pmt -C...	01/17/2017	201701021	Neopost 2888 (EFT)	Acct # 7900 0440 8026 2888	100 - 4M Fund/US Bank - General F...	(96.25)
Bill	12/31/2016	54436689	100 Gen'l Fd:B. Exp:B01 G & A:B1.4 Oth Exp:5550 Postage	Acct # 7900 0440 8026 2888 Postage PPLN01	5550 - Postage	96.25
TOTAL						96.25
Bill Pmt -C...	01/17/2017	201701022	Xcel Energy (EFT) (51-0895345-1)	Acct: 51-0895345-1 Meter# 000071246886	100 - 4M Fund/US Bank - General F...	(21.92)
Bill	12/31/2016	529539212	800 City InfraStructure Imp Fd:B. Exp:8891 Dwtown Prop Purch/Exp	Eastwood - Septic Property 2318 St Croix Trl S Meter# 96987678	8891 - DNR Flood Imp - Prop Purch/E...	21.92
TOTAL						21.92
Bill Pmt -C...	01/17/2017	201701023	Xcel Energy (EFT) (51-4272629-8)	3175 St. Croix Trail S Meter #0098360010	100 - 4M Fund/US Bank - General F...	(16.45)
Bill	12/31/2016	526488990	100 Gen'l Fd:B. Exp:B04 Bldgs & Land:6020 Electricity - Xcel Energy	3175 St. Croix Trail S Meter #0098360010	6020 - Electricity	16.45

01/11/17

**City of Afton**  
**Claims to be Approved**  
December 21, 2016 through January 17, 2017

Type	Date	Num	Name	Memo	Account	Original Amount
TOTAL						16.45
Bill Pmt -C...	01/17/2017	201701024	Xcel Energy (EFT) (51-5247622-9)	201 Project: 4105 River Rd Meter No. 0098359441	100 - 4M Fund/US Bank - General F...	(57.26)
Bill	12/31/2016	529887906	400 201 Project Fund:B. Exp:5915 201 Project Maintenance	201 Project: 4105 River Rd Meter No. 0098359441	5915 - 201 Project Maintenance	57.26
TOTAL						57.26
Bill Pmt -C...	01/17/2017	201701025	Xcel Energy (EFT) (51-5641441-6)	Acct #51-5641441-6 Meter #90708534	100 - 4M Fund/US Bank - General F...	(13.75)
Bill	12/31/2016	526531727	100 Gen'l Fd:B. Exp:B04 Bldgs & Land:6020 Electricity - Xcel Energy	3415 St. Croix Trail S Meter #90708534	6020 - Electricity	13.75
TOTAL						13.75
Bill Pmt -C...	01/17/2017	201701026	Xcel Energy (EFT) (51-5700429-6)	Acct #51-5700429-6 Meter #0077765464	100 - 4M Fund/US Bank - General F...	(124.14)
Bill	12/31/2016	526516319	100 Gen'l Fd:B. Exp:B03 Strs, Rehab & Pub Wks:B3.1 Streets:5850 Str...	3033 St. Croix Trail S Meter #0077765464	5850 - Street Lighting	124.14
TOTAL						124.14
Bill Pmt -C...	01/17/2017	201701027	Xcel Energy (EFT) (51-6257802-9)	3420 St. Croix Trl S Meter #0096987678	100 - 4M Fund/US Bank - General F...	(36.33)
Bill	12/31/2016	526533358	100 Gen'l Fd:B. Exp:B04 Bldgs & Land:6020 Electricity - Xcel Energy	Town Square Park 3420 St. Croix Trl S Meter #0096987678	6020 - Electricity	36.33
TOTAL						36.33
Bill Pmt -C...	01/17/2017	201701028	Xcel Energy (EFT) (51-7576371-4)	Acct#51-7576371-4 Meter #19818068	100 - 4M Fund/US Bank - General F...	(134.96)
Bill	12/31/2016	529678371	100 Gen'l Fd:B. Exp:B04 Bldgs & Land:6045 City Garage Expense	City Garage 1675 Stagecoach Trl S: Acct#51-7576371-4 Meter #...	6045 - City Garage Expense	134.96
TOTAL						134.96
Liability C...	01/17/2017	201701029	PERA (Council)	3030-51 207620	100 - 4M Fund/US Bank - General F...	(110.00)
				3030-51 207620	2303 - PERA Payable - Council	55.00
				3030-51 207620	2303 - PERA Payable - Council	55.00
TOTAL						110.00
Liability C...	01/17/2017	201701030	PERA (Staff)	3030-01 210990	100 - 4M Fund/US Bank - General F...	(907.72)
				3030-01 210990	2302 - PERA Payable - Staff	421.43
				3030-01 210990	2302 - PERA Payable - Staff	486.29
TOTAL						907.72
Bill Pmt -C...	01/17/2017	201701031	MN Dept of Labor & Ind (Bldg Surchg)	Building Surcharges Cert #2164	100 - 4M Fund/US Bank - General F...	(1,368.00)
Bill	12/31/2016	BldgSurchg...		4th Quarter 2016 Building Surcharges Cert #2164	2121 - Afton Bldg Surcharges Payable	1,368.00

**RESOLUTION 2017-02**

CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA

**A RESOLUTION APPROVING 4M FUND TRANSFERS FOR DECEMBER, 2016**

**BE IT RESOLVED THAT** the City Council of the City of Afton, County of Washington, Minnesota, authorizes the transfer of the following sums of money between the City's 4M Fund Accounts, as detailed in Exhibit A – 4M Fund Transfers – Month of DECEMBER 2016.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17TH DAY OF JANUARY, 2017.**

**SIGNED:**

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Richard Bend, Mayor

**ATTEST:**

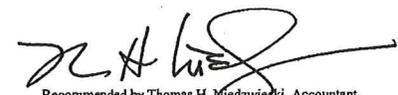
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Ronald J. Moore, City Administrator

Motion by:  
Second by:  
Palmquist:  
Richter:  
Ross:  
Nelson:  
Bend:

*City of Afion*  
**Exhibit A: 4M Fund Transfers**

		Month of:	Dec-16	
<b>4M Fund Accounts</b>				
#	<i>From</i>	<i>To</i>	<i>Amount</i>	<i>Comments</i>
1	City Infra-Structure Improvement Fund (35001-114)	General (35001-101)	\$6,663.75	Dec16 DNR Flood Imp Project Expense
2	Street Improvements Fund (35001-116)	General (35001-101)	\$1,677.50	Dec16 Street Imp Fd Exp
3	Bldg & Land Cap (35001-104)	General (35001-101)	\$3,549.00	Dec16 City Hall Improvements
4	General (35001-101)	Park Reserve Fund (35001-102)	\$40,000.00	Park Dedication Fee
5	General (35001-101)	Special Activities Fund (35001-106)	\$9,097.70	Dec16 Spec Act Fd (Net Revenue)
6	Road Debt Service Fd (35001-109)	General (35001-101)	\$500.00	2015A Road Bond Admin Exp
7	201 Project Fund (35001-103)	General (35001-101)	\$257.26	Dec16 201 Project Expense

  
 Recommended by Thomas H. Medzwicki, Accountant  
 File: Afion 2016 Bank Transfers.xlsm Worksheet: Dec16 1/11/2017

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

**Meeting Date Jan. 17, 2017**

## **Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: January 12, 2017  
Re: Renew 4M Fund Joint Powers Agreement – **Resolution 2017-03**

---

Attached for Council consideration is a resolution renewing the 4M Fund Joint Powers Agreement. The 4M Fund is a fund coordinated by the League of Minnesota Cities to provide for the investment of idle funds.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the adoption of Resolution 2017-03 renewing the 4M Fund Joint Powers Agreement.**

**RESOLUTION 2017-03**

CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA

**A RESOLUTION AFFIRMING ENTRY INTO A JOINT POWERS AGREEMENT IN THE  
FORM OF A DECLARATION OF TRUST ESTABLISHING AN ENTITY KNOWN AS  
“MINNESOTA MUNICIPAL MONEY MARKET FUND” AND AUTHORIZING  
PARTICIPATION IN CERTAIN INVESTMENT PROGRAMS IN CONNECTION THEREWITH**

**WHEREAS**, Minnesota Statutes Section 471.59 (the Joint Powers Act) provides among other things that governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties; and

**WHEREAS**, the Minnesota Municipal Money Market Fund was formed in April 1987 pursuant to the Joint Powers Act by the adoption of a joint powers agreement in the form of a Declaration of Trust by a group of Minnesota Municipalities acting as the Initial Participants thereof; and

**WHEREAS**, the Declaration of Trust has been presented to this Council; and

**WHEREAS**, the Declaration of Trust authorizes municipalities of the State of Minnesota to adopt and enter into the Declaration of Trust and become Participants of the Fund; and

**WHEREAS**, this City Council has deemed it to be advisable for this municipality to adopt and enter into the Declaration of Trust and become a Participant of the Fund for the purpose of joint investment of this municipality's monies with those of other municipalities so as to enhance the investment earnings accruing to each; and

**WHEREAS**, this City Council has deemed it to be advisable for this municipality to make use from time to time, in the discretion of the officials of the municipality identified in Section 2 of the following Resolution, of the Fixed Rate Program available to Participants of the Fund.

**NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:**

**Section 1.** This Municipality shall continue to participate with other municipalities in accordance with the Joint Powers Act by remaining a Participant of the fund and affirm the Declaration of Trust, which is adopted by reference herein with the same effect as if it had been set out verbatim in this resolution, and a copy of the Declaration of Trust shall be filed in the minutes of the meeting at which this Resolution was adopted. The City Administrator of his municipality is hereby authorized to take such actions and execute any and all such documents as deemed necessary and appropriate to remain in the Declaration of Trust.

**Section 2.** This municipality is hereby authorized to invest its available monies from time to time and to withdraw such monies from time to time in accordance with the provisions of the Declaration of Trust. The following officers and officials of the municipality and their respective successors in office each hereby are designated as “Authorized Officials” with full powers and authority to effectuate the investment and withdrawal of monies of this municipality from time to time in accordance with the Declaration of Trust pursuant to the Fixed Rate Program available to Participants of the Fund through Resolution and approval of the City Council.

\_\_\_\_\_  
Ronald J. Moorese, City Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Thomas H. Niedzwiecki, Accountant

\_\_\_\_\_  
Date

The City Administrator shall advise the Fund of any changes in Authorized Officials in accordance with the procedures established by the Fund.

**Section 3.** The Trustees of the Fund are hereby designated as having official custody of this municipality's monies which are invested in accordance with the Declaration of Trust.

**Section 4.** State banks, national banks, and thrift institutions located either within or outside of the State of Minnesota which qualify as depositories under Minnesota law and are included on a list approved and maintained for such purpose by the Investment Advisor of the fund are hereby designated as depositories of this municipality pursuant to Minnesota Statutes Section 118.005 and monies of this municipality may be deposited therein, from time to time in the discretion of the Authorized Officials, pursuant to the Fixed Rate Program available to Participants of the Fund.

This designation is effective until the end of the present council year.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17th DAY OF  
JANUARY, 2017.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorese, City Administrator

Motion by:

Second by:

Palmquist:

Richter:

Ross:

Nelson:

Bend:

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

**Meeting Date Jan. 17, 2017**

**Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moore, City Administrator  
Date: January 10, 2017  
Re: Designation of Official Depository – **Resolution 2017-04**

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Attached for Council consideration is a resolution designating US Bank as the official depository for City funds.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the adoption of Resolution 2017-04 designating US Bank as the official depository for City funds.**

**RESOLUTION 2017-04**

**CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION DESIGNATING AN OFFICIAL DEPOSITORY  
FOR THE CITY OF AFTON**

**WHEREAS**, Minnesota State Statute 118.005 requires Governing Bodies of every municipality to designate depositories of City funds.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Afton, Washington County, Minnesota, that the US Bank is hereby designated as a depository for the City of Afton. The City Administrator or Deputy Clerk is authorized to deposit city funds therein to the amount of seven hundred fifty thousand dollars (\$750,000) at US Bank.

**BE IT ALSO RESOLVED** that before any deposits are made in a depository in excess of the amount of such deposit guaranteed shall be required to supply to the City a corporate surety bond in the amount of one hundred and fifty thousand dollars (\$150,000), subject to the approval of the City Council and conditioned to repay the above amount or any part thereof upon proper demand therefore and to perform such other duties in connection with the deposit as the Council may require. In lieu of this bond the depository may furnish collateral in the manner and to the extent permitted by law. All such collateral shall be approved by the Council and shall be accompanied by an assignment thereof which shall provide that in case of default upon the part of the depository, the Council of the City shall have full power and authority to sell such collateral or as much as may be necessary to realize the full amount due the City over such federal guarantee.

This designation is effective until the end of the present council year.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17th DAY OF  
JANUARY, 2017.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Palmquist:  
Richter:  
Ross:  
Nelson:  
Bend:

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

**Meeting Date Jan. 17, 2017**

**Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moore, City Administrator  
Date: January 10, 2017  
Re: Designation of Official Newspaper – **Resolution 2017-05**

---

Attached for Council consideration is a resolution designating the St. Paul Pioneer Press as the official newspaper for the City. This is the newspaper in which official notices are published.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the adoption of Resolution 2017-05 designating the official newspaper for the City.**

**RESOLUTION 2017-05**

CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA

**A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER  
FOR THE CITY OF AFTON**

**WHEREAS**, Minnesota State Statute 118.005 requires Governing Bodies of every municipality to designate an Official Newspaper.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Afton, Washington County, Minnesota, that the St. Paul Pioneer Press is hereby designated as the Official Newspaper for the City of Afton.

This designation is effective until **January 31, 2018**.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17th DAY OF JANUARY, 2017.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Palmquist:  
Richter:  
Ross:  
Nelson:  
Bend:

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

## Meeting Date Jan. 17, 2017

### Council Action Memo

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: January 11, 2017  
Re: 2017 Regular Meeting Schedules – **Resolution 2017-06**

---

Attached for Council consideration is a resolution establishing the regular meeting schedules for the Council and Planning Commission for 2017.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the adoption of resolution 2017-06 establishing the regular meeting schedules for the Council and Planning Commission for 2017.**

**RESOLUTION 2017-06**

**CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION ESTABLISHING 2017 REGULAR CITY MEETING SCHEDULES**

**WHEREAS**, the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, the Planning Commission of the City of Afton has met on the 1st Monday of each month at 7:00 p.m. to conduct its business; and

**WHEREAS**, the City Council of the City of Afton has met on the 3<sup>rd</sup> Tuesday of each month at 7:00 p.m. to conduct its business; and

**WHEREAS**, the City Council desires to continue with the once per month regular meeting schedule for the Planning Commission and City Council meetings;

**NOW, THEREFORE BE IT RESOLVED** that the Afton City Council sets the Regular Planning Commission meetings to occur on the first Monday of each month at 7:00 PM and the City Council meetings on the third Tuesday of each month at 7:00 PM at City Hall unless otherwise noted and hereby adopts the following meeting dates for **2017**.

<b>Month</b>	<b>Planning Commission</b>	<b>City Council</b>
January	9	17
February	6	21
March	6	21
April	3	18
May	1	16
June	5	20
July	3	18
August	7	15
September	11	19
October	2	17
November	6	21
December	4	19

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17th DAY OF JANUARY, 2017.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Palmquist:  
Richter:  
Ross:  
Nelson:  
Bend:

**City of Afton**  
**3033 St. Croix Trl, P.O. Box 219**  
**Afton, MN 55001**

# Meeting Date Jan. 17, 2017

## Council Action Memo

To: Mayor Bend and Members of the City Council  
 From: Ron Moore, City Administrator  
 Date: January 10, 2017  
 Re: Marcus and McClaurin Variance Application at 4270 River Road **Resolution 2017-07**

### Attachments

Variance application  
 Variance questionnaire  
 Property survey  
 Site plan  
 House plans  
 List of properties within 500 feet  
 Property location map

### Background

The Marcus property currently has a two-story house that is substandard in terms of its setback from River Road and its setback from the Ordinary High Water Line of the St. Croix River. The house backs up to a long steep slope. The house meets the setback from the St. Croix River bluffline. The applicants are proposing to remodel and construct an addition to the existing house. The addition is proposed to be constructed on the south side of the existing house, in the location of an existing deck above the existing garage. The proposal does not require grading and does not change the setbacks of the house. The house is connected to the "201" community septic system, so that a septic drainfield is not required.

### Grading, Drainage and Erosion Control

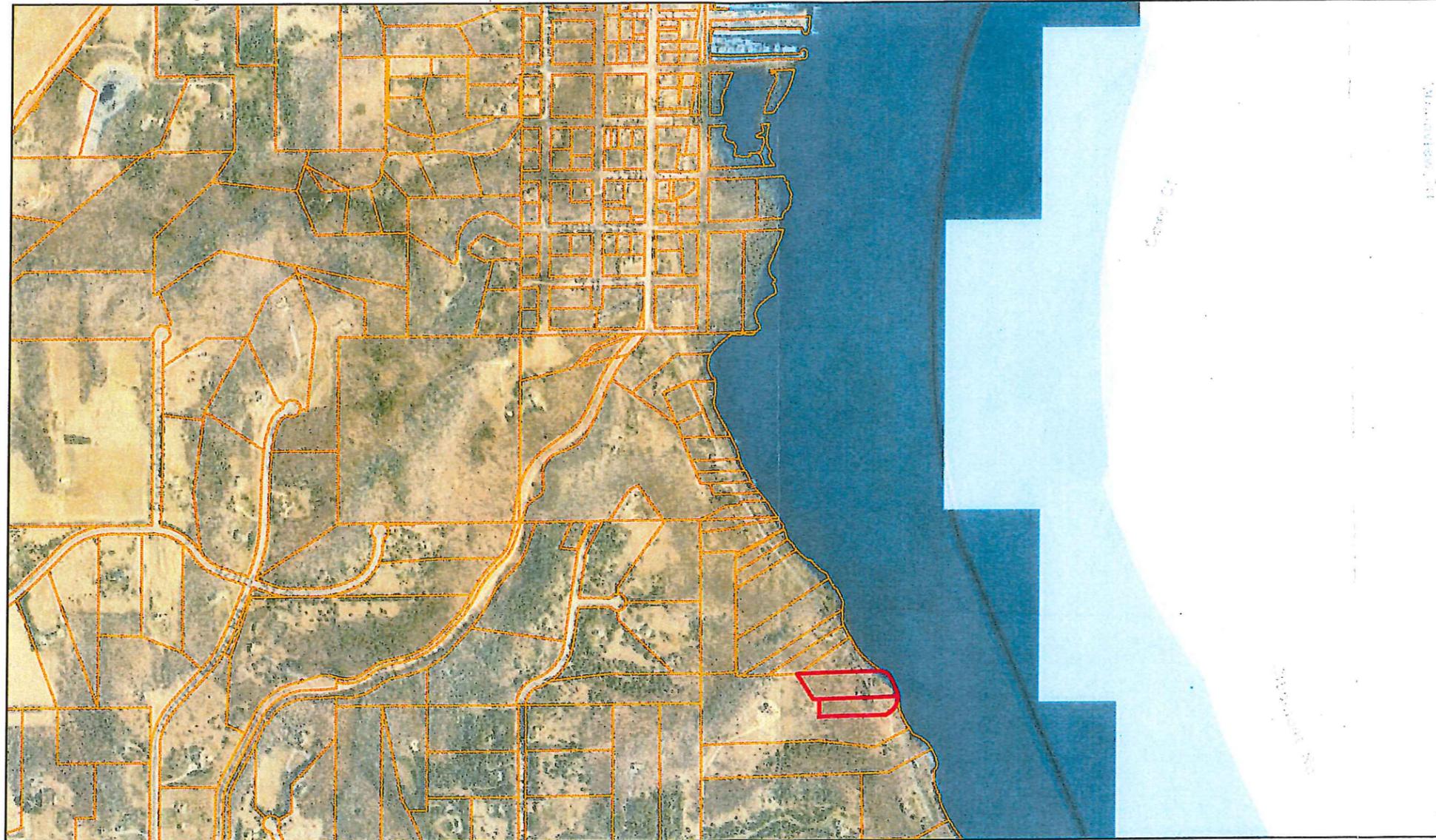
The proposal does not include any grading, with the exception of the possible replacement of the existing retaining wall at the rear of the house. The applicant is planning to repair the retaining wall, if possible. If all or portions of the retaining wall cannot be repaired but need to be replaced, the applicant would need to provide plans for the retaining wall replacement for review and approval by the City.

### Zoning Requirements Met

1. Meets the side yard and rear yard setback requirements.
2. Meets the bluffline setback requirement
3. The proposed house addition would be screened from view from the river during leaf-on conditions.
4. With the proposed addition and remodel, the house will not be increased in height, which is below the 35 foot maximum allowed height.

### Zoning requirements Not Met

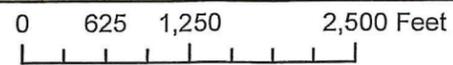
1. The existing house and the proposed addition both have a 63 foot setback from the centerline of River Road vs. the required 105 foot setback.
2. The applicant's surveyor determined the Ordinary High Water Line (OHWL) of the St. Croix River to be 692.5. Based on this elevation, the existing house and proposed addition have a 138 foot setback to the Ordinary High Water Line of the St. Croix River vs. the required 200 foot setback. However, the OHWL used by the DNR for structures is 675. Based on the 675 elevation, the existing house and proposed addition may be in compliance with the OHWL setback of 200 feet. The applicant will provide an updated survey showing the setback from the 675 OHWL.



Parcel ID: 2602820220013

Parcel Address:  
4270 RIVER RD S, CITY OF AFTON

Created on 11/30/2016



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.



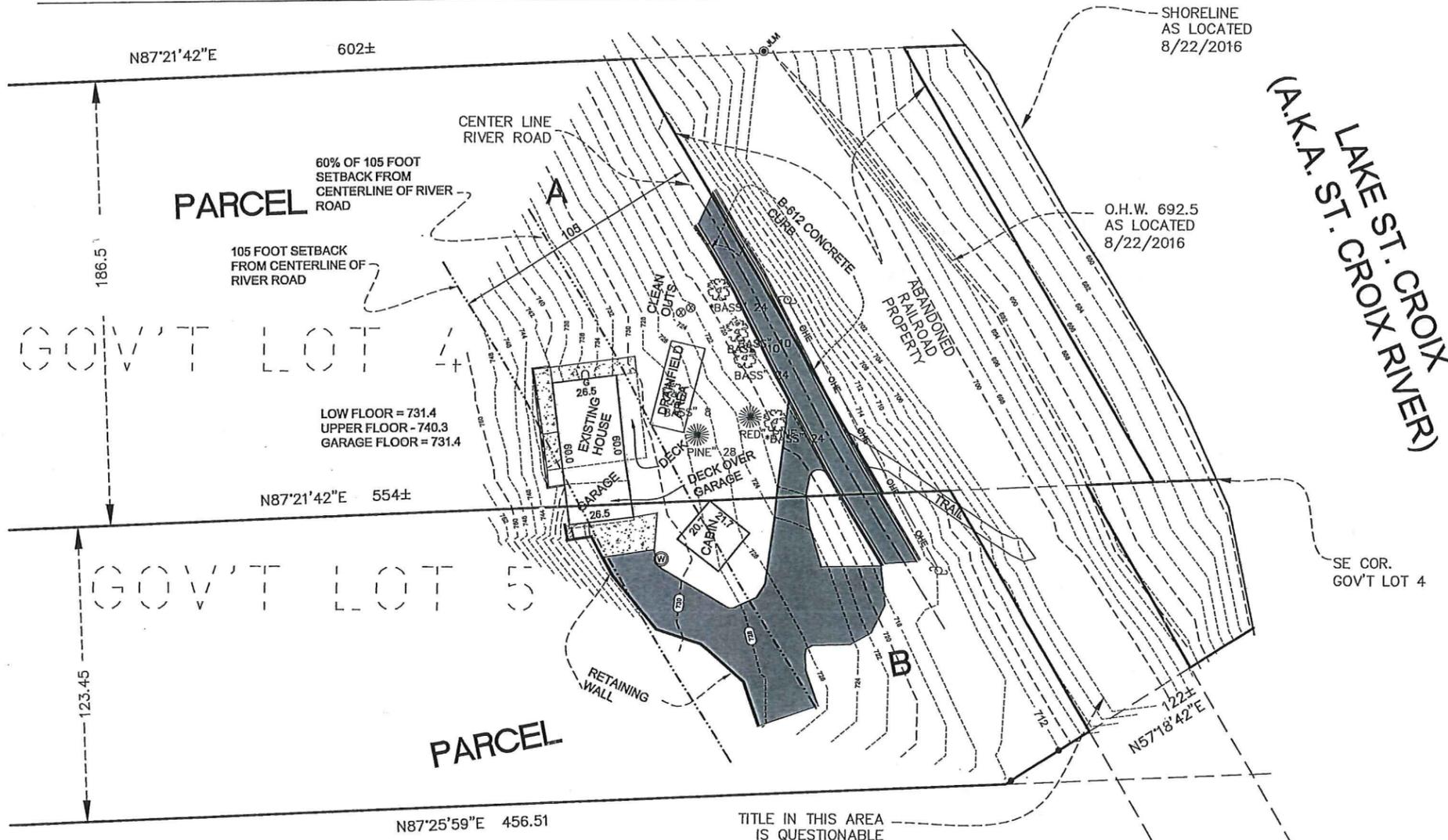
# SITE EXHIBIT

MARCUS MCLAURIN HOME RENOVATION

4270 River Road, Afton, MN 55001

2 of 10

Prepared - December 8, 2016



LAKE ST. CROIX RIVER  
(A.K.A. ST. CROIX RIVER)

**Description of: Parcel A**

That part of the south 186.50 feet of Government Lot 4, Section 26, Township 28 North, Range 20 West, Washington County, Minnesota, lying easterly of the following described line:

Commencing at the southwest corner of said Government lot 4; thence North 87 degrees 21 minutes 42 seconds East, assumed bearing along the south line of said Government Lot 4, a distance of 815.27 feet to a judicial landmark set at the point of beginning; thence North 35 degrees 08 minutes 18 seconds West, a distance of 96.61 feet to a judicial landmark set; thence continuing North 35 degrees 08 minutes 18 seconds West, a distance of 124.52 feet to a judicial landmark set on the north line of the south 186.50 feet of said Government Lot 4 and said line there terminating.

Except a strip of land One Hundred (100) feet wide across the easterly part of said land, which strip was condemned and taken by Stillwater and Hastings Railway Company in the year 1884 as a right of way for railway purposes.

Subject to an easement for a garage encroachment over that part of the south 186.50 feet of Government Lot 4, Section 26, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of said Government lot 4; thence North 87 degrees 21 minutes 42 seconds East, assumed bearing along the south line of said Government Lot 4, a distance of 815.27 feet; thence North 35 degrees 08 minutes 18 seconds West to the north line of the south 186.50 feet of said Government Lot 4; thence North 87 degrees 21 minutes 42 seconds East along said north line a distance of 392.35 feet to the point of beginning; thence continuing North 87 degrees 21 minutes 42 seconds East along said north line a distance of 30.57 feet; thence South 11 degrees 21 minutes 01 second West a distance of 7.39 feet; thence North 78 degrees 38 minutes 59 seconds West a distance of 29.66 feet to the point of beginning.

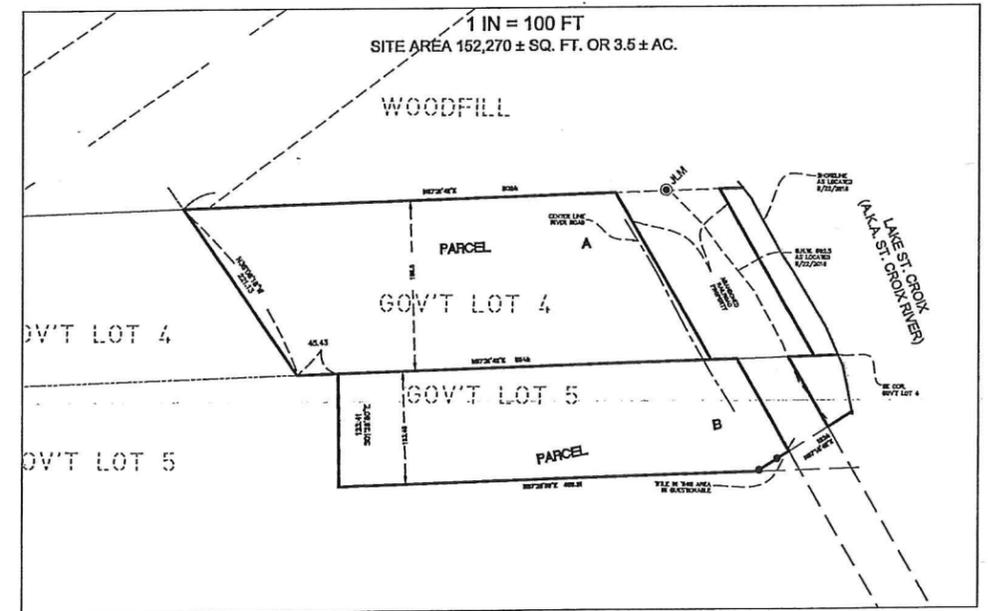
**Description of: Parcel B**

That part of Government Lot 5 of said Section 26, Township 28 North, Range 20 West, Washington County, Minnesota described as follows:

Commencing at the northwest corner of said Government Lot 5; thence North 87 degrees 21 minutes 42 seconds East, assumed bearing along the north line of said Government Lot 5, a distance of 860.70 feet to a judicial landmark set at the point of beginning; thence South 01 degree 26 minutes 50 seconds East, parallel with the west line of said Government Lot 5, a distance of 65.00 feet to a set judicial landmark; thence continuing South 01 degree 26 minutes 50 seconds East, parallel with the west line of said Government Lot 5, a distance of 58.41 feet to a set judicial landmark; thence North 87 degrees 25 minutes 59 seconds East, a distance of 456.51 feet; thence North 57 degrees 18 minutes 42 seconds East to the shore line of Lake Saint Croix; thence northerly along said shore line to the north line of said Government Lot 5; thence westerly along said north line to the point of beginning.

Excepting however the right of way of the Chicago, Milwaukee and Saint Paul Railway Company.

## SITE DETAIL



**LEGEND**

- ⊙ J.M. FOUND JLM
- FOUND PIPE
- ⊙ W WATER WELL
- ⊖ E ELEC METER
- ⊖ G GAS METER
- ⊖ P ELEC POLE
- ⊙ S SANITARY CLEANOUT
- OHE OVERHEAD ELECTRIC
- BITUMINOUS SURFACE
- CONCRETE SURFACE



0 30 60  
SCALE (IN FEET)

1229 Tyler Street NE #202  
MPLS MN 55413

P 612 - 870 - 4081  
F 612 - 870 - 4084

shelterarchitecture.com  
info@shelterarchitecture.com

SITE SURVEY  
1" = 60'



DATE	DATE	AMENDMENTS	BY	PREPARED FOR: MARCUS/MCLAURIN
September 9, 2016				
SCALE: AS SHOWN				
DRAWN BY: SLD				
CHECKED BY: DFH				
FILE NUMBER: 1290F0080.000				

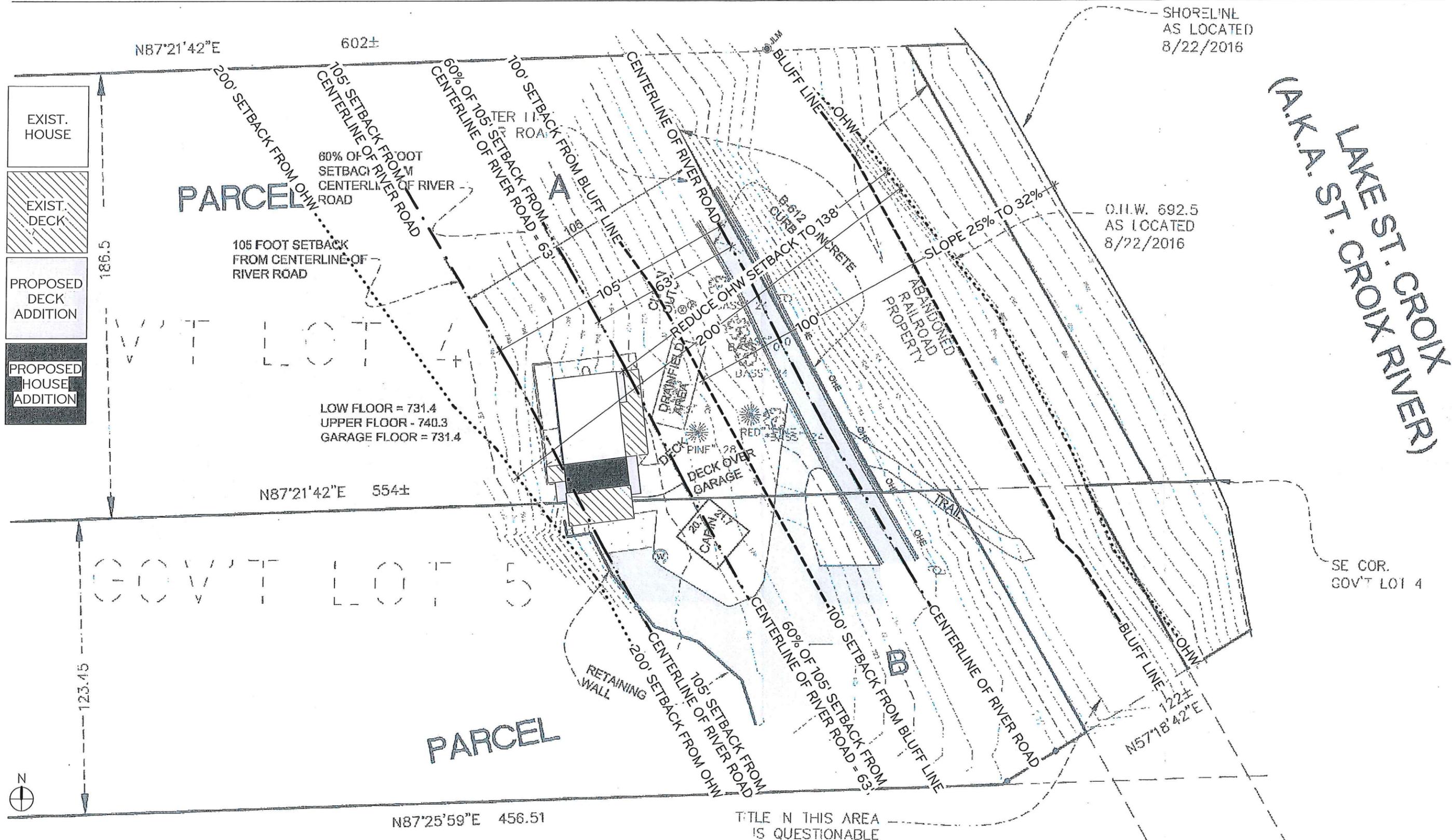


**WIDSYTH SMITH NOLTING**  
Engineering | Architecture | Surveying | Environmental

Dale F. Hebelson DATE: 02/23/2016 LIC. NO. 13590

© 2016 WIDSYTH SMITH NOLTING

SHELTER | ARCHITECTURE+INTERIOR DESIGN



SHORELINE AS LOCATED 8/22/2016

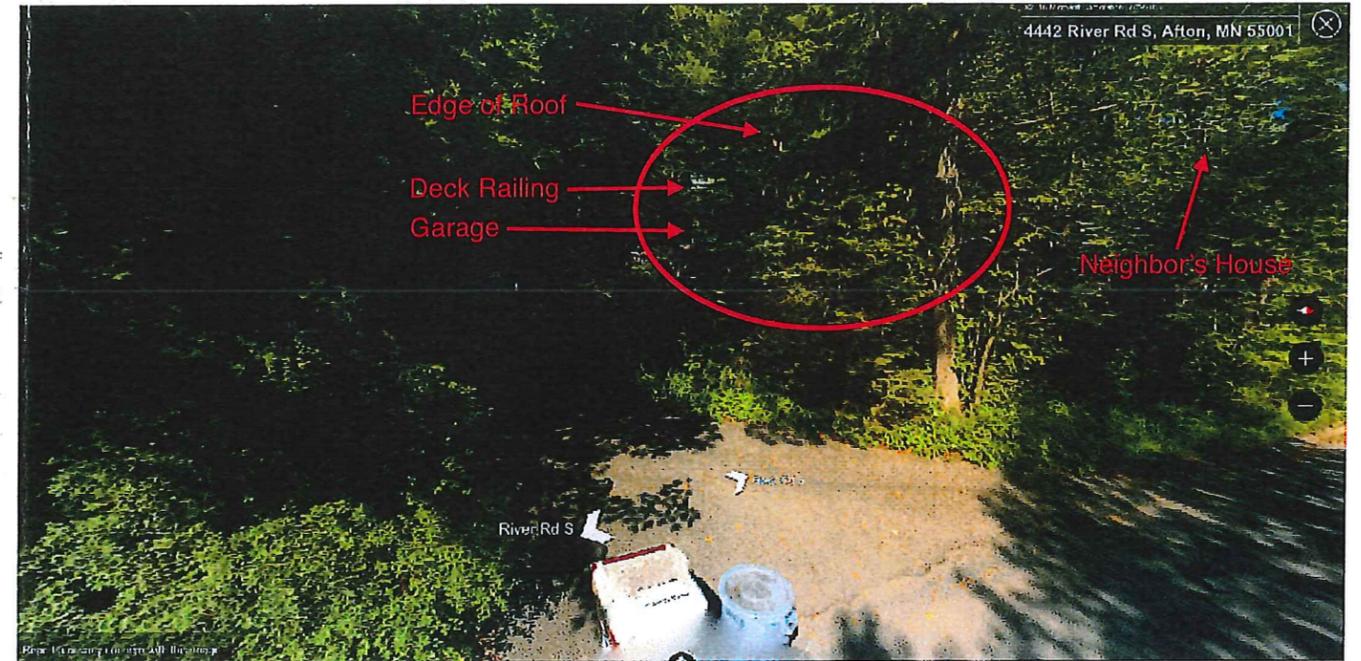
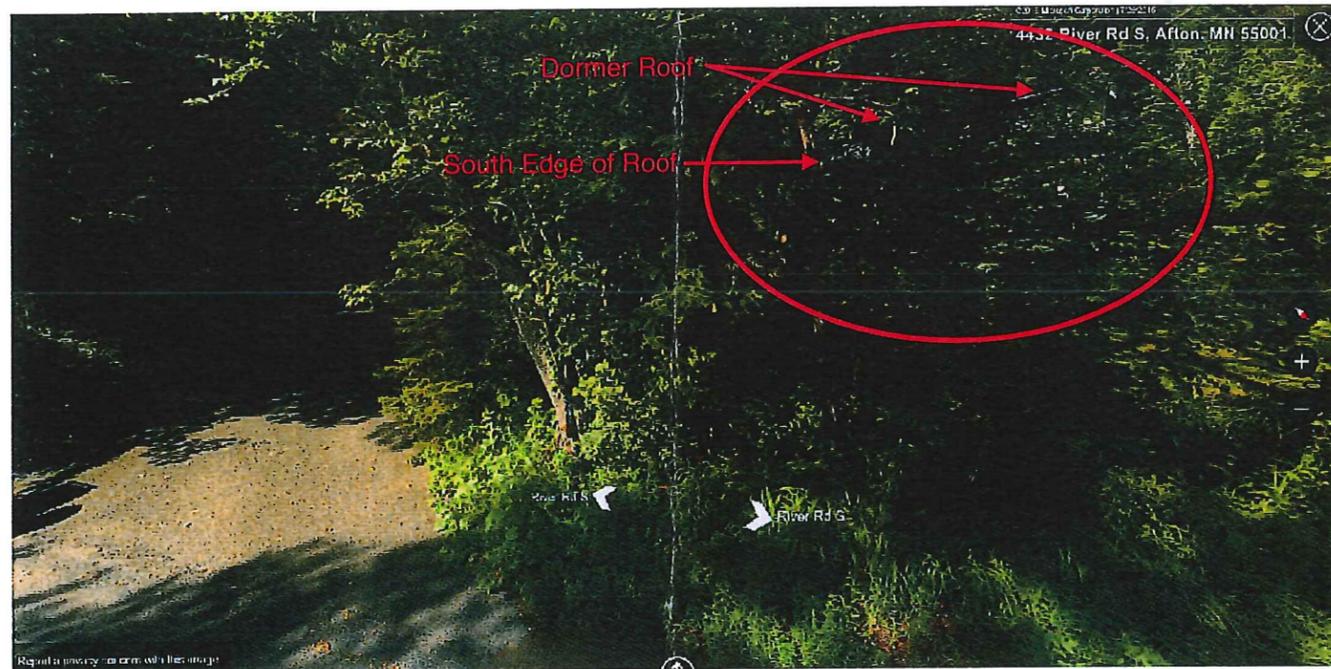
O.H.W. 692.5 AS LOCATED 8/22/2016

(A.K.A. LAKE ST. CROIX RIVER)

SE COR. GOV'T LOT 4

- EXIST. HOUSE
- EXIST. DECK
- PROPOSED DECK ADDITION
- PROPOSED HOUSE ADDITION



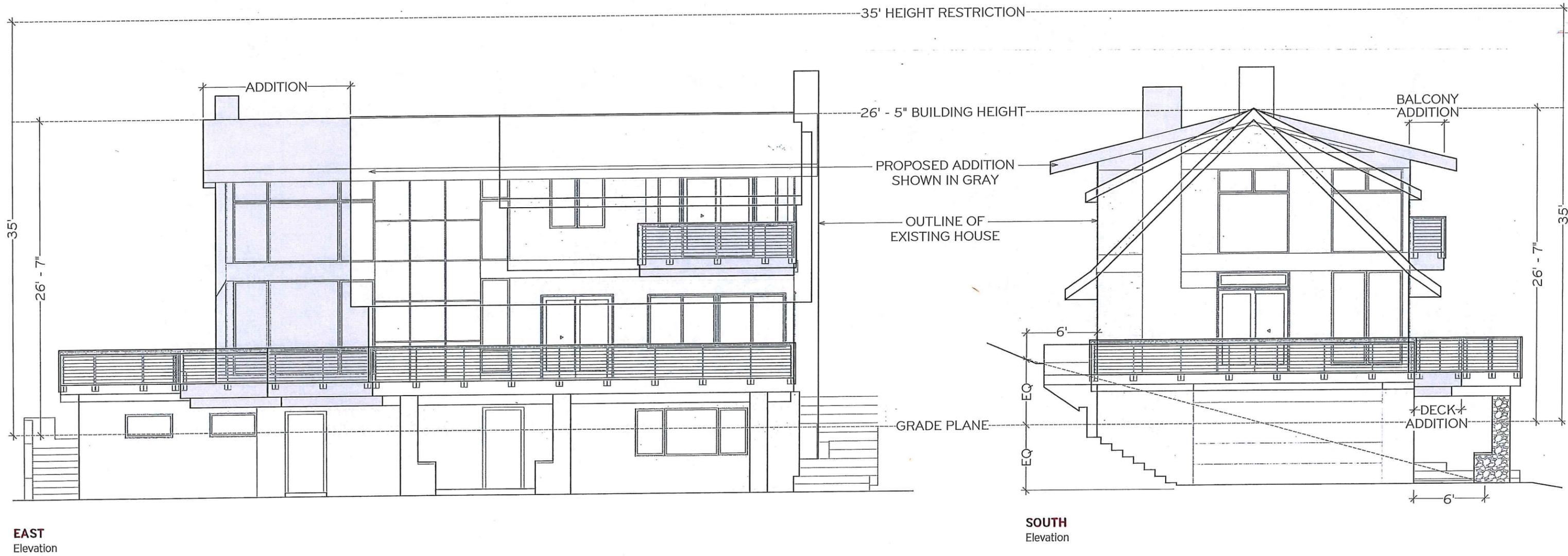




**EXISTING**  
View from northeast yard



**PROPOSED**  
View from northeast yard



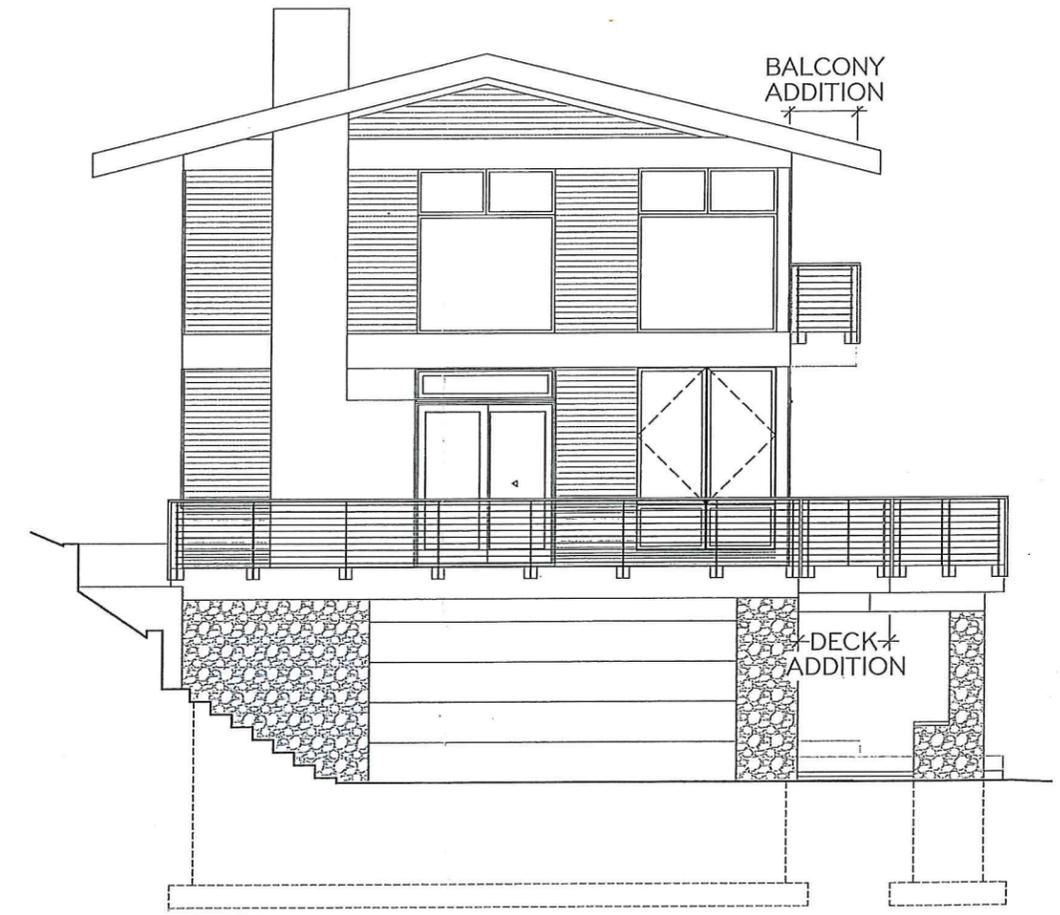
EAST  
Elevation

SOUTH  
Elevation



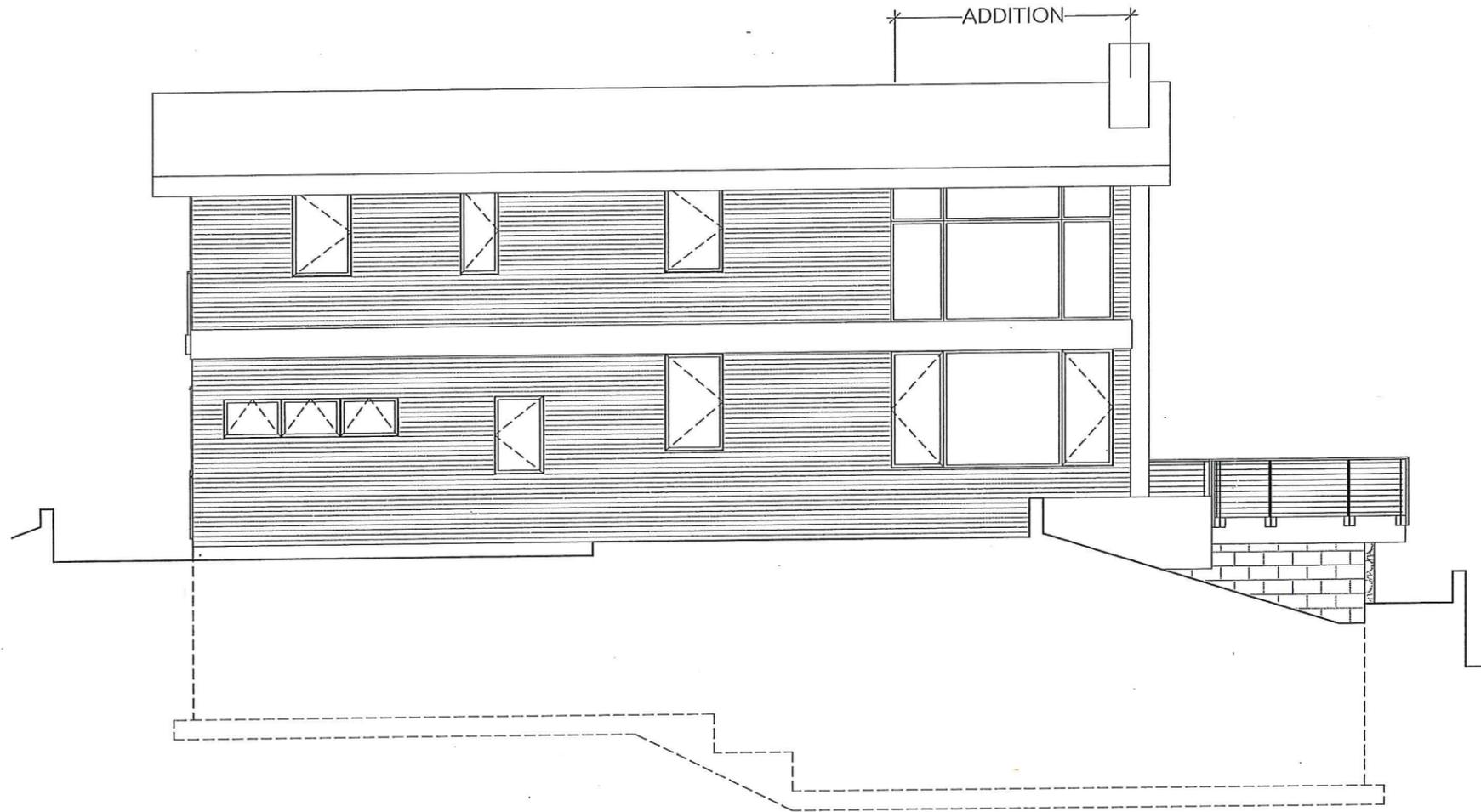


**EAST**  
Elevation

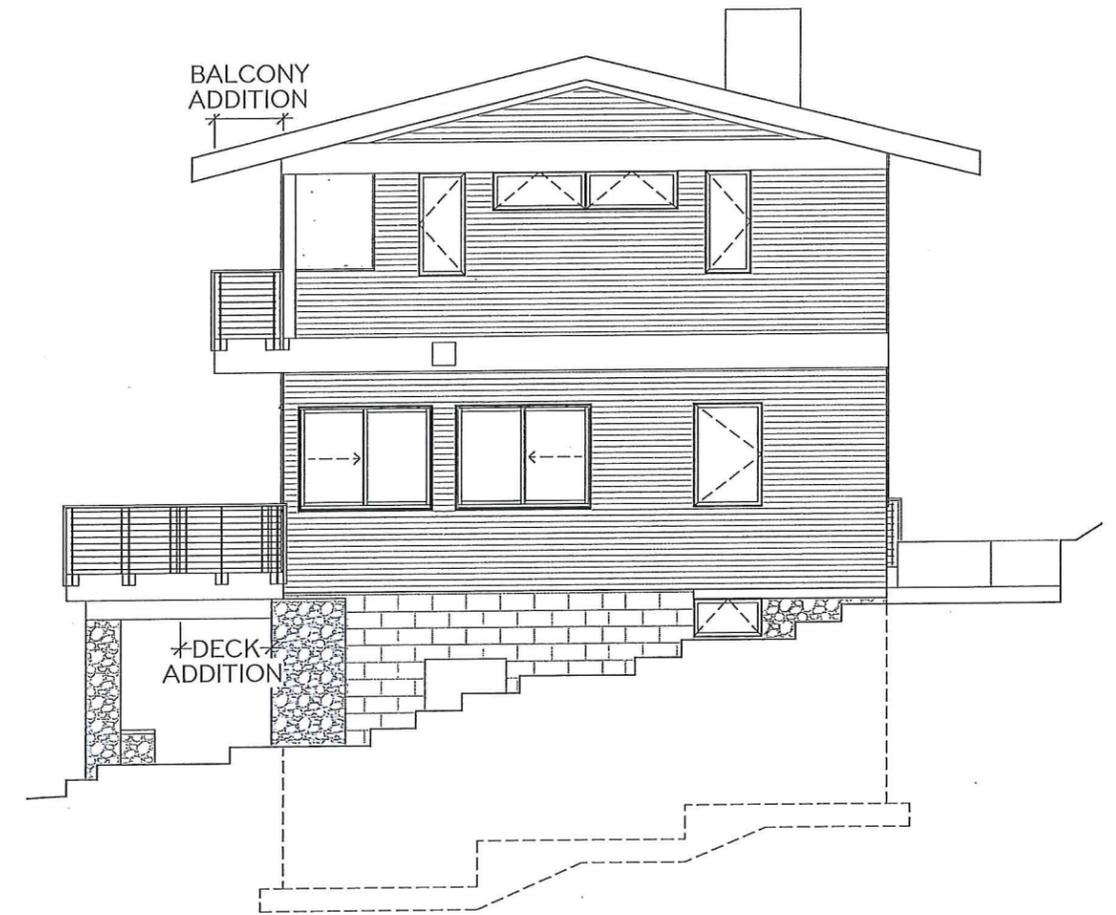


**SOUTH**  
Elevation



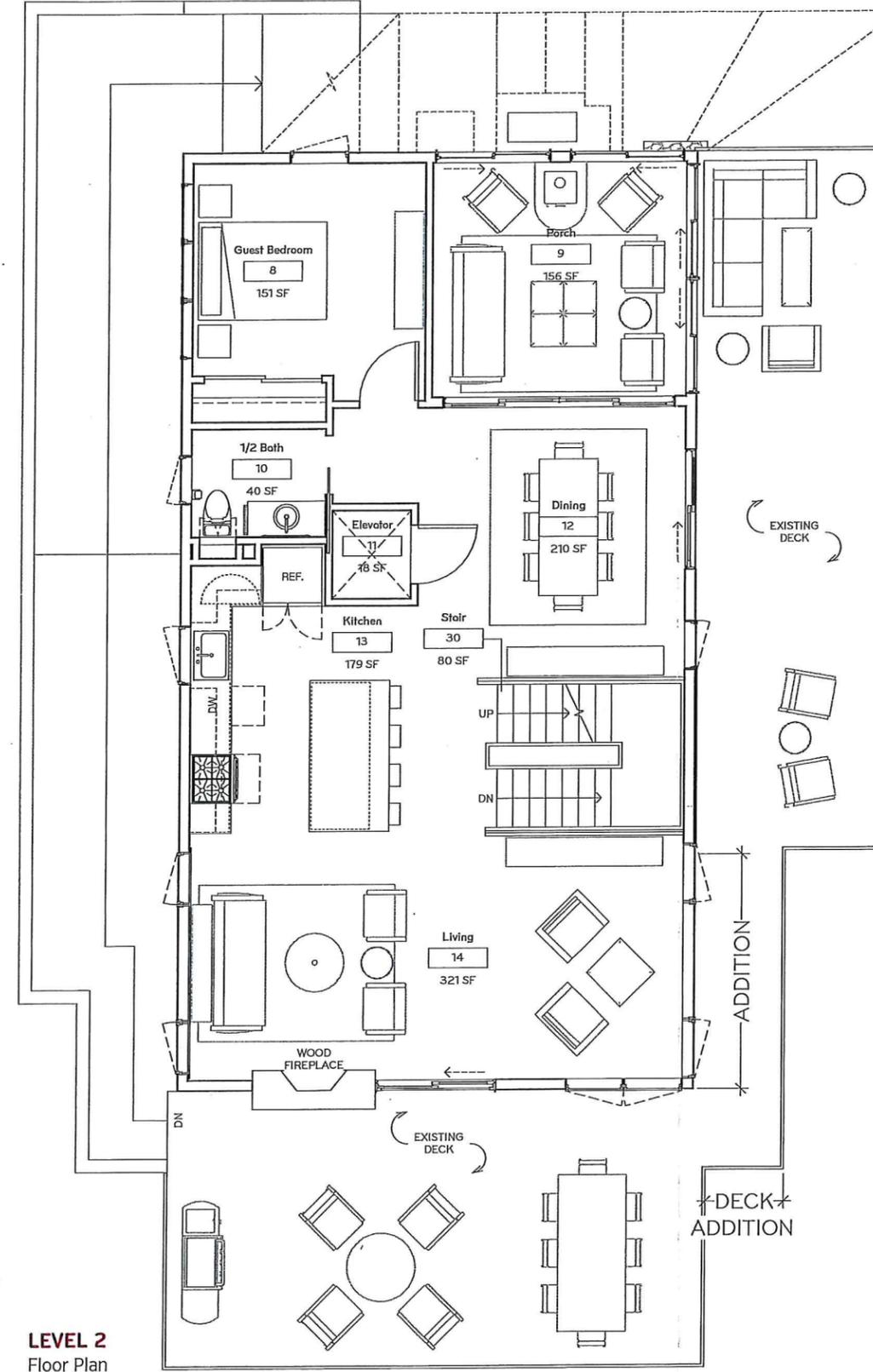
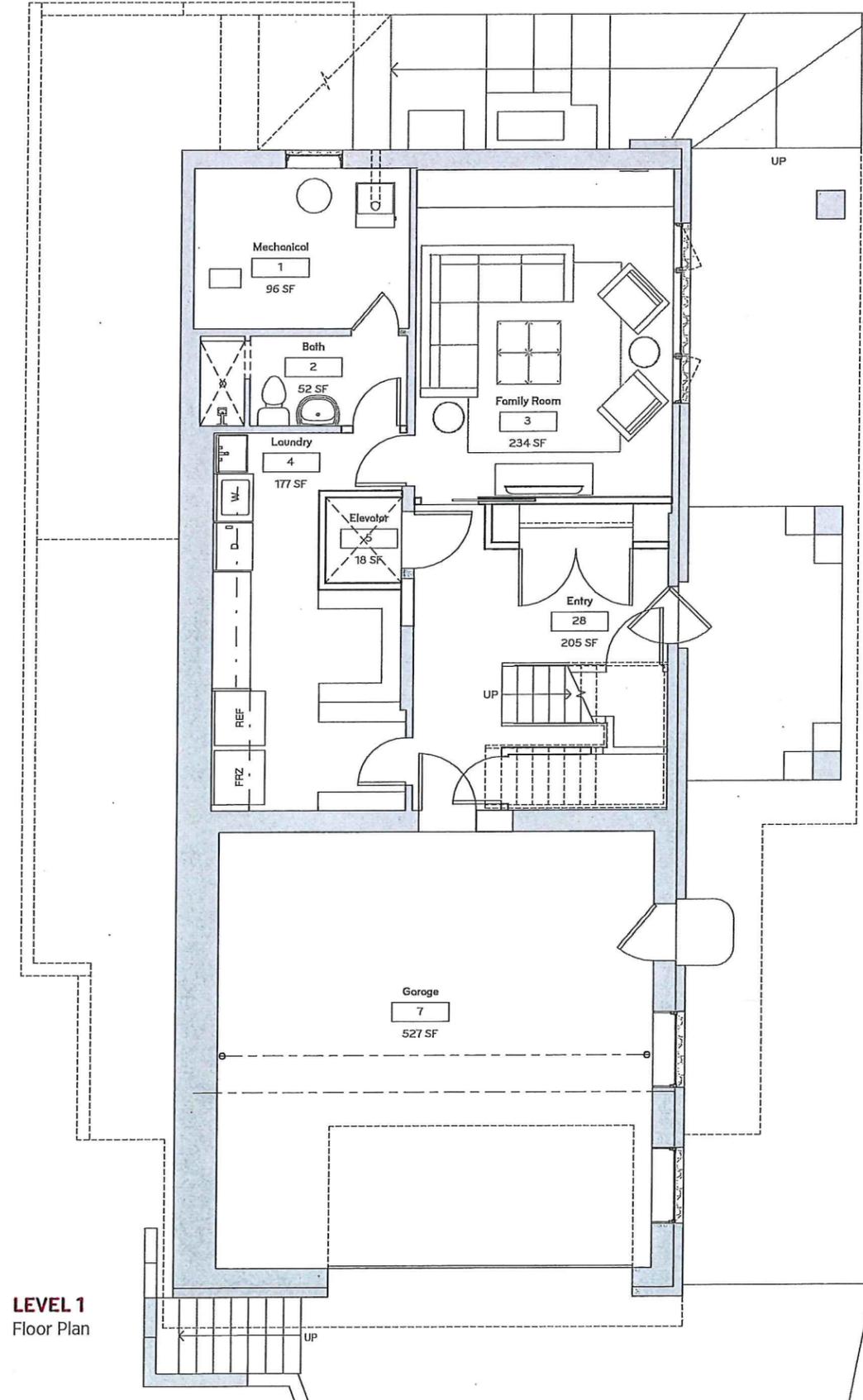


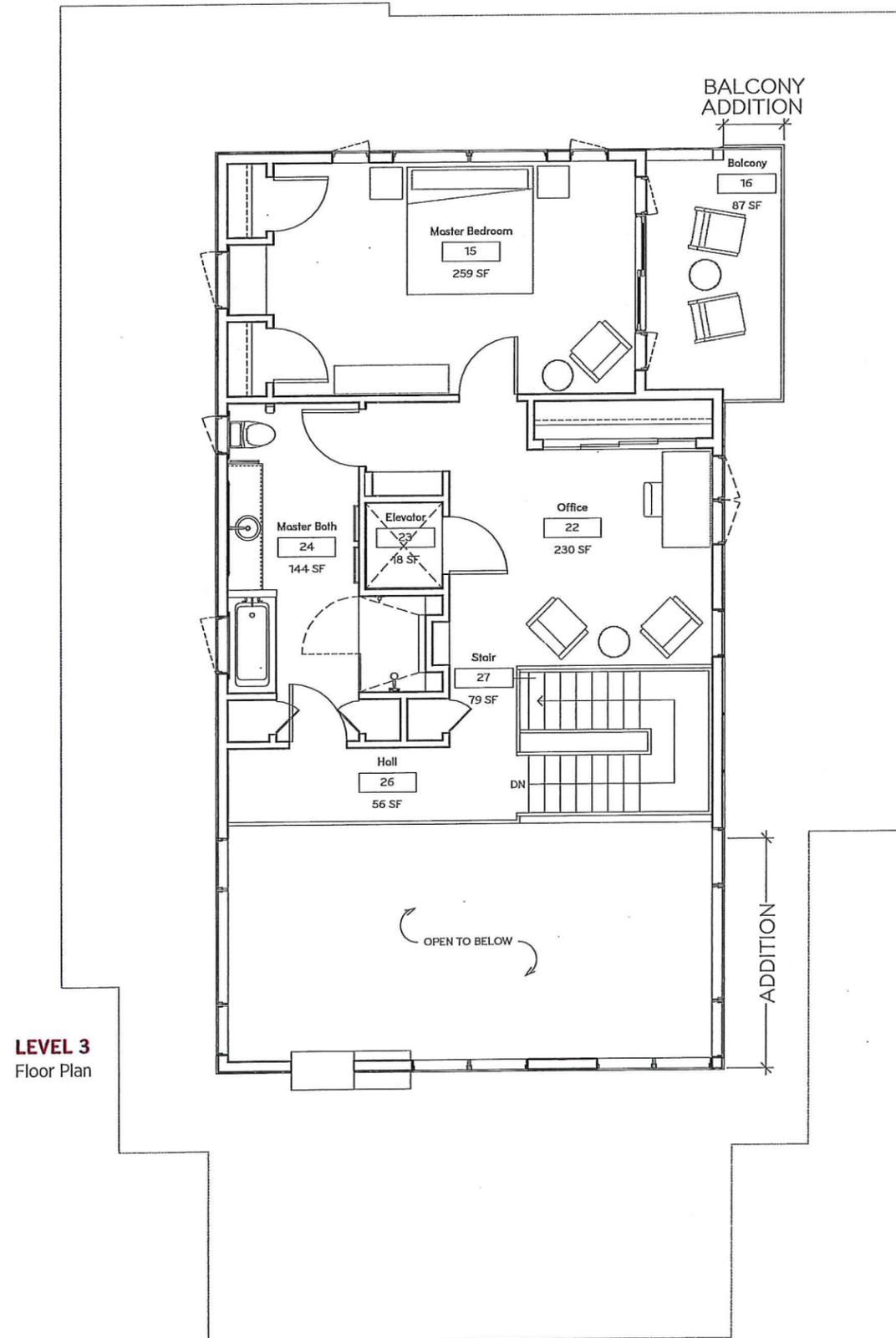
**WEST**  
Elevation



**NORTH**  
Elevation







LEVEL 3  
Floor Plan



### Two Parcels Required to be Combined

The property is made up of two separate parcels. These two parcels need to be combined to resolve the current situation of the existing house being located on two separate parcels.

### Variances Requested

The proposal includes two variances:

1. A variance to allow a 63 foot front yard setback vs. the required 105 foot setback
2. A variance to the setback from the Ordinary High Water Line of the St. Croix River (to be determined based on an updated survey using the 675 OHWL.)

### Variance Factors

In addition to the three factors used to determine practical difficulty, the St. Croix Bluffland and Shoreland ordinance requires that when considering a proposal or zoning amendment within the St. Croix River District, the Council shall address the following items in making its decisions:

- A. Preserving the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river.
- B. The maintenance of safe and healthful conditions.
- C. The prevention and control of water pollution, including sedimentation.
- D. The location of the site with respect to floodways, floodplains, slopes, and blufflines.
- E. The erosion potential of the site based on degree and direction of slope, soil type, and vegetative cover.
- F. Potential impact on game and fish habitat.
- G. Location of the site with respect to existing or future access roads.
- H. The amount of wastes to be generated and the adequacy of the proposed disposal systems.
- I. The anticipated demand for police, fire, medical, and school services and facilities.
- J. The compatibility of the proposed development with uses on adjacent land.

### DNR Review

DNR staff has reviewed the proposal and is supportive of the proposal. A letter from the DNR is attached.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission, on a vote of 8-0-0, recommended approval of the Marcus and McLaurin Variance Application at 4270 River Road, with the following findings and conditions.

### Findings

1. The existing house is substandard and the proposed addition would not make the house more substandard
2. The proposed addition would not change any existing setbacks
3. The house backs up to a steep bluff
4. The unique and difficult characteristics of the site were not caused by the property owner.
5. The proposal would not disrupt the existing natural vegetation
6. The DNR is supportive of the proposal

### Conditions

1. House color shall be earth tone
2. City review and approve retaining wall design if replacement is needed
3. The house shall be constructed according to the plans dated December 8, 2016, subject to revisions as required or approved by the City.
4. Existing vegetative screening shall be maintained, with the exception of the removal of one arborvitae immediately adjacent to the garage.

RECEIVED

DEC 09 2016

File-36

CITY OF AFTON

CITY OF AFTON  
VARIANCE APPLICATION

(Reference Sections: 12-55, 12-77, 12-328 12-835, 12-1020, 12-1266, 12-1955, 12-2228)

Owner	Address	City	State	Zip	Phone
Julie Marcus & Mary McLaurin	PO Box 276	Afton	MN	55001	651-436-8548
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address	AFTON		MN	55001	
4270 River Road South					
Zoning Classification	Existing Use of Property	PID# or Legal Description			
RR	Single Family Home	2602820220013 and 2602820220006			
Please list the section(s) of the code from which the variance(s) are requested.					
12-637					
Description of Request <i>Construct an addition to</i>					
<i>To remodel the existing home which is a substandard structure per 12-580</i>					
1. Reduce required setback from CL of River Road S from 105' to 63' which is 60% of					
required 105'					
2. Reduce required setback from the OWH from 200' to 138'					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
Signature of Owner/Applicant			Date		
<i>Julie Marcus Mary McLaurin</i>			December 8, 2016		
Make checks payable to: <b>City of Afton</b>					
If multiple variances are necessary from the applicant only <u>one</u> fee is required. However, the deposit fee must be multiplied by the number of variances sought.					
<b>FEES:</b>		<b>ESCROWS:</b>			
Variance	\$250	\$600	TOTAL:	\$850	
Renewal/Extension	\$250	\$350	DATE PAID:	12-9-16	
			CHECK #:	563144694	
			RECVD BY:	JMM #500 #500	

City of Afton, Minnesota [VARIANCE QUESTIONNAIRE]

Applicant(s): Julie Marcus & Mary McLaurin  
Phone: 651-436-8548  
Mailing Address: PO Box 276, Afton MN 55001  
Property Address for variance: 4270 River Road South, Afton MN 55001

Variance request description:

We request a Variance to remodel the existing home at 4270 River Road South. The existing house is a substandard house based on the definition given in section 12-580 of the Afton City Code. Variances requested are for setbacks from the center of River Road S., and from the Ordinary High Water of the St. Croix River. The remodel would be completely within the existing footprint of the existing house. The entire foundation and first level would remain, while the top two levels would be remodeled and added on to. The addition of the top 2 levels would extend to the south only 12' over the existing garage and deck (which is currently over the entire garage) - and parallel to the river. There will be 2 small deck additions, but they would remain within the boundary established by the existing house and decks. The existing retaining wall along the west side of the house (away from the river) will be repaired or replaced. One arborvitae which is immediately adjacent to the garage would need to be removed but no other trees would need to be removed. This area of the house is separated from the river by dense foliage and the removal of the tree would not be visible from the river. We will continue to use the existing well and 201 septic system.

City Ordinance Section number(s), that variance is requested for: 12-637

Answer the following questions to the best of your ability - based on the criteria found in section 12-77 of Afton's Code (Land Use, Appeals and Variances). Completing this questionnaire will help the Planning Commission and the City of Afton evaluate your application in light of the requirements of Afton's Variance Ordinance. It does not guarantee that your variance request will be approved. If needed use a separate page.

Background: This questionnaire is designed to help you and the City of Afton determine whether a variance should be granted. Please consult with the City Administrator who can help you with your variance application and explain the Variance Ordinance to you. The City Administrator will work with you to ensure that the variance you request is the minimum variance required to provide the same rights commonly enjoyed by other properties in the same zoning district. Because of special provisions for certain types of construction, the City Administrator will also determine whether the property is in the Flood Plain District. There are also special provisions for earth-sheltered construction.

**Criteria #1** *The requested use, must be a reasonable use in order to receive a variance.* **Applicant** - Please explain why the proposed use which requires a variance is a reasonable use for this property?

The house already exists as a nonconforming use. There are no better alternatives on the piece of land to make the house more conforming by moving the house as the bluff becomes steeper behind. Our desire is to update the house and to repair existing problems with the structure. It seems best to do this in the location the house currently exists.

**Criteria #2** *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography, or other circumstances over which the property owner, since enactment of this Ordinance, have had no control.* **Applicant** - What exceptional or extraordinary circumstances related to the property do not apply generally to other properties in the same zone or vicinity? Extraordinary circumstances would include lot size, irregular lot shape or topography. Are there other circumstances over which you, as the property owner, have no control?

Explain?

Each lot on River Road is unique owing to the way the bluff irregularly makes its way down to the river. Our property includes land on both sides of the road. The land on the river side is too close to the road and the river to build and the land behind the current house is too steep. Therefore we are limited in terms of options for rebuilding or remodeling. We would like to have the least impact possible so are wanting to just remodel/rebuild the house on its current site.

**Criteria #3** *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.*

**Applicant** - How does the literal interpretation of the provisions of the Afton ordinance (from which you are requesting a variance) deprive you of rights commonly enjoyed by other properties in the same zoning district? Explain:

Many other properties on River Road which share the same issues of substandard structures have been allowed to either rebuild or remodel.

**Criteria #4** *The special conditions or circumstances do not result from actions of the applicant.*

**Applicant** - How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances? Explain:

We moved into the current house 20 years ago. The house was initially built about 1929 as a cabin and we believe, after talking to many Afton residents, it was simply expanded and rebuilt with each new owner until we purchased it. We have not made any significant changes to the structure since we bought it. The driveway and trees and layout of the landscaping were all present back in 1997. The topography of the land is the same as it was then.

**Criteria #5** *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.*

**Applicant** - Will the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district? Explain:

No. As mentioned before, many of our neighbors have undergone either significant remodeling or rebuilding.

**Criteria #6** *The variance requested is the minimum variance which would alleviate the hardship.*

**Applicant** - Is the variance you are requesting the minimum variance which would alleviate the practical difficulty or hardship for your property? Explain:

Yes. We are making very little change to the exterior of the property in terms of size, with the exception of the 12 foot addition south over the garage. The goal of the addition is to bring more light into the house which is very dark owing to the heavy tree cover plus high bluff to the south which blocks the afternoon sun. The goal of updating the rest of the house is to repair some rotten wooden framing, modernize the inside structures, and make the whole house a tighter and better built house for energy conservation, in addition to making it handicap accessible so we can continue to live there as we age.

**Criteria #7** *The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone. Applicant (Optional)* - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity? Explain:

I do not believe it would have any detrimental affect at all on our neighbors. We would continue to live there in the same manner we currently do.

**Criteria #8** *Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance. Applicant* - Is the requested variance for economic reasons?

Explain:

This variance is not being requested for economic reasons.

**Criteria #9** *In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law. Applicant (optional), PC* - Is the property in a Flood Plain District?  Yes  No

We live in flood plain rated - C. When we first moved here we spoke to the city engineer who said that our house was the highest house on River Road and that there was never documentation of the river ever even reaching the road below our house during river flooding. Despite this we do carry flood insurance.

**Criteria #10** *Variations shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance. Applicant* - Is the variance for earth-sheltered construction?

X No

**ADDITIONAL CRITERIA THAT MAY BE CONSIDERED BY THE PLANNING COMMISSION (PC) AND/OR CITY COUNCIL(CC)- Applicant responses to criteria #11 and criteria #12 are optional.**

**Criteria #11** *Variations shall only be permitted when they are in harmony with the general purposes and intent of the ordinance. Applicant (Optional), PC* - Is the requested variance in harmony with the Afton ordinances and code? How will this variance if granted (and the proposed use of the property allowed) affect the essential character of the area? Explain:

Yes. We don't think it will substantially alter anything about the area. We have very heavy tree cover so that we are not well seen from the river and during summer are not well seen even by the road. The proposed alteration to the house is in harmony with and will contribute to the general purposes and intent of the Afton Code.

**Criteria #12** *Variations shall only be permitted when they are in harmony with the general purposes and intent of the Afton Comprehensive Plan. Applicant (Optional), PC* - Is the requested variance in harmony with the Afton comprehensive plan? Explain:

Yes. The proposed alteration will be in harmony with the general purposes and intent of the Afton Comprehensive Plan. It seems the goal is to protect the water and the rural sense of the area, maintaining a lot of green space. We live in Afton because those things are important to us, also. We are on the city 201 septic system, have a private well, have a high number of trees and plants on the property that both shelter us from the river but also shelter the river from us.

**RESOLUTION 2017-07**

**CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION APPROVING THE MARCUS AND MCCLAURIN APPLICATION FOR  
VARIANCES REQUIRED TO CONSTRUCT AN ADDITION AND REMODEL FOR THE  
EXISTING HOME AT 4270 RIVER ROAD**

- WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and
- WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and
- WHEREAS,** Marcus and McClaurin have applied for variances at 4270 River Road; and
- WHEREAS,** the proposal is to construct an addition and remodel for the existing home; and
- WHEREAS,** City staff reviewed the request and drafted a report for consideration; and
- WHEREAS,** the Planning Commission held a public hearing on the request at its regular meeting of January 9, 2017 and recommended APPROVAL of the application on a vote of 8-0-0; and
- WHEREAS,** the City Council heard the request at its regular meeting on January 17, 2017, at which it considered all of the comments, concerns and recommendations of the Planning Commission and Zoning Administrator and the applicant;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Afton does hereby APPROVE the Marcus and McClaurin application for variances at 4270 River Road, based on the findings of fact and conditions as listed below:

Findings

1. The existing house is substandard and the proposed addition would not make the house more substandard
2. The proposed addition would not change any existing setbacks
3. The house backs up to a steep bluff
4. The unique and difficult characteristics of the site were not caused by the property owner.
5. The proposal would not disrupt the existing natural vegetation
6. The DNR is supportive of the proposal

Conditions

1. House color shall be earth tone
2. City review and approve retaining wall design if replacement is needed
3. The house shall be constructed according to the plans dated December 8, 2016, subject to revisions as required or approved by the City.
4. Existing vegetative screening shall be maintained, with the exception of the removal of one arborvitae immediately adjacent to the garage.
5. The two separate parcels that make up the property at 4270 River Road shall be combined.

**RESOLUTION 2017-07**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17<sup>th</sup> DAY OF  
JANUARY, 2017.**

**SIGNED:**

---

Richard Bend, Mayor

**ATTEST:**

---

Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Palmquist:  
Richter:  
Ross:  
Nelson:  
Bend:

**RESOLUTION 2017-XX**

**CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION DENYING THE MARCUS AND MCCLAURIN APPLICATION FOR VARIANCES REQUIRED TO CONSTRUCT AN ADDITION AND REMODEL FOR THE EXISTING HOME AT 4270 RIVER ROAD**

- WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and
- WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and
- WHEREAS,** Marcus and McClaurin have applied for variances at 4270 River Road; and
- WHEREAS,** the proposal is to construct an addition and remodel for the existing home; and
- WHEREAS,** City staff reviewed the request and drafted a report for consideration; and
- WHEREAS,** the Planning Commission held a public hearing on the request at its regular meeting of January 9, 2017 and recommended APPROVAL of the application on a vote of 8-0-0; and
- WHEREAS,** the City Council heard the request at its regular meeting on January 17, 2017, at which it considered all of the comments, concerns and recommendations of the Planning Commission and Zoning Administrator and the applicant;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Afton does hereby DENY the Marcus and McClaurin application for variances at 4270 River Road, based on the findings of fact as listed below:

Findings

(The findings are to be provided by the Council.)

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17<sup>th</sup> DAY OF JANUARY, 2017.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Palmquist:  
Richter:  
Ross:  
Nelson:  
Bend:

1/9/2017

Ron Moorse  
City Administrator  
3033 St. Croix Trail South  
Afton, MN 55001

RE: DNR Response on Application for Variances for Construction at 4270 River Road South, Afton

Ron –

Last November we discussed the proposed room addition to the residential structure at 4270 River Road South, Afton. Based on the background you provided me, the addition is a lateral extension of an existing substandard structure. You indicated that the project meets the City's side yard standards, but the proposal would require a variance to the OHW setback and the City's road setback standard. Based on early feedback from the City, the landowners revised the project to reduce the height of the addition to equal the height of the existing building. The impervious surface on the lot will stay the same and there is existing vegetation to the east of the location of the addition that will at least partially screen the addition from view from the river.

Below is the language in the City's riverway ordinance that addresses exceptions to substandard structures (Sec. 12-580 C2):

An improvement to an existing structure or facility may be allowed to extend laterally (parallel to the river or bluff) when the improvement is in compliance with the dimensional standards of this article and the side yard standards of the zoning ordinance, article II of this chapter.

Since, by its very nature, a substandard structure cannot meet all the dimensional standards of the riverway language to get the exception, MNDNR's approach to interpreting this language is to consider the following specific standards in evaluating whether an improvement meets the substandard structure exception:

- OHW setback
- Bluff setback
- Height restriction (i.e., no increase in height over existing structure)
- Continues to meet percent impervious requirement of 20%

These are the standards that DNR sees as most tied to maintaining development that meets the intent of the Lower St. Croix Riverway rules, specifically those standards that address screening of structures as seen from the river. These standards are the standards that keep structures back from the water and bluff edge and below the tree line, allowing for an opportunity for existing vegetation to screen structures. Percent impervious reduces runoff from surfaces, protects water quality and encourages larger lots where possible.

If the addition does not meet these standards, DNR would anticipate City approval of variances to these specific riverway standards before the City would issue a permit for construction. You have indicated that this proposal would require a variance to the OHW setback (the NE corner of the house is just within the OHW setback of 200 feet).

From DNR's perspective, this proposal to laterally expand an existing substandard structure in the riverway is reasonable. The new room would be added as a second floor addition above an existing portion of the house and therefore impervious surface on the lot would not be increased. The addition would be no higher than the existing structure, and existing vegetation partially screens the area where the addition would be constructed.

Thank you for the opportunity to comment on this variance application.

Sincerely,



Jenifer Sorensen  
MN Department of Natural Resources  
East Metro Area Hydrologist  
1200 Warner Road  
St. Paul, MN 55106  
651-259-5754  
[jenifer.sorensen@state.mn.us](mailto:jenifer.sorensen@state.mn.us)

**CITY OF AFTON  
PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN: Notice is hereby given that the City of Afton Planning Commission will convene on Monday, January 9, 2017 at 7:00 PM at Afton City Hall, 3033 St. Croix Trail S., to conduct the following public hearing:

To consider a variance application by Julie Marcus and Mary McLaurin to enable a remodel and an addition to the existing house at 4270 River Road.

**All interested persons are encouraged to attend the public hearing.** Public hearings are held for the purpose of receiving comments and concerns by residents and the public on issues.

Materials will be available for viewing at Afton City Hall, 3033 St. Croix Trail, Afton MN and will be posted on the City website, at [www.ci.afton.mn.us](http://www.ci.afton.mn.us), on the Thursday prior to the meeting. Click on "City Commissions and Committees" and go into "Planning Commission Packets."

A quorum of the City Council or another Commission may also be present to receive information at the meeting.

Ron Moorse  
City Administrator  
City of Afton

REARDON ROBERT F & JULIANNE  
or Current Resident  
4117 PENFIELD CT S  
AFTON MN 55001

DAHL MARK T & KATHRYN M  
or Current Resident  
16100 45TH ST S  
AFTON MN 55001

LEONARD A EVANOFF JR TRS  
or Current Resident  
219 3RD AVE S  
SOUTH SAINT PAUL MN 55075

HEFFRON DANIEL A  
or Current Resident  
4350 RIVER RD S  
AFTON MN 55001

GASSER THOMAS M & KATHRYN  
or Current Resident  
3801 OVERLOOK DR  
BLOOMINGTON MN 55431

TILTON LOUIS R & LINDA K  
or Current Resident  
5620 COVINGTON RD  
SHOREWOOD MN 55331

HOLZ BRAD L & MICHELLE M  
or Current Resident  
4206 RIVER RD S  
AFTON MN 55001

LEROY J ROSSOW TRS & GENEVIEVE M ROSSOW TRS  
or Current Resident  
4416 RIVER RD S  
AFTON MN 55001

DEMING DAVID D & TERESA B  
or Current Resident  
16200 45TH ST S  
AFTON MN 55001

MCLAURIN MARY D & JULIE D MARCUS  
or Current Resident  
PO BOX 276  
AFTON MN 55001

WOODFILL JANEL L  
or Current Resident  
PO BOX 333  
AFTON MN 55001-0333

<p><b>City of Afton</b>  <b>3033 St. Croix Trl, P.O. Box 219</b>  <b>Afton, MN 55001</b></p>
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## Meeting Date Jan. 17, 2017

### Council Action Memo

To: Mayor Bend and Members of the City Council  
 From: Ron Moose, City Administrator  
 Date: January 10, 2017  
 Re: Ordinance Amendment Regarding Sec. 12-132. B.3. Contiguous Parcels Under Common Ownership – **Ordinance 01-2017**

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The Zoning Code includes regulations requiring that when two or more contiguous parcels are under common ownership and any individual parcel does not meet the full lot width and area requirements the parcel needs to be combined with the adjacent parcels to create a lot that meets the lot width and area requirements. The purpose of the language in Subsection (B) (3) is to prevent parcels that do not meet the minimal requirements for lot width and area from being individually buildable or saleable when they are under common ownership with contiguous lot(s).

At its November 15, 2016 regular meeting, the Council agreed that the area and frontage requirements for contiguous lots under common ownership should be the same as for all other lots, which are set out in Subsection (B) (2). In addition, the Council agreed that contiguous lots under common ownership that do not meet these requirements should be required to be combined.

At its December 20 meeting, the Council addressed the Planning Commission's questions and concerns about the situation of a nonconforming lot that contains a house that is being occupied and continues to be occupied, and is owned by the owner of a contiguous lot that also has an occupied house on it. Because the City cannot require the two lots to be combined, as they both are considered buildable lots, the Council added language to the ordinance amendment as shown below in bold to clarify this.

3. If in a group of two or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width or area requirements of ~~this Article~~ Subsection (B) (2) of this Section, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the combination of lots or parcels will equal one or more parcels of land each meeting the full lot width and area requirements of ~~this Article~~ Subsection (B) (2) of this Section, with the exception of a pre-existing legally non-conforming lot containing an existing residence, as long as the residence continues to qualify as an existing legally non-conforming structure.

#### Planning Commission Recommendation

The Planning Commission noted that the bold and underlined language above does not meet the Council's intent regarding contiguous lots containing existing residences. The Council's proposed language above would provide an exception for an undeveloped lot adjacent to a commonly owned lot containing a residence. The specific concern the Council was trying to address was the situation of a nonconforming lot that contains a house that is being occupied and continues to be occupied, and is owned by the owner of a contiguous lot that also has an occupied house on it. The

Planning Commission recommended approval of the ordinance amendment with the following language replacing the above bold and underlined language:

“In the case of two contiguous existing nonconforming lots under common ownership, each containing an existing residence, these lots will be excepted from this subparagraph, as long as the residences continue to qualify as existing legally nonconforming structures.”

**Ordinance Amendment**

Attached is the ordinance amendment, with the language revision recommended by the Planning Commission, for the Council’s consideration.

**COUNCIL ACTION REQUESTED:**

**Motion regarding Ordinance 01-2017, an ordinance amendment regarding Sec. 12-132. B.3.**

**ORDINANCE 01-2017**

**CITY OF AFTON, MINNESOTA  
WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 12, LAND USE, TO CLARIFY SECTION 12-132. B  
REGARDING THE MINIMUM BUILDABILITY REQUIREMENTS OF CONTIGUOUS LOTS  
UNDER COMMON OWNERSHIP**

**THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:**

**The following section of the Afton Code of Ordinances shall be amended by adding the underlined language and deleting the strike-through language.**

Sec. 12-132 Minimum requirements

B. Exceptions to minimum area, height, and other requirements:

1. For the purpose of this article, the term "existing lot" means a lot or parcel of land which was of record as a separate lot or parcel in the office of the county recorder, on or before the adoption date of the ordinance from which this article was derived, except as provided for in Subsection (B)(2).

2. Except in the VHS-R and VHS-C zoning districts, any such lot or parcel created in accordance with the City subdivision ordinance, article VI of this chapter, which contains at least 2 1/2 acres of buildable or net developable area as defined by this article and has at least 60 percent of the required frontage on an improved public street for the zoning district in which it is located shall be considered buildable provided the lot or parcel can comply with all other requirements of this article, including Subsection (B)(3) of this section.

3. If in a group of two or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the ~~full~~ width or area requirements of ~~this Article~~ Subsection (B) (2) of this Section, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the combination of lots or parcels will equal one or more parcels of land each meeting the ~~full~~ lot width and area requirements of ~~this Article~~ Subsection (B) (2) of this Section. In the case of two contiguous existing nonconforming lots under common ownership, each containing an existing residence, these lots will be excepted from this subparagraph, as long as the residences continue to qualify as existing legally nonconforming structures.

This ordinance shall take effect upon publication of this ordinance.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17<sup>TH</sup> DAY OF JANUARY,  
2017.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by:

Second by:

Palmquist:

Richter:

Ross:

Nelson:

Bend:

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

## Meeting Date Jan. 17, 2017

### Council Action Memo

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: January 10, 2017  
Re: Ordinance Amendment Eliminating "Storage Enclosed or Screened Principal Use" from the List of Allowed uses in the I1A and I1B Zoning Districts

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The Council, at its November 15, 2016 meeting, referred to the Planning Commission the review of the allowed uses in the Industrial zones, including the elimination of Storage Enclosed or Screened Principal Use as an allowed use in the Industrial zones. An ordinance amendment reflecting the elimination of this use was provided to the Planning Commission for a public hearing. The Planning Commission noted that the ordinance amendment language included the elimination of both "storage enclosed" and storage "screened", when the intent was to eliminate storage "screened", which relates to the semi-trailer parking areas. A public hearing notice with the corrected language to reflect only the elimination of storage screened as a principal use will be published for a public hearing at the February Planning Commission meeting.

**COUNCIL ACTION REQUESTED:**

**No action required.**

**City of Afton**  
**3033 St. Croix Trl, P.O. Box 219**  
**Afton, MN 55001**

# Meeting Date Jan. 17, 2017

## Council Action Memo

To: Honorable Mayor Bend and Members of the City Council

From: Ron Moorese, City Administrator

Date: January 10, 2017

Re: Proposed Ordinance to Add Minimum Impact Design Standards (MIDS) to the Zoning Code

### Background

In response to the City Council approving the City's participation in a grant program through which Minimum Impact Design Standards (MIDS) would be integrated into the City's zoning ordinances, Mike Isensee, Executive Director of the Middle St. Croix Watershed District (MSCWMO) has worked with Jay Michaels and other staff from Emmons and Olivier Resources, an environmental and water resources consulting firm, to perform a detailed review of the City's zoning code, particularly related to performance standards concerning *grading and drainage and the management of storm water and protection of water quality*, and provide recommendations regarding integrating the MIDS standards into the zoning code. A proposed ordinance was provided to the Planning Commission at its September 12, 2016 meeting, at which the Commission identified a number of concerns and recommended against the adoption of the proposed ordinance.

In response to the Planning Commission's concerns and recommendation, the Council authorized staff to work with the MSCWMO to address the questions and concerns, identify conflicts between MIDS and Afton's City Code, consider how Minimal Impact Design Standards might best be integrated into the City's Ordinances, and to bring the information back to the Planning Commission and to the Council.

The Planning Commission's concerns were shared with Mike Isensee and Jay Michaels. The following is an outline of the concerns and an outline of responses to the concerns. The attached memo from Jay Michaels and Spencer Peck to Mike Isensee, dated September 26, 2016, provides a more extensive explanation of the items outlined in the response to the Planning Commission's concerns below.

Also attached is a mark-up of the current zoning code showing the changes proposed to the code as part of integrating a new Stormwater Management and Erosion Control section into the code.

### Response to Planning Commission Concerns

- I. Concern: MIDS is less restrictive, Afton's Ordinances are sufficient and MIDS includes options that allow a developer to get around the rural environment protections that Afton currently has in place
  - The consultant's detailed review of the zoning code found that the City does not have clear and specific performance standards regarding the management of stormwater. The City relies on the City Engineer and, where applicable, the Watershed Districts, to apply a set of performance standards that are not reflected in the City's zoning code. This means that when a property owner, contractor or developer need direction regarding stormwater management, they cannot obtain much help by reviewing the City's zoning code. They would need to contact the City Engineer or a Watershed District.

- The following are the current stormwater management performance standards in Sec. 12-409 of the zoning code..
  - A. General standards:
    1. Existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
    2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
    3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds must be used.
  - B. Specific standards:
    1. Impervious surface coverage of lots must not exceed ten percent of the lot area or one-half acre, whichever is greater.
    2. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts and all plans must be approved by that agency.
    3. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- The following are performance standards in the MIDS ordinance

### *Stormwater Volume Reduction Performance Standards*

Any applicant for a Stormwater Management Permit as defined in Section 2 of this ordinance must meet all of the following performance standards:

- **New development volume control.** For new, nonlinear developments on sites without restrictions, stormwater runoff volumes will be controlled and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from all impervious surfaces on the site.
- **Redevelopment volume control.** Nonlinear redevelopment projects on sites without restrictions that create or fully reconstruct impervious surfaces shall capture and retain on site 1.1 inches of runoff from the new and/or fully reconstructed impervious surfaces.
- **Linear development volume control.** Linear projects on sites without restrictions that create new and/or fully reconstructed impervious surfaces, shall capture and retain the larger of the following:
  - 0.55 inches of runoff from the new and fully reconstructed impervious surfaces on the site
  - 1.1 inches of runoff from the net increase in impervious area on the site.

### *Stormwater Management Rate Control*

For new development, redevelopment and linear development sites the site design shall provide on-site treatment during construction and post-construction to ensure no increase from existing conditions in offsite peak discharge for the 1-year, 2-year, 10-year, and 100-year, 24-hour storm events based on the standards defined by the MSCWMO or VBWD. For single family residential building lots not part of a common plan of development site rate control requirements do not apply.

#### Other Design Standards

- **Minnesota Stormwater Manual:** All volume control for water quality and quantity and site design specifications shall conform to the current version of the Minnesota Stormwater Manual.
  - **NPDES/SDS Construction Stormwater General Permit:** All volume control and water quality and quantity Best Management Practice design specifications shall conform to the current version of the NPDES/SDS Construction Stormwater General Permit.
- 
- The City Engineer has reviewed the MIDS ordinance and compared the stormwater management performance standards in the MIDS ordinance with the performance standards generally used by the City Engineer in reviewing drainage and stormwater management plans. The MIDS performance standards are very similar to the performance standards used by the City Engineer. The City engineer has indicated the MIDS standards are commonly used and are the most stringent standards.
  - The MIDS ordinance includes a set of three Flexible Treatment Alternatives that are only used when the applicant documents, and the City agrees, that restrictions specific to the site do not allow the full MIDS performance goals to be met. This is similar to the process used by the City Engineer with a restricted site. The City Engineer requires the developer to meet the highest standard possible given the limitations of the site. This is also the purpose of the MIDS Flexible Treatment Alternatives.
  - The initial draft MIDS ordinance did include a definition of “New Development” that referenced 15% impervious coverage. This definition will be revised to delete the reference to impervious coverage.
2. Concern: Conflicts and inconsistencies with current zoning code
- The initial plan for MIDS, through the grant to integrate MIDS into the city’s zoning code, was to add MIDS requirements in relevant areas throughout the zoning code. However, while going through this effort, it was determined that the stormwater-related language was so scattered throughout the zoning code that it would be very difficult for an applicant to work through the requirements. Through this process, the consultant became very familiar with the zoning code and with all of the conflicts and inconsistencies in relation to the integration of MIDS. This provided two results. The first was a recognition that, rather than trying to add MIDS requirements to the existing stormwater language scattered throughout the zoning code, it would be much easier to follow if all of the stormwater management requirements were placed into a separate chapter or section. The second was a mark-up of the current zoning code that identified all of the changes. The consultant has recently completed a second review of the MIDS ordinance vs. the zoning code to ensure conflicts and inconsistencies have been identified and resolved in a revised ordinance. The ordinance has also been revised to be a new Article (XIII) in the zoning code rather than a new chapter in the City Code.

- To further address the Planning Commission's concern regarding MIDS being less strict than the City's current ordinance requirements, it is recommended that language be added to the MIDS ordinance language indicating that if there is an ordinance requirement that is more strict than the MIDS requirements, the more strict ordinance requirement would supercede the MIDS requirement.

#### **Planning Commission Continuing Concerns**

At its January 9, 2017 meeting, the Planning Commission expressed continuing concerns regarding the MIDS ordinance. These were as follows:

1. The City does not need to add MIDS regulations because the Valley Branch Watershed District, which includes most of Afton, already uses the MIDS standards.
2. There is a fear that the MIDS requirements will overshadow Afton's land use regulations
3. Currently, the City relies on its City Engineer and the Valley Branch Watershed district to apply current standards and requirements to the review of stormwater management plans, rather than having those regulations detailed in its zoning code. If the detailed regulations are added to the zoning code, the City would need to ensure the regulations were regularly updated.
4. There may be numerous inconsistencies between the MIDS regulations and the zoning code.
5. Some of the definitions include incorrect or unclear language.
6. The Planning Commission did not identify any downside to not adopting the MIDS ordinance.

#### **Planning Commission Recommendation**

The Planning Commission recommended that the Council disregard adding the MIDS ordinance to the existing zoning code due to the Valley Branch Watershed District already using the MIDS standards, the City Engineer currently applying expertise and current stormwater management standards, and the Planning Commission seeing no downside to not adopting the MIDS ordinance.

#### **Council Action Requested**

**Motion regarding integrating Minimal Impact Design Standards into the City's zoning code.**

5. The two separate parcels that make up the property at 4270 River Road shall be combined.

**Resolutions**

Attached are a resolution of approval reflecting the Planning Commission's recommendation and a resolution of denial for the Council's consideration.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the adoption of a resolution regarding the Marcus and McClaurin variance application at 4270 River Road.**

# Memo



**Project Name** | MIDS Community Assistance Package

**Date** | September 26,  
2016

**To** | City of Afton Planning Commission

Mike Isensee, MSCWMO

**From** | Jay Michels, EOR

Spencer Peck, EOR

**Regarding** | Integrating MIDS into City of Afton Municipal Code

## Introduction

This memorandum presents a narrative description of why the City of Afton should update its existing stormwater management ordinances. At the direction of Afton City Council (please see resolution 2015-19 passed by the City of Afton City Council on February 17, 2015), staff at Emmons & Olivier Resources (EOR) thoroughly reviewed the existing City Code looking for opportunities to incorporate standards and policies from the Minimal Impact Design Standards Model Stormwater Ordinance (MIDS or Model Ordinance). The goal of the review and recommendations is to improve the effectiveness, consistency, and transparency of the City's ordinances and to continue protecting the community's water resources. The Middle St. Croix Watershed Management Organization (MSCWMO), EOR and City Staff considered the findings of the initial review at joint working session on April 22, 2015. Based on City Staff feedback the draft ordinance was completed and is now presented to the Planning Commission.

## Minimal Impact Design Standards (MIDS) History

This section briefly reviews the state-wide importance of water resources, the evolution of stormwater management generally, and how the Minimal Impact Design Standards (MIDS) Model Stormwater Ordinance were designed to protect these valuable, fragile resources.

Water is one of the most important natural resources in Minnesota. It is important to local economies, crucial for wildlife, and a critical component of Minnesotans' lifestyles and recreational pursuits. Clean, abundant water is a key issue all across the state: from the beautiful north shore of Lake Superior, to the game fishing and water recreation on the numerous in-land lakes, to the agricultural heartland of the south and west. The pervasive importance of water is the fundamental rationale for protecting and restoring the State's highly valued water resources. One crucial component in protecting and restoring Minnesota's water resources is effective stormwater management.

Stormwater management has evolved substantially during the past 20 years. Historically, stormwater management solutions concentrated on directing stormwater off-site quickly and reducing flooding concerns. The main tool to achieve these goals was collecting runoff in stormwater ponds and other detention facilities. The shortcomings of these approaches can be seen in the extensive water pollution in Minnesota, including huge number of impaired waters. Unfortunately, water resources in and around the City of Afton have not avoided damage or degradation from the failures of outdated stormwater management. A more modern and effective method of protecting waterbodies is to retain the raindrop where it falls through the use of

retention methods. This minimizes runoff, reduces pollution, and increases infiltration and groundwater recharge. Stormwater retention, as opposed to detention, is the overarching concern of the Minimal Impact Design Standards (MIDS).

The MIDS performance standards and Model Ordinance was developed over the course of four years (October 2009 – June 2013) with the help of the Minnesota Pollution Control Agency (MPCA) and a diverse group of stakeholders and experts. The foundation of MIDS is Low Impact Development (LID) standards, which use technologies and best management practices (BMP) to mimic a site's natural hydrology as the landscape is developed. The standards and procedures in MIDS are a set of effective, flexible, and adaptable tools designed to retain stormwater where it falls. In fact, these tools go beyond just managing stormwater, but also provide solutions for numerous issues associated with utility and infrastructure projects such as requiring financial securities, codifying fair and effective enforcement procedures, and ensuring facility inspection and maintenance.

### **Basic Principles of MIDS**

The Minimal Impact Design Standards represent the next generation of stormwater management in Minnesota. Using Low Impact Development (LID) principles, MIDS emphasizes keeping the raindrop where it falls in order to minimize stormwater runoff and pollution. Low Impact Development is an internationally recognized approach to stormwater management that mimics a site's natural hydrology as the landscape is developed. The LID approach preserves and protects environmentally-sensitive sites and natural features, including riparian buffers, wetlands, steep slopes, valuable trees, floodplains, woodlands, and highly permeable soils. MIDS incorporates these concepts to achieve more effective stormwater management with four main components:

1. Strong, consistent performance standards for the full range of construction projects.
2. Flexible Treatment Alternatives designed to achieve high water quality standards despite site constraints such as high water tables, karst geology, or soil issues.
3. A MIDS Design Sequence Flow Chart to assist all stakeholders, from the most experienced developer to a first-time home builder, navigate, understand, and effectively apply the performance standards to specific projects.
4. A new calculator and credit calculations that standardize the use of a range of innovative structural stormwater practices and facilities.

### **Performance Standards**

Stormwater performance standards do not exist in Afton's current code. The current version of section 12-409 "Stormwater Management" lists both general and specific standards. These standards amount to only six sentences. The only objective standard imposed by these sections is a maximum amount of impervious surface coverage (10 percent). Although a "qualified

individual” must “document” that stormwater facilities are properly designed and installed, this standard fails to specify the required qualifications. The other standards provide only vague and unquantifiable standards. For instance, development must “minimize the extent of disturbed area” and be stabilized “as soon as possible.” Finally, the practices suggested as methods of stormwater management do not include modern technology, but instead focus on simply diverting runoff away from the site, or using stormwater ponds. Adopting MIDS offers the City of Afton the opportunity to implement performance standards to protect the community’s valuable water and land resources.

The MIDS Model Ordinance ensures consistent and effective management of a range of stormwater issues, including reducing the velocity at which stormwater leaves a particular property (rate), reducing the amount of water generated by the impervious surfaces on that property (volume), and removing sediment, nutrients, and other pollutants contained in the stormwater (water quality). These factors have important impacts on the body of water receiving stormwater—if not properly managed, each can damage, or even destroy a body of water. Performance standards differ depending on the severity of the storm (e.g. the 1-year, 2-year, 10-year, and 100-year, 24-hour storm events). Generally under MIDS, new development and redevelopment projects must capture, and retain on-site, up to 1.1 inches of runoff from all impervious surfaces on the site.<sup>1</sup> Linear development (e.g. road construction).

These strong performance standards provide enhanced protection for Minnesota’s water resources without placing unreasonable or unnecessary burdens on developers or landowners. When adopted, MIDS can help communities achieve both water quality and regulatory goals. For instance, MIDS can be used to meet anti-degradation requirements; achieve rate and volume controls, actively reduce several pollutant loads; and achieve waste load reductions as specified in a Total Maximum Daily Load (TMDL) standards. The clear, concise, and quantifiable standards provided by MIDS also prevent anyone in the community from avoiding, exploiting, or neglecting the requirements of the ordinance. Simply put, the standards cannot be flouted or abused. Finally, MIDS is an approved approach for satisfying the requirements for new development and redevelopment outlined in Minimum Control Measure (MCM) 5 of the General Permit for small Municipal Separate Storm Sewers (MS4 Permits).

### **Flexible Treatment Alternatives**

Many developers and land owners fear updates to development policies. They believe new regulations may result in impracticable requirements for a previously undeveloped site. These beliefs are often especially strong in communities where development policies are less stringent or are applied infrequently. The MIDS development group foresaw these obstacles, and purposely integrated measures of flexibility in the Model Ordinance and its performance

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<sup>1</sup> Long-Form MIDS Stormwater Ordinance, § 6(d)

standards. If an applicant is unable to achieve the full MIDS performance goals due to site restrictions as documented by the applicant and attested by the local authority, the development project may instead follow one of three Flexible Treatment Alternatives.

The first alternative is to retain a smaller volume of runoff, remove a large percentage of the total phosphorous load from the discharged runoff, and attempt to address constraints by relocating project elements. If the first alternative is unfeasible, the second alternative reduces the volume standards to a "maximum extent practicable" level, further decreases the percentage of total phosphorous that must be removed, and analyses the effect of relocation of project elements. Finally, if the first two alternatives are unattainable, the third alternative allows off-site mitigation equivalent to the full volume reduction performance goal. These alternatives are intended to be used in sequence. Each step of the sequence must be documented, reviewed, and approved by the local authorities.

### **MIDS Calculator**

One of the greatest aspects of MIDS is that it standardizes the benefits of non-structural and technological stormwater practices. The MIDS Best Management Practice (BMP) calculator is a Microsoft Excel-based tool used to determine stormwater runoff volume and pollutant reduction capabilities of various low impact development (LID) BMPs. The MIDS calculator estimates the stormwater runoff volume reductions for various BMPs based on the MIDS performance goal (1.1 inches of runoff off impervious surfaces) and annual pollutant load reductions for total phosphorus (including a breakdown between particulate and dissolved phosphorus) and total suspended solids (TSS).

Standardization of stormwater Best Management Practices (BMPs) not only simplifies the development process, but also supports decision-makers in determining which design aspects will satisfy a community's goals. All the BMPs recommended by the MIDS system have been reviewed and approved by a host of stormwater professionals, including the Minnesota Pollution Control Agency (MPCA). The MIDS Calculator also helps communities quantify load reductions in applications for grants and other funding opportunities. In short, the MIDS Calculator reduces workloads for developers and City Staff, and clarifies the stormwater management possibilities to even the most unsophisticated user.

### **Overlapping Authority and MIDS**

MIDS is especially effective in Minnesota because it is typically implemented by several overlapping authorities, including watershed districts (WDs), watershed management organizations (WMO), counties, and municipalities. In fact, nearly every level of water governance has adopted the MIDS approach. The MIDS development process and state wide application is codified in state statute (Minn. Stat. 115.03 Subd. 5c(c)). The Minnesota Department of Natural Resources, a state-level agency, incorporated the MIDS performance

goals into its Stormwater and Shoreline Best Management Practices for Public Water Accesses.<sup>1</sup> Further, the Minnesota Pollution Control Agency (MPCA), the state agency responsible for issuing permits and overseeing many pollution prevention and water quality programs, was heavily involved in the development of MIDS, and has approved MIDS as a method for achieving the regulatory requirements for several state-wide programs.

At the watershed level, a significant number of Watershed Districts, Water Management Organizations, Lake Improvement Districts, Soil and Conservation Districts, and municipalities have adopted, or are actively preparing to adopt MIDS standards, including several of Afton's immediate neighbors.<sup>2</sup> These organizations have a critical role in achieving the water quality and resource conservation goals set at the state and local level. Since MIDS was released in 2013, five watershed districts, two water management organization, and six cities have adopted MIDS. The Middle St. Croix Watershed Management Organization was awarded a Clean Water grant in 2014 to implement the MIDS Community Assistance Package. The watershed management organization will work with up to 13 communities in the St. Croix Basin to adopt ordinance and code revisions to incorporate MIDS stormwater quality and volume standards for new development and redevelopment. Among these communities, two (Lakeland Shores and Lakeland) have already adopted the MIDS approach.

### **Consistency and the MIDS Approach**

MIDS also ensures a community's stormwater management ordinance is internally consistent and easy to use. The existing code uses multiple terms (i.e. drainage, stormwater, runoff, etc) which could cause a developer or landowner significant confusion. More problematic is the current cumbersome and disorganized structure. The relevant terms and standards are scattered throughout the code with no organization or consistency. Most appear in Chapter 12, but this Chapter is over 200 pages long and has several dozen subchapters, sections and subsections. For instance, to determine the exact stormwater management requirements for a particular project, at least thirteen (13) separate provisions must be consulted. These provisions are spread from page 10 to page 211, and only one provision even contains the term "stormwater management." Creating a stormwater pollution prevention plan for a project is thus a major undertaking requiring frequent contact with City staff, long hours reviewing the City Code, and possibly even hiring professional help.

Adopting MIDS offers an easy alternative. First, the new provisions would simply be slotted into the existing code. Using the reserved Chapter 13, MIDS could be integrated into the existing code as a standalone chapter titled "Stormwater Management." No major rewrite is required, beyond deleting conflicting or supplemented sections. Second, and most importantly, are the benefits of a stand-alone chapter. A single, organized stormwater management chapter would save developers and City staff enormous amounts of time and money. Instead of searching through a 200-page document, both Staff and developers would need to look at only one chapter

of the code to determine what stormwater management standards must be met. Moreover, even first time builders, or developers new to Afton could easily integrate the performance standards, and use the simple tools in the MIDS ordinance to develop a state-of-the-art stormwater management system.

In summary, Afton will greatly benefit from adopting the MIDS performance standards as recommended by the MSCWMO and EOR review. The MIDS updates provide clear and effective performance standards, which the current code lacks. The new ordinance does not place an unreasonable burden on landowners or developers. Thanks to the Flexible Treatment Alternative, the updates may open sites to development that were previously unavailable as a result of site constraints. The recommended updates bring Afton to the state-of-the-art stormwater management and seamlessly integrate their approach with neighboring communities and other overlapping layers of authority. Finally, the updates improve the effectiveness and consistency of the code with a new stand-alone stormwater management chapter. All water resources in and around Afton will greatly benefit from the reduced runoff volumes and rates, and decrease pollution loads once MIDS is adopted and implemented.

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<sup>1</sup> Minnesota Dept. of Nat. Resources, Stormwater and Shoreline Best Management Practices for Public Water Accesses

<sup>2</sup> See "Minnesota Stormwater Manual - Communities that Adopted MIDS," at [http://stormwater.pca.state.mn.us/index.php/Community\\_Assistance\\_Package](http://stormwater.pca.state.mn.us/index.php/Community_Assistance_Package).

## ARTICLE 13 -- STORMWATER MANAGEMENT

## ARTICLE I. IN GENERAL

Secs. 13-1. – 13-50. Reserved.

## ARTICLE II. AUTHORIZATION, PURPOSE, SCOPE, AND INTERPRETATION

## Sec. 13-51. Statutory authorization

- A. This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes §§ 103B, 103D, and 462; Minnesota Rules, Parts 6120.2500- 6120.3900; and Minnesota Rules Chapters 8410 and 8420.
- B. This ordinance is intended to meet the construction site erosion and sediment control and post-construction stormwater management regulatory requirements for construction activity and small construction activity (NPDES Permit) as defined in 40 CFR 122.26(b)(14)(x) and (b)(15), respectively.
- C. This ordinance is intended to meet the Minimal Impact Design Standards (MIDS) developed under Minnesota Statutes § 115.03 subd. 5c.

## Sec. 13-52. Purpose

- A. The purpose of this ordinance is to establish regulatory requirements for land development and land disturbing activities aimed at minimizing the threats to public health, safety, public and private property and natural resources within the City from construction site erosion and post-construction stormwater runoff. Specifically, the ordinance establishes regulatory requirements that:
  1. Meet MIDS performance standards;
  2. Assist in meeting NPDES/SDS Construction Stormwater General Permit requirements;
  3. Assist in meeting Total Maximum Daily Load (TMDL) plan waste load allocations for impaired waters through quantification of load reductions;
  4. Assist in meeting policies and performance standards of the Middle St. Croix Water Management Organization (MSCWMO) and Valley Branch Watershed District (VBWD);
  5. Protect life and property from dangers associated with flooding;
  6. Protect public and private property and natural resources from damage resulting from stormwater runoff and erosion;
  7. Ensure site design minimizes the generation of stormwater runoff and maximizes pervious areas for stormwater treatment within the context of the allowable use;
  8. Provide a single, consistent set of performance goals that apply to all developments;
  9. Protect water quality from pollutant loadings of sediment, suspended solids, nutrients, heavy metals, toxics, debris, bacteria, pathogens, biological impairments, thermal stress and other pollutants;

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10. Promote infiltration and groundwater recharge;
11. Provide vegetated corridors (buffers) to protect water resources from development;
12. Protect functional values of all types of natural waterbodies (e.g., rivers, streams, wetlands, lakes, seasonal ponds); and
13. Sustain or enhance biodiversity (native plant and animal habitat) and support riparian ecosystems.

## Sec. 13-53. Scope

Land shall not be developed for any use without providing stormwater management measures and erosion and sediment control measures that control or manage stormwater runoff from such developments.

## Sec. 13-54. Greater restrictions

- A. Relationship to WD/WMO Requirements - All stormwater management and erosion and sediment control activities shall comply with all applicable requirements of the relevant Middle St. Croix Watershed Management Organization or the Valley Branch Watershed District. In the case of conflict between provisions of this ordinance and other stormwater regulations, the strictest provisions shall apply to land development and/or land disturbing activities.
- B. Relationship to Existing Easements, Covenants, and Deed Restrictions - The provisions of this ordinance are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions the provisions of this ordinance shall prevail.

## Sec. 13-55. Severability

The provisions of this ordinance are severable, and if any provision of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

Secs. 13-56. – 13-69. Reserved.

## ARTICLE III. APPLICABILITY &amp; DEFINITIONS

## Sec. 13-70. Stormwater management permit

- A. Unless otherwise exempted by Section 3, an approved Stormwater Management Permit shall be required prior to any proposed land development activity that meets any of the criteria in 1. through 5. immediately below. All stormwater management permits shall include an Erosion and Sediment Control Plan (ESC Plan) or a Stormwater Pollution Prevention Plan (SWPPP)
  1. Any project that creates or fully reconstruct 6,000 square feet or more of impervious surface.
  2. All major subdivisions or minor subdivisions that are part of a common plan of development.
  3. Projects within the St. Croix Riverway that add 500 square feet or greater of additional impervious surface.

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4. Any project requiring a variance from the current local impervious surface zoning requirements for the property.
5. Any land development activity, regardless of size, that the City determines is likely to cause an adverse impact to an environmentally sensitive area or other property.

**Sec. 13-71. Erosion and sediment control plan**

A. Unless otherwise exempted by this ordinance in Section 3, an Erosion and Sediment Control Plan shall be required as part of any Grading and Filling Permit or Building Permit which proposes any land disturbing activity that meets any of the criteria in 1. through 3. below.

1. Any project undertaking grading, filling, or other land alteration activities which involve movement of 100 cubic yards of earth or removal of vegetation on greater than 6,000 square feet of land.
2. Any project with wetland impacts, grading within public waters, grading within buffers or within 40-feet of the bluff line.
3. A land disturbing activity, regardless of size, that the City determines is likely to cause an adverse impact to an environmentally sensitive area or other property, or may violate any other erosion and sediment control standard set forth in this ordinance.

**Sec. 13-72. Buffers**

A buffer of unmowed natural vegetation shall be required upslope of wetlands, lakes and streams prior to the approval of any proposed land development requiring a subdivision, lot split, rezoning, special use permit or variance, unless otherwise exempted in this ordinance in Section 3.

**Sec. 13-73. Exemptions**

The following activities shall be exempt from all of the requirements of this ordinance:

1. Emergency work necessary to protect life, limb, or property.
2. Routine agricultural activity such as tilling, planting, harvesting, and associated activities. Other agricultural activities are not exempt including activities such as construction of structures.
3. Silvicultural/forestry activity.

**Sec. 13-74. Definitions**

Words or phrases used in this ordinance shall have the meanings as defined by Appendix B of the Minnesota Construction Stormwater Permit No: MN R100001 (Construction Permit)<sup>1</sup>

If not defined in the Construction Permit, then words or phrases shall be interpreted to have the meaning they have in common usage.

Words or phrases shall be interpreted so as to give this ordinance its most reasonable application.

For the purpose of this ordinance, the words "must", "shall", and "will" are mandatory and not permissive.

<sup>1</sup> Available at <http://www.pca.state.mn.us/wftwa5b>

- A. **Applicant.** The owner of land submitting an application under the provisions of this ordinance for a Stormwater Management Permit (SWMP) and/or Erosion and Sediment Control Plan (ESC Plan) to be issued by the community.
- B. **Best Management Practices (BMPs).** The most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies.
- C. **Better Site Design.** The control and management of stormwater quantity and quality through the application of Better Site Design Techniques as outlined in the current version of the Minnesota Stormwater Manual. Better Site Design includes: preservation of natural areas; site reforestation; stream and shoreland buffers; open space design; disconnection of impervious cover; rooftop disconnection; grass channels; stormwater landscaping; compost and amended soils; impervious surface reduction; and trout stream protection.
- D. **Common Plan of Development or Sale.** A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.
- E. **Construction Activity.** Includes construction activity as defined in 40 CFR pt. 122.26(b)(14)(x) and small construction activity as defined in 40 CFR pt. 122.26(b)(15) and construction activity as defined by Minn. R. 709.0080, subp. 4. This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include a disturbance to the land of less than five (5) acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. (NOTE – The community may wish to change this to a smaller disturbance area. A smaller area is more restrictive than the state/federal requirements, so it would be allowable for a local government.)
- F. **Development, New.** Any development that results in the conversion of land that is currently prairie, agriculture, forest, or meadow. Land that was previously developed, but now razed and vacant, will not be considered new development.
- G. **Erosion and Sediment Control Plan (ESC Plan).** A plan for projects disturbing less than one acre that is in compliance with the minimum requirements of the MSCWMO and VBWD. The plan identifies erosion prevention and sediment control practices, location and timelines for installation. The plan also includes responsible parties and timelines for inspection and maintenance.
- H. **Erosion Prevention.** Measures employed to prevent erosion. Examples include but not limited to: soil stabilization practices, limited grading, mulch, temporary erosion protection or permanent cover, and construction phasing.
- I. **Fully Reconstructed Impervious Surface.** Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects,

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- and pavement rehabilitation projects that do not alter underlying soil material beneath the structure, pavement, or activity are not considered fully reconstructed impervious surfaces. Reusing the entire existing building foundation and re-roofing of an existing building are not considered fully reconstructed.
- J. Impervious Surface.** A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.
- K. Land Disturbance.** Any activity that result in a change or alteration in the existing ground cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, stockpiling, excavation, and borrow pits. Routine vegetation management, and mill and overlay/resurfacing activities that do not alter the soil material beneath the pavement base, are not considered land disturbance. In addition, other maintenance activities such as catch basin and pipe repair/replacement, lighting, and pedestrian ramp improvements shall not be considered land disturbance for the purposes of determining permanent stormwater management requirements.
- L. Linear Project.** Construction or reconstruction of roads, trails, sidewalks, and rail lines that are not part of a common plan of development or sale. Mill, overlay and other resurfacing projects are not considered to be reconstruction.
- M. Major Subdivision.** All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.
- N. Minor Subdivision.** Any subdivision containing three (3) or less lots fronting on an existing street, not part of a common plan of development nor involving any new street or road or the extension of municipal facilities.
- O. National Pollutant Discharge Elimination System (NPDES).** The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.
- P. Owner.** The person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease, easement, or mineral rights license holder, the party or individual identified as the lease, easement or mineral rights license holder; or the contracting government agency responsible for the construction activity.
- Q. Permanent Cover.** Surface types that will prevent soil failure under erosive conditions. Examples include: gravel, asphalt, concrete, rip rap, roof tops, perennial cover, or other landscaped material that will permanently arrest soil erosion. A uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of 70% of the native background vegetative cover for the area must be established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include the practices listed under temporary erosion protection.
- R. Permittee.** A person or persons, firm, or governmental agency or other entity that signs the application submitted to the City and is responsible for compliance with the terms and conditions of the permit.

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## Stormwater Management

- S. Predevelopment State.** The rate and volume of stormwater is unchanged. The calculation of predevelopment is based on native soils and vegetation.
- T. Public Waters.** All water basins and watercourses that are described in Minn. Stat. § 103G.005 subd. 15.
- U. Redevelopment.** Any development that is not considered new development.
- V. Retain.** Manage stormwater on site using a low-impact development approach so that the rate and volume of predevelopment stormwater reaching receiving waters is unchanged.
- W. St. Croix Riverway.** All lands and public waters within the riverway boundary subject to the standards and criteria for the Lower Saint Croix National Scenic Riverway in Minnesota.
- X. Saturated Soil.** The highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.
- Y. Sediment Control.** Methods employed to prevent sediment from leaving the site. Sediment control practices include: silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, bio rolls, rock logs, compost logs, storm drain inlet protection, and temporary or permanent sedimentation basins.
- Z. Stormwater Facility.** A stationary and permanent BMP that is designed, constructed and operated to prevent or reduce the discharge of pollutants in stormwater.
- AA. Small Construction Activity.** As defined in 40 CFR part 122.26(b)(15). Small construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five (5) acres.
- BB. Stabilized.** Exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass, agricultural crop or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre).
- CC. Stormwater.** As defined under Minn. R. 7077.0105, subp. 41(b), and includes precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage.
- DD. Stormwater Pollution Prevention Plan (SWPPP).** A plan for stormwater discharge that includes erosion prevention BMPs, sediment control BMPs and permanent stormwater management systems that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.
- EE. Surface Water(s).** All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include treatment basins or ponds that were constructed from upland.
- FF. Temporary Erosion Protection.** Methods employed to prevent erosion during construction activities. Examples of temporary erosion protection include; straw, wood fiber blanket, wood chips, vegetation, mulch and rolled erosion control products.

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**GG. Underground Waters (Groundwater).** Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. The term groundwater shall be synonymous with underground water.

**HH. Wetland(s).** As defined in Minn. R. 7050.0130, subp. F and includes those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

1. A predominance of hydric soils.
2. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition.
3. Under normal circumstances support a prevalence of such vegetation.

Secs. 13-75. – 13-89. Reserved.

#### ARTICLE IV. PERMITTING PROCESSES, PERFORMANCE STANDARDS

##### Sec. 13-90. Permit Review Process

- A. Pre-application meeting:** At the discretion of the Zoning Administrator, the City shall facilitate a pre-application meeting with the applicant, City staff (or their authorized representative), and staff of relevant partner agencies (e.g. WCD, MSCWMO, VBWD, MDNR, etc.). The purposes of the meeting are to understand the general parameters of the proposed project and to convey the requirements of meeting the provisions of the ordinance.
- B. Application completeness review:** The City shall make a determination regarding the completeness of a permit application and notify the applicant in writing if the application is not complete including the reasons the application was deemed incomplete.
- C. Application review:** The applicant shall not commence any construction activity subject to this ordinance until a permit has been authorized by the City.
- D. Permit authorization:** If the City determines that the application meets the requirements of this ordinance, the City may issue approval authorizing the project or activity. The approval shall be valid for one year.
- E. Permit denial:** If the City determines the application does not meet the requirements of this ordinance the application must be denied. If the application is denied, the applicant will be notified of the denial in writing including reasons for the denial. Once denied, a new application must be resubmitted for approval before any activity may begin.
- F. Plan information requirements:** The minimum information requirements of the application shall be consistent with the requirements in the most recent version of the NPDES/SDS Construction Stormwater General Permit and Middle St. Croix WMO or Valley Branch Watershed District performance standards. The application information must also include

permanent treatment information showing the proposed project meets the MSCWMO or VBWD performance goals.

**G. Modification of permitted plans:** If any of the following instances occur to a site with an approved ESC Plan or SWMP, the Applicant shall apply for an amendment to the associated permit(s), submitting all updated materials, reflecting the needed changes; the review of the amended materials shall use the same process as a new submittal, as designated in this ordinance:

1. There is a change in design, construction, operation, maintenance, weather or seasonal conditions that has a significant effect on the discharge of pollutants to surface water or underground water.
2. Inspections or investigations by site operators, local, state or federal officials indicate the plans are not effective in eliminating or significantly minimizing the discharge of pollutants to surface water or underground water or that the discharges are causing water quality standard exceedances.
3. The plan is not achieving the general objectives of minimizing pollutants in stormwater discharges associated with construction activity.

**H. Permit completion:** Before work under the permit is deemed complete, the permittee must submit as-built, a long term maintenance plan and information demonstrating that the stormwater facilities conform to design specifications.

##### Sec. 13-91. Site Design and MIDS Calculator

- A. Better Site Design:** Whenever possible, development projects shall be designed using the Better Site Design Techniques of the current version of the Minnesota Stormwater Manual.<sup>2</sup>
- B. MIDS calculator:** Final site design and choice of permanent stormwater volume reduction practices shall be based on outcomes of the MIDS Calculator (or other model that shows the performance goal can be met) and shall meet the performance standards in section 7 of this ordinance.
- C. Buffer requirement:** Buffer locations and widths must comply with the State of Minnesota, Minnesota Pollution Control Agency, and Middle St. Croix Watershed Management Organization or Valley Branch Watershed District standards.

##### Sec. 13-92. Stormwater Volume Reduction Performance Standards

Any applicant for a Stormwater Management Permit as defined in Section 2 of this ordinance must meet all of the following performance standards:

- A. New development volume control:** For new, nonlinear developments on sites without restrictions, stormwater runoff volumes will be controlled and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from all impervious surfaces on the site.
- B. Redevelopment volume control:** Nonlinear redevelopment projects on sites without restrictions that create or fully reconstruct impervious surfaces shall capture and retain on site 1.1 inches of runoff from the new and/or fully reconstructed impervious surfaces.

<sup>2</sup> Available at [http://stormwater.pca.state.mn.us/index.php/Better\\_site\\_design](http://stormwater.pca.state.mn.us/index.php/Better_site_design).

C. **Linear development volume control:** Linear projects on sites without restrictions that create new and/or fully reconstructed impervious surfaces, shall capture and retain the larger of the following:

1. 0.55 inches of runoff from the new and fully reconstructed impervious surfaces on the site
2. 1.1 inches of runoff from the net increase in impervious area on the site.

Mill and overlay and other resurfacing activities are not considered fully reconstructed.

**Sec. 13-93. Flexible treatment alternatives for sites with restrictions**

Applicant shall attempt to comply fully with the appropriate performance standards described above. Alternatives considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site. If full compliance is not possible due to any of the factors listed below, the applicant must document the reason. If site constraints or restrictions limit the full treatment goal, the following flexible treatment alternatives shall be used:

Applicant shall document the flexible treatment alternatives sequence starting with Alternative #1. If Alternative #1 cannot be met, then Alternative #2 shall be analyzed. Applicants must document the specific reasons why Alternative #1 cannot be met based on the factors listed below. If Alternative #2 cannot be met then Alternative #3 shall be met. Applicants must document the specific reasons why Alternative #2 cannot be met based on the factors listed below. When all of the conditions are fulfilled within an alternative, this sequence is completed.

Volume reduction techniques considered shall include infiltration, reuse & rainwater harvesting, and canopy interception & evapotranspiration and/or additional techniques included in the MIDS calculator and the Minnesota Stormwater Manual.

Higher priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by rate control BMPs.

Factors to be considered for each alternative will include:

1. Karst geology
2. Shallow bedrock
3. High groundwater
4. Hotspots or contaminated soils
5. Drinking Water Source Management Areas or within 200 feet of drinking water well
6. Zoning, setbacks or other land use requirements
7. Poor soils (infiltration rates that are too low or too high, problematic urban soils)

A. **Alternative #1:** Applicant attempts to comply with the following conditions:

1. Achieve at least 0.55" volume reduction from all impervious surfaces if the site is new development or from the new and/or fully reconstructed impervious surfaces for a redevelopment or linear development site.

2. Remove 75% of the annual TP load from all impervious surfaces if the site is new development or from the new and/or fully reconstructed impervious surfaces for a redevelopment site.
3. Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site.

B. **Alternative #2:** Applicant attempts to comply with the following conditions:

1. Achieve volume reduction to the maximum extent practicable.
2. Remove 60% of the annual TP load from all impervious surfaces if the site is new development or from the new and/or fully reconstructed impervious surfaces for a redevelopment site.
3. Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site.

C. **Alternative #3: Off-site Treatment.** Mitigation equivalent to the performance of 1.1 inches of volume reduction for new development, linear development or redevelopment as described above in this section, (including banking or cash) can be performed off-site to protect the receiving water body. Off-site treatment shall be achieved in areas selected in the following order of preference:

1. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
2. Locations within the same Department of Natural Resource (DNR) catchment area (Hydrologic Unit 08) as the original construction activity.
3. Locations within the next adjacent DNR catchment area upstream.
4. Locations anywhere within the City's jurisdiction.

The MIDS Design Sequence Flowchart can be found in the Minnesota Stormwater Manual<sup>3</sup>

**Sec. 13-94. Stormwater Management Rate Control**

For new development, redevelopment and linear development sites the site design shall provide on-site treatment during construction and post-construction to ensure no increase from existing conditions in offsite peak discharge for the 1-year, 2-year, 10-year, and 100-year, 24-hour storm events based on the standards defined by the MSCWMO or VBWD. For single family residential building lots not part of a common plan of development site rate control requirements do not apply.

**Sec. 13-95. Other Design Standards**

- A. **Minnesota Stormwater Manual:** All volume control for water quality and quantity and site design specifications shall conform to the current version of the Minnesota Stormwater Manual.
- B. **NPDES/SDS Construction Stormwater General Permit:** All volume control and water quality and quantity Best Management Practice design specifications shall conform to the current version of the NPDES/SDS Construction Stormwater General Permit.

<sup>3</sup> Available at [http://stormwater.pca.state.mn.us/index.php/Flexible\\_treatment\\_options](http://stormwater.pca.state.mn.us/index.php/Flexible_treatment_options)

- C. **Site erosion and sediment control requirements:** All erosion and sediment control requirements shall conform to the current requirements of NPDES/SDS Construction Stormwater General Permit.
- D. **Watershed District/WMO requirements:** All stormwater management and erosion and sediment control activities shall comply with all applicable requirements of the Watershed Districts or Watershed Management Organizations in which the project is located. In case provisions in this ordinance and requirements of watershed district or watershed management organizations overlap or conflict, the strictest provisions shall apply to the activities.
- E. Where applicable, a minimum of 20' shall be provided on all sides of all publicly owned stormwater facilities for facility maintenance.

Secs. 13-94. – 13-99. Reserved.

#### ARTICLE V. INSPECTIONS, MAINTENANCE & ENFORCEMENT

##### Sec. 13-100. Inspections and record keeping

- A. **Applicant responsibilities:** The applicant is responsible for inspections and record keeping during and after construction for all privately-owned stormwater treatment practices on the site.
- B. **City inspections:** The City reserves the right to conduct inspections on a regular basis to ensure that both temporary and permanent stormwater management and erosion and sediment control measures are properly installed and maintained prior to construction, during construction, and at the completion of the project.

##### Sec. 13-101. Right of entry and inspection

- A. **Powers:** The issuance of a permit constitutes a right-of-entry for the City or its authorized representative to enter upon the construction site. The applicant shall allow the City and its authorized representatives, upon presentation of credentials, to:
1. Enter upon the permitted site for the purpose of obtaining information, examining records, and conducting investigations or surveys;
  2. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations;
  3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit;
  4. Inspect the stormwater pollution control measures;
  5. Sample and monitor any items or activities pertaining to stormwater pollution control measures; and
  6. Correct deficiencies in stormwater and erosion and sediment control measures.

##### Sec. 13-102. Fees

Fees will be applied per City Fee Schedule

##### Sec. 13-103. Enforcement tools/stop work orders

- A. The City reserves the right to issue construction stop work orders when cooperation with inspections is withheld or when a violation has been identified that needs immediate attention to protect human health and/or the environment.
1. **Construction stop work order:** The City may issue construction stop work orders until stormwater management measures meet specifications and the applicant repairs any damage caused by stormwater runoff. An inspection by the City must follow before the construction project work can resume.
  2. **Other actions to ensure compliance:** The City can take any combination of the following actions in the event of a failure by applicant to meet the terms of this ordinance:
    - a. Withhold inspections or issuance of certificates or approvals.
    - b. Revoke any permit issued by the City to the applicant.
    - c. Conduct remedial or corrective action on the development site or adjacent site affected by the failure.
    - d. Charge applicant for all costs associated with correcting the failure or remediating damage from the failure; if payment is not made within thirty days, payment will be made from the applicant's financial securities.
    - e. Bring other actions against the applicant to recover costs of remediation or meeting the terms of this ordinance.
    - f. Any person, firm or corporation failing to comply with or violating any of these regulation, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. Each day that a separate violation exists shall constitute a separate offense.

##### Sec. 13-104. Long term inspection and maintenance of stormwater facilities

###### A. Private stormwater facilities

1. **Maintenance Plan Required:** No private stormwater facilities may be approved unless a maintenance agreement is provided that defines who will conduct the maintenance, the type of maintenance necessary to ensure effective performance, and the maintenance intervals. All private stormwater facilities shall be inspected by the property owner and maintained in proper condition by the owner consistent with the performance goals for which they were originally designed.
2. **Facility Access:** The applicant shall obtain all necessary easements or other property interests to allow access to the facilities for inspection or maintenance for both the responsible party and the City or authorized representative.
3. **Removal of Settled Materials:** All settled materials including settled solids, shall be removed from ponds, sumps, grit chambers, and other devices as necessary and disposed of properly.
4. **Inspections:** All stormwater facilities within the City shall be inspected by the property owner at a frequency consistent with the maintenance plan. Inspection reports shall be provided to the City upon request.

###### B. Public stormwater facilities

1. **Acceptance of Publicly Owned Facilities:** Before work under the permit is deemed complete; the permittee must submit as-builts and a Maintenance Plan demonstrating at the time of final stabilization that the stormwater facilities conform to design specifications. A final inspection shall be required before the City accepts ownership of the stormwater facilities.
2. **Maintenance:** The City shall perform maintenance of publicly owned stormwater facilities in accordance with their comprehensive stormwater management plan and other regulatory requirements.

#### Sec. 13-105. Financial Securities

- A. **Amount:** At the discretion of the City, the City may require a Financial Security from the Applicant in an amount sufficient to cover the entirety of the estimated costs of permitted and remedial work based on the final design as established in a set financial security schedule determined by the City.
- B. **Release:** The Financial Security shall not be released until all permitted and remedial work is completed.
- C. **Use by City:** The Financial Security may be used by the City to complete work not completed by the Applicant.
- D. **Form of security:** The form of the Financial Security shall be one or a combination of the following to be determined by the City:
  1. **Cash deposit** - A Financial Security for erosion and sediment control, as determined by the City, shall be by cash deposit to the City. The cash will be held by City in a separate account.
  2. **Security deposit** - Deposit, either with the City, a responsible escrow agent, or trust company, at the option of the City, either:
    - a. An irrevocable letter of credit, negotiable bonds of the kind approved for securing deposits of public money, or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein said financial institution pledges funds are on deposit and guaranteed for payment.
    - b. Cash in U.S. currency.
    - c. Other forms and securities (e.g., disbursing agreement) as approved by the City.
- E. **City indemnity:** This Financial Security shall hold the City free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement or storage of rock, sand, gravel, soil or other like material within the City.
- F. **Maintaining the financial security:** If at any time during the course of the work the balance of the Financial Security falls below 50% of the total required deposit, the Applicant shall make another deposit in the amount necessary to restore the cash deposit to the required amount. If the Applicant does not bring the financial security back up to the required amount within seven (7) days after notification by the City that the amount has fallen below 50% of the required amount the City may:
  1. **Withhold inspections.** Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.

2. **Revoke permits.** Revoke any permit issued by the City to the Applicant for the site in question or any other of the Applicant's sites within the City's jurisdiction.

- G. **Action against the financial security:** The City may access the Financial Security for remediation actions if any of the conditions listed below exist. The City shall use the Financial Security to pay for remedial work undertaken by the City, or a private contractor under contract with the City, or to reimburse the City for all costs incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.
  1. **Abandonment.** The Applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.
  2. **Failure to implement the SWPPP or ESC Plan** - The Applicant fails to conform to the grading plan and/or the SWPPP as approved by the City.
  3. **Failure to perform** - The BMPs utilized on the project fail within one year of installation.
  4. **Failure to reimburse City** - The Applicant fails to reimburse the City for corrective action taken.
- H. **Proportional reduction of the financial security:** When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the City can reduce the total required amount of the financial security by one-third. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the City can reduce the total required amount of the financial security to two-thirds of the initial amount. This reduction in financial security will be determined by the City.
- I. **Returning the financial security:** The security deposited with the City for faithful performance of the SWPPP or the ESC Plan and any related remedial work shall be released one full year after the completion of the installation of all stormwater pollution control measures, including vegetation establishment, as shown on the SWPPP or ESC Plan.
- J. **Emergency action:** If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the City, the City may take emergency preventative action. The City shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the City for emergency action may be recovered from the applicant's financial security.

#### Sec. 13-106. Enforcement Actions

- A. **Notification of Failure of the Permit:** The City shall notify the permit holder of the failure of the permit's measures.
  1. **Initial Contact:** The initial contact will be to the party or parties listed on the application and/or the SWPPP as contacts. Except during an emergency action, forty-eight (48) hours after notification by the City or seventy-two (72) hours after the failure of erosion and sediment control measures, whichever is less, the City at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the City has been unable to establish contact, the City may proceed with corrective work. There are conditions when time is of the essence in controlling erosion. During such a condition the City may take immediate action, and then notify the applicant as soon as possible.
  2. **Erosion Off-site:** If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the

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adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, may more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the City, the permit holder does not repair the damage caused by the erosion, the City may do the remedial work required. When restoration to wetlands and other resources are required, the applicant shall be required to work with the appropriate agencies to ensure that the work is done properly.

3. **Erosion into Streets, Wetlands or Water Bodies:** If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.
4. **Failure to do Corrective Work:** When an applicant fails to conform to any provision of this policy within the time stipulated, the City may take the following actions.
  - a. **Stop Work Order** - Issue a stop work order, withhold the scheduling of inspections, and/or withhold the issuance of a Certificate of Occupancy.
  - b. **Permit Revocation** - Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.
  - c. **Correction by City** - Correct the deficiency or hire a contractor to correct the deficiency.
    - i. The applicant will be required to reimburse the City for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within thirty (30) days after costs are incurred by the City, payment will be made from the applicant's financial securities as described in Section 8 above.
    - ii. If there is an insufficient financial amount in the applicant's financial securities as described in Section 8 above, the City may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of assessment.

**B. Misdemeanor.** Any person, firm or corporation failing to comply with, or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both.

1. All land use and building permits may be suspended until the applicant has corrected the violation.
2. Each day that a separate violation exists shall constitute a separate offense.

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<sup>1</sup> Cross references – Planning Commission, § 2-141 et seq.; natural resources and groundwater commission, § 2-186 et seq.; utilities, Ch. 24.

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AFTON CODE

LAND USE

- I. Preserve the value of land and buildings throughout the community.
- J. Provide for the gradual and equitable elimination of those uses of land, buildings and structures, and of those buildings and structures which do not conform to the standards for the area in which they are located and which may adversely affect the development and the value of property in such areas.
- K. Provide for the enforcement of this article and to define and limit the powers and duties of the administrative officers and bodies responsible therefore.
- L. Protect and preserve economically viable agricultural land.
- M. Provide for the wise use and conservation of energy resources.
- N. Implement the City's Comprehensive Land Use Plan as prepared by the Planning Commission and adopted by the City Council.

Sec. 12-54. Interpretation and construction.<sup>6</sup>

- A. In the application of this article, the provisions thereof shall be interpreted to be the minimum requirements necessary to accomplish the general and specific purposes of this article.
- B. Nothing contained in this article shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.
- C. Except as herein provided, the provisions of this article are cumulative and in addition to the provisions of other laws and ordinances, heretofore passed or which may be passed hereafter, governing the same subject matter as this article.

Sec. 12-55. Definitions.<sup>7</sup>

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where expressly defined in another article or the context clearly indicates a different meaning:

*Accessory building or structure* means a subordinate building or structure which is located on the same lot as the main building and the purpose of which is incidental to that of the principal building.<sup>8</sup>

*Accessory use* means a use related or subordinate to the principal use of the same land.

*Administrator* means the City Zoning Administrator.

*Agricultural building* means a structure on agricultural land as defined in "agricultural, rural," of this section, designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sub-lessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products according to MN State Statutes 326B.103.

*Agriculture, rural* is a commercial food producing use on ten or more contiguous acres and is defined under a portion of Minnesota Agricultural Property Tax Law (Green Acres Law) M.S.A. § 273.111, subd. 6, Agricultural Property Tax: Real property shall be considered to be in agricultural use provided that annually it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, apiary products and activities incidental thereto.

*Agriculture, suburban* is a noncommercial food producing use primarily intended for the use of the residents and usually on less than ten contiguous acres. Suburban agricultural uses may include production of crops such as fruit trees, shrubs, plants, flowers, vegetables and domestic pets.

*Animal impounding facility* means a not for profit organization whose primary purpose is to provide animal

impounding services and adoption of impounded animals for the City and adjacent communities. Animal impounding facilities which meet the criteria specified herein shall not be considered commercial kennels:

- A. More than 30 percent of the facility's income shall be derived from the impounding of stray animals.
- B. Less than ten percent of the facility's income may be derived from the sale of pet food, leashes, pet training, and other activities incidental to the impounding and adoption of animals.
- C. No breeding of animals for sale or any other purpose shall be done on the premises.
- D. Structure shall be completely enclosed to prevent noise from reaching adjacent properties. Structure shall be required to meet architectural standards required in this Code and City ordinances.
- E. Proper and healthful disposal of animal waste and dead animals shall be required.
- F. Lighting, fencing, screening, berming, etc., may be required by the City.
- G. Other conditions as may be deemed reasonable by the City.

*Animal unit* means a unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.

*Animals, domestic farm* means cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food producing purposes.

*Animals, domestic pets* means dogs, cats, birds and similar animals commonly kept in a residence. Animals considered wild, exotic or non-domestic such as bears, lions, wolves, ocelots and similar animals shall not be considered domestic pets.

*Apartment* means a room or suite of rooms with cooking facilities designed to be occupied as a residency by a single family.

*Applicant* means the owner of land submitting an application under the provisions of this ordinance for a Stormwater Management Permit (SWMP) and/or Erosion and Sediment Control Plan (ESC Plan) to be issued by the community.

*Area, not developable*, means those lands within a development parcel remaining after the deletion of floodplains, wetlands, slopes greater than 13 percent and unbuildable easements or rights-of-way.

*Automobile repair* means the replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when such service above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross vehicle weight.

*Automobile service station (gas station)* means a place where gasoline, kerosene, or any other motor fuel, lubricating oil, or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. This definition includes greasing and oiling and the sale of automobile accessories on the premises. This definition also includes minor repairs, incidental body and fender work, painting or upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding 1½ tons capacity. This definition shall not include major repair, rebuilding or reconditioning of engines, motor vehicles, or trailers; collision service, including body, frame or fender straightening or repair; overhaul, painting, or paint job; vehicle steam cleaning; or automatic car or vehicle washing devices.

*Automobile service uses* means those uses catering to the travelling public. These include auto and truck laundry, drive-in business, service station, repair garage, public garage, motel, hotel, seasonal produce sales, motor vehicle sales, trailer sales and rental, boat sales, rental services and restaurants.

*Basement* means that portion of a building that is partly or completely below grade (see "Story Above Grade").<sup>9</sup>

*Bed and breakfast* means a residence at which at most two rooms may be rented to a maximum of four persons to whom breakfast but no other meal may be served.

*Best Management Practices (BMP's)* means the most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing,

<sup>6</sup> Code 1982, § 301.203

<sup>7</sup> Code 1982, § 301.301; Res. No. 1997-5, 2-11-97; Res. No. 1997-16, § 9, 6-17-97; Ord. No. 1997-19, 7-15-97; Ord. No. 02-2011, 7-19-2011. Cross reference(s)--Definitions generally, § 1-2.

<sup>8</sup> See Section 12-178.

<sup>9</sup> Ord 02-2011, 7/19/2011

minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies.

*Bluff* means a topographic feature such as a hill, cliff or embankment, except as provided in the Lower St. Croix bluffland and shoreland district, having the following characteristics:

- A. A slope of 18 percent or greater as measured over horizontal distances of 50 feet or more.
- B. The slope drains towards the water body, river or adjoining watershed channel.
- C. Part or all of the feature is located in the shoreland district.

*Bluff impact zone* means land located within 40 feet from a crest of a bluff.

*Bluffline* means a line along a crest of a slope connecting the points at which the slope, proceeding away from the waterbody, river or adjoining watershed channel becomes less than 18 percent and only includes slopes greater than 18 percent which drains toward the waterbody, river or adjoining watershed channel, except as provided in Section 12-579.

*Boardinghouse* means a building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals and/or sleeping rooms are provided for three or more unrelated persons, but not to exceed eight persons. Access to all boarding rooms shall be through the main entrance of the house; no boarding room shall have separate access.

*Buildable area* means all land having a slope of 13 percent or less having enough suitable soil for the installation of two on-site sewage treatment systems and that land having a slope between 13 and 18 percent meeting the requirements of Section 12-132(B)(11). Buildable area does not include floodplains, wetlands, ponds, lakes and other bodies of water; parks, scenic and conservation easements or other unbuildable easements; steep slopes or rights-of-way. Buildable area may include required building setbacks.<sup>10</sup>

*Building* means any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, or chattel of property of any kind. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

*Building code* means the Minnesota State Building Code.

*Building official* means the officer or other designated authority, certified by the state under M.S.A. § 16-861, charged with the administration and enforcement of the state building code, or his duly authorized representative. Also known as the City Building Official.

*Building setback line* means a line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluffline or a high water mark or line, behind which buildings or structures must be placed.

*Business* means any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

*Carport* means an automobile shelter having one or more sides open.

*Certificate of occupancy*. See Section 12-87.

*Channel* means a natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water, including but not limited to streams, rivers, creeks, ditches, drainage ways, canals, conduits, culverts, waterways, gullies, ravines or washes; and including any area adjacent thereto which is required to carry and discharge the regional flood.

*Channel flow* means that water which is flowing within the limits of the defined channel.

<sup>10</sup> Ord 1997-10, 5/19/1998

*Church* see *Places of Worship*<sup>11</sup>

*Club or lodge* means a nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests. The serving of food and meals on such premises is permissible providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state, county and city laws.

*Commercial*. See Section 12-134 for permitted uses.

*Commercial recreation* means a bowling alley, cart track, pool hall, vehicle racing or amusement, dancehall, skiing, skating, firearms range, golf driving ranges, miniature golf or putting courses, golf training facilities and similar uses.

*Commercial school* means a nonpublic school, charging a fee for instruction, serving a maximum of 25 students per day with adequate on-site sewage treatment and off-street parking for such students.

*Common Plan of Development or Sale* means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

*Comprehensive plan* means the policies, statements, goals and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned execution, documented in texts, ordinance and maps which constitute the guide for the future development of the community or any portion of the community.

*Conditionally Permitted Use* means the uses specifically designated in each zoning use district, which for their respective conduct, exercise or performance may require reasonable, unique or extraordinary conditions in such use district for the promotion or preservation of the general public welfare, health, convenience or safety therein and in the City, and therefore may be permitted only by a Conditional Use Permit.

*Construction Activity* includes construction activity as defined in 40 CFR pt. 122.26(b)(14)(x) and small construction activity as defined in 40 CFR pt. 122.26(b)(15) and construction activity as defined by Minn. R. 709.0080, subp. 4. This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include a disturbance to the land of less than five (5) acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. (NOTE – The community may wish to change this to a smaller disturbance area. A smaller area is more restrictive than the state/federal requirements, so it would be allowable for a local government.)

*Council* means the governing body of the City.

*Curb level* means the grade elevation established by the building official of the curb in front of the center of the building. Where no curb level has been established, the City shall determine a curb level or its equivalent for the purpose of this article.

*Decibel* means the unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the latest revision of 'Standards on Sound Level Meters of the USA Standards Institute'.

*Disposal area, sewage* means that ground within the confines of the lot that does not contain buildings and has an elevation at least 80 inches above the highest known or calculated water table or bedrock formation and does not slope in excess of 13 percent.

<sup>11</sup> Ordinance 5-2005, 4/19/2005

*Dredging* means the process by which soils or other surface materials normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

*Drive-in* means any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building. A drive-in shall also include any restaurant, cafe, or other food and drink business which offers take home prepared food or food which can be carried outside of the building for human consumption; and any all restaurants commonly known as fast-food operations.

*Dwelling* means a building or one or more portions thereof occupied or intended to be occupied exclusively for human habitation, but not including rooms in motels, hotels, nursing homes, boardinghouses, nor trailers, tents, cabins, or trailer coaches.

*Dwelling unit* means a residential accommodation, which is arranged, designed, used or intended for use exclusively as living quarters for one family.

*Easement* means a grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.

*Engineer* means the City Engineer.

*Erosion and Sediment Control Plan (ESC Plan)* means a plan for projects disturbing less than one acre that is in compliance with the minimum requirements of the MSCWMO and VBWD. The plan identifies erosion prevention and sediment control practices, location and timelines for installation. The plan also includes responsible parties and timelines for inspection and maintenance.

*Erosion Prevention*, means measures employed to prevent erosion. Examples include but not limited to: soil stabilization practices, limited grading, mulch, temporary erosion protection or permanent cover, and construction phasing.

*Essential services (public utility uses)* means underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment, accessories and buildings in conjunction therewith.

*Exterior storage (includes open storage)* means the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

*Facilities for Institutionalized Persons* means housing for students, mentally ill, infirm, elderly, nurses, physically retarded, and similar housing of a specialized nature.

*Family* means an individual, or two or more persons each related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit, or a group of not more than four persons not so related, maintaining a common household, exclusive of usual servants.

*Farm.* (See also Agriculture, rural.)

*Feed lot* means the place of confined feeding of livestock or other animals for food, fur, pleasure, or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which substantial amounts of manure or related other wastes may originate by reason of such feeding of animals.

*Fence* means a partition, structure, wall, or gate erected as a dividing marker, barrier, or enclosure.

*Fill* means any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed or transported and shall include the conditions resulting therefrom.

*Final plat* means a drawing or map of an approved subdivision, meeting all requirements of the subdivision ordinance, and in such form as required by the City for purposes of recording. (See the subdivision ordinance, article VI of this chapter.)

*Flood.* See the floodplain ordinance, article V of this chapter.

*Floor area* means the gross area of the main floor of a residential building measured in square feet and not including

an attached garage, breezeway, or the like.

*Floor area, gross* means the sum of the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included, other than that area devoted to the same use as the principal use of the building.

*Floor area ratio* means the numerical value obtained by dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such buildings are located.

*Floor plan, general* means a graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

*Frontage* means that boundary of a lot which abuts an existing and improved public right-of-way.

*Garage, private* means a detached one-story accessory building, or portion of the principal building, including a carport, which is used primarily for the storing of passenger vehicles, trailers or farm trucks.

*Garage, repair* means a building or space for the commercial repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments, or junk yards.

*Garage sale* means an offering of goods to the public on a temporary basis by a person or organization at a sale site which is not principally used for the purpose of retail sales and where no other license or permit has been issued by the City authorizing such sales. As used in this article, the term "garage sale" encompasses yard sales, estate sales, moving sales, block sales, rummage sales, boutiques and related sales where secondhand or other goods are sold or displayed to members of the public on a temporary basis. "Garage sale" as used in this article does not include estate sales or auction sales, provided the number of sales in any calendar year does not exceed the limitations imposed by this article, and further provided that such sale is conducted by a licensed auctioneer.

*Garage, storage* means any premises, except those described as a private or public garage, used exclusively for the storage of power driven vehicles.

*Golf course.* A golf course, as permitted by this article, shall have a minimum parcel size of 40 acres for a nine-hole par three course and 100 acres for a regulation 18-hole course. Golf course does not include miniature golf or putting courses, driving ranges, golf training facilities or practice areas, except as an accessory to a golf course.

*Governing body* means the City Council.

*Grade Plane* means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.<sup>12</sup>

*Height, Building* means the vertical distance from grade plane to the average height of the highest roof surface.<sup>13</sup>

*Home occupation* means an activity conducted in a dwelling unit for gain, profit or financial support by persons living in the dwelling unit.

*Hotel* means a building containing more than two guest rooms which lodging is provided with or without meals for compensation, and which is open to transient guests, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge during all times when any of the rooms are rented.

*Impervious Surface*, means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

<sup>12</sup> Ord 02-2011, 7/19/2011

<sup>13</sup> Ord 02-2011, 7/19/2011

*Institutional housing* see *Facilities for Institutionalized Persons*

*Junkyard* means an area where discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included. Such use shall not include organic waste or material.

*kennel, commercial* means anyplace where four or more dogs over six months of age are boarded, bred, trained or offered for sale.

*kennel, private* means anyplace where four or more dogs over six months of age are owned by any member or members of the household.

*Land alteration* means the excavation or grading of land involving movement of earth and materials in excess of 50 cubic yards.

*Land Disturbance* means any activity that result in a change or alteration in the existing ground cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, stockpiling, excavation, and borrow pits. Routine vegetation management and mill and overlay/resurfacing activities that do not alter the soil material beneath the pavement base, are not considered land disturbance. In addition, other maintenance activities such as catch basin and pipe repair/replacement, lighting, and pedestrian ramp improvements shall not be considered land disturbance for the purposes of determining permanent stormwater management requirements.

<sup>14</sup>*Land reclamation and land grading* means changing the grade of the land by depositing, removing, or moving material. Depositing, removing, or moving a total of 50 cubic yards or more and/or the disturbance of land area of 1,000 square feet or more of material per lot, either by hauling in and/or out or moving materials in, out, or within the lot, shall constitute land reclamation and land grading.

*Landscaping* means planting of trees, shrubs and ground covers.

<sup>15</sup>*Lean-to* means a structural element on a building that is open on three sides and has a roof that is attached to and supported by the building on one side and by posts on the other side.

*Loading space* means a space, accessible from a street, alley or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.

*Lodging room* means a room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room. (See Boardinghouse.)

*Lot* means a parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the office of the county recorder or registrar of titles or used by the county treasurer or county assessor to separate such parcel from other lands for tax purposes.

*Lot area* means the area of a horizontal plane within the lot lines.

*Lot, buildable* means a lot which meets or exceeds all requirements of the City Land Use and Development Ordinances without the necessity of variances.

*Lot, corner* means a lot situated at the junction of, and abutting on, two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.

*Lot depth* means the horizontal distance between the frontage right-of-way line and rear lot line. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.

<sup>14</sup> Ord 8-2005, 5/17/2005

<sup>15</sup> Ord 05-2013, 3/19/2013

*Lot line* means the property line bounding a lot except when any portion of a lot extends into a public right-of-way or a proposed public right-of-way line of such public right-of-way shall be the lot line.

*Lot line, front* means that boundary of a lot which abuts an existing improved public right-of-way or an approved private road. In the case of a corner lot, it shall be the shortest dimension along a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the Zoning Administrator. In the case of a corner lot in a nonresidential area, the lot shall be deemed to have frontage on both streets.

*Lot line, rear* means that boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

*Lot line, side* means any boundary of a lot which is not a front lot line or a rear lot line.

*Lot of record* means a platted lot or metes and bounds parcel which has been recorded in the office of the county register of deeds or registrar of titles prior to the adoption of the ordinance from which this article was derived.

*Lot, through* means any lot other than a corner lot which abuts more than one street. On a through lot, all the street lines shall be considered the front lines for applying this article.

*Lot width* means the horizontal distance between the side lot lines of a lot measured at the setback line.

*Major Subdivision* means all subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.

<sup>16</sup>*Manufactured home* means a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under M.S.A. § 327.32. *Manufactured home* excludes prefabricated homes and modular homes. No manufactured dwelling shall be moved in the City that does not meet the manufactured home building code as defined in M.S.A. § 327.32.

*Manufacturing and industrial, light*, includes the compounding, processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibrations, or other effects which would be damaging to the environment. Such uses include but are not limited to the following:

Lumberyards, machine shops, products assembly, sheet metal shops, non-retail food and beverages, printing, publishing, fabricated metal parts, appliances, clothing, textiles, medical or dental devices, wholesale greenhouse or nursery, truck terminals. No retail sales shall be permitted.

*Manufacturing, heavy* means all manufacturing, compounding, processing, packaging, treatment, or assembly of products and materials that may emit objectionable and offensive noise, odor or pollution beyond the lot on which the use is located. Such uses include but are not limited to the following: Sawmill, refineries, commercial feed lots, acid, cement, explosives, flour, feed and grain milling or storage, meat packing, slaughterhouses, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of paris, tanneries, automobile parts, paper and paper products, glass, chemicals, crude oil and petroleum products including storage, electric power generation facilities, vinegar works, junkyard, auto reduction yard, foundry, forge, casting of metal products, rock, stone and cement products.

*Manure* means any solid or liquid containing animal excreta.

*Marina* means an area of concentrated small craft mooring, where ancillary facilities may be provided for some or all of such services as the sale, storage and repair of boats, fueling, sewage pumpout, boat launching, boat repair and boat storage; except that marina does not mean temporary docks associated with riparian residential development if the

<sup>16</sup> Ord 05-2013, 3/19/2013

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mooring area is of a size not to exceed the resource limitations of the site and the needs of the residents of the development.

*Mean flow level* means the average flow elevation of a stream or river computed as the midpoint between extreme low and extreme high water.

*Medical uses* means those uses concerned with the diagnosis, treatment, and care of human beings. These include, hospitals, dental services, medical services or clinic, nursing or convalescent home, orphans' home, rest home, sanitarium.

*Mezzanine* shall be considered a portion of the story below and shall not exceed one-third of the floor area of that room or space in which they are located. A mezzanine shall be open and unobstructed to the room in which such mezzanine is located except for walls not more than 42 inches (1067 mm) high, columns and posts.<sup>17</sup>

*Mining* means the extraction of sand, gravel, rock, soil, or other material from the land and the removal thereof from the site. For the purposes of this article, mining shall not include: The removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility and highway construction, minor agricultural and conservation items, and sod removal, except as further regulated herein. (See the City mining ordinance, article X of this chapter.)

*Minor Subdivision* means any subdivision containing three (3) or less lots fronting on an existing street, not part of a common plan of development nor involving any new street or road or the extension of municipal facilities.

*Mobile home* means a single-family detached dwelling unit designed for year round occupancy, constructed at a factory or assembly plant and drawn to the site on a permanently attached undercarriage and wheels. "Mobile home" shall not include "trailer" as herein defined, nor shall it include manufactured homes which meet or exceed the requirements of the state manufactured home building code.

*Mobile home lot* means a parcel of land for the placement of a single mobile home for the exclusive use of the occupants of such mobile home.

*Mobile home park* means any site, lot, field, or tract of land under single ownership designed, maintained, or intended for the placement of two or more occupied mobile homes. "Mobile home park" shall include any building, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.

*Motor courts or motel* means a building or group of buildings, other than a hotel, used primarily as a temporary residence of a motorist.

*Motor freight terminal* means a building or area in which freight brought by motor truck is transferred and/or stored for movement by motor truck.

*Municipality* means the City of Afton.

*National Pollutant Discharge Elimination System (NPDES)* means the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.

*Noise* means one, or a group of loud, harsh, non-harmonious sounds or vibrations that are unpleasant and irritating to the ear.

*Noise, ambient*, means the all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far, or a single predominant source.

*Nominal Parcel* means a parcel not reduced by more than ten percent (10%) of its lot area due to right-of-way dedication or a perturbation in the rectangular survey system.

*Nonconforming use* means any lawful use of land or any lawful use of a building or structure existing on the effective date of the ordinance from which this article is derived, or any amendment thereto, which use does not conform with the regulations for the district in which it is located after the effective date of the ordinance from which this article is derived or amendment thereto.

*Noxious matter* means material which is capable of causing injury or is in any way harmful to living organisms or is

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capable of causing detrimental effect upon the health, the psychological, social or economic well being of human beings.

*Nursery, day* means a use where care is provided for three or more children under kindergarten age for periods of four hours or more per day for pay.

*Nursery, landscape* means a business growing and selling trees, flowering and decorative plants, and shrubs, and which may be conducted within a building or without, for the purpose of landscape construction.

*Nursing home* means a building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Such nursing home shall be licensed by the state board of health as provided for in M.S.A. § 144.50.

*Office uses* means those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These include: banks, general offices, governmental office, insurance office, real estate office, travel agency or transportation ticket office, telephone exchange, utility office, radio broadcasting, and similar uses.

*Official control* means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the City, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps.

*Old village* means the area originally platted as the Village of Afton.

*Open sales lot* means land devoted to the display of goods for sale, rent, lease, or trade where such goods are not enclosed within a building.

*Open storage* means storage of any material outside of a building.

*Other Specially Permitted Use* means a land use or development allowed with appropriate conditions as determined by the Zoning Administrator and as specifically set forth in each article of this chapter.

*Owner* includes all persons interested in a property as fee simple owner, life estate holder, encumbrancer or otherwise.

*Owner* means the person or party possessing the title of the land on which the construction activities will occur or if the construction activity is for a lease, easement, or mineral rights license holder, the party or individual identified as the lease, easement or mineral rights license holder, or the contracting government agency responsible for the construction activity.

*Parking space* means a suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size.

*Performance standards* means the minimum development standards as adopted by the City Council and on file in the office of the Zoning Administrator. Such standards shall also be filed with the City Clerk.

*Permittee* means a person or persons, firm, or governmental agency or other entity that signs the application submitted to the Town and is responsible for compliance with the terms and conditions of the permit.

*Person* means an individual, political and corporate bodies, and partnerships and other unincorporated associations.

*Places of Worship* means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.<sup>17</sup>

*Planning Commission* means the duly appointed planning and zoning commission of the City.

*Predevelopment State*, means the rate and volume of stormwater is unchanged. The calculation of predevelopment is based on native soils and vegetation.

<sup>17</sup> Ord 02-2011, 7/19/2011

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*Principal structure* or use means one which determines the predominant use as contrasted to accessory use or structure.

*Private street* means a street serving as vehicular access to two or more parcels of land which is not dedicated to the public but which is owned by one or more private parties.

*Property line* means the legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.

*Protective covenant* means a contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

*Public land* means land owned and/or operated by a governmental unit including school districts.

*Publication* means an official notice as prescribed by state statute.

**Public Waters means all water basins and watercourses that are described in Minn. Stat. § 103G.005 subd. 15.**

*Race track* means any area where two or more animals or power driven vehicles are raced for profit or pleasure.

*Recreation equipment (in residential districts)* means play apparatus such as swing sets and slides; sandboxes; poles for nets; unoccupied boats, recreational vehicles and trailers not exceeding 25 feet in length; picnic tables, lawn chairs, barbecue stands, and similar equipment or structures; but not including tree houses, swimming pools, playhouses exceeding 25 square feet of floor area, or sheds utilized for storage of equipment.

*Recreation vehicle* means any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications:

- A. Is not used as the permanent residence of the owner or occupant;
- B. Is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities;
- C. Is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities;
- D. Examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations.

*Recreation vehicle parks* means a park, court, campsite, lot, parcel, or tract of land designed, maintained, or intended for the purpose of supplying the location or accommodations for any recreation vehicles as defined herein, and upon which such recreation vehicles are parked. The term "recreation vehicle park" shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the park and its facilities.

*Redevelopment*, means any development that is not considered new development.

*Reduction yard* means a lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See: Junkyard.)

*Registered land survey* means a survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See M.S.A. § 508.47. A registered land survey shall not be used as a means to subdivide property.

*Research* means medical, chemical, electrical, metallurgical, or other similar research and quality control, conducted in accordance with the provisions of this article.

*Residence, attached dwelling* means a dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

*Residence, detached dwelling* means a dwelling which is entirely surrounded by open space on the same lot.

*Residence, duplex* means a residential building containing two dwelling units.

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*Residence, multiple dwelling* means a residential building, or portion of a building, containing three or more dwelling units served by a common entrance.

*Residence, single-family dwelling* means a residential building containing one detached dwelling unit.

*Residence, townhouse* means a residential building containing two or more attached dwelling units, each unit so oriented as to have all exits directly to the outside.

*Residential district.* See Section 12-134 for permitted uses.

*Resort* means any structure or group of structures containing more than two dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of such structures being recreational in nature. Uses may include a grocery for guests only, fish cleaning house, marine service, boat landing and rental, recreational area and equipment, and similar uses normally associated with a resort operation.

*Restaurant* means any establishment having appropriate facilities for the serving of food to the general public.

*Restrictive covenant.* See Protective covenant.

*Retail business uses* means stores and shops selling personal services or goods for final consumption.

**Retain, means manage stormwater on site using a low-impact development approach so that the rate and volume of predevelopment stormwater reaching receiving waters is unchanged.**

*Riding stable* means the training and riding of horses for private or public use on lots of 20 or more acres that require indoor riding structures of appropriate size. This may also include boarding of horses, training of horses and riders, and similar uses and activities.

*Roadside sales stand* means a structure used only for the display and sale of products with no space for customers within the structure, on a seasonal basis.

*Safeguard* means a facility or device or any disposal system or combination thereof designed to prevent the escape or movement of any manure, or solution thereof, or other waste such as uneaten food, without limitation, from the place of deposit or keeping thereof under such conditions that pollution of any waters of the state otherwise might result therefrom.

*Sales, Seasonal Agricultural.* A business selling agricultural goods of a temporary or seasonal nature. Such a business is limited to agricultural goods actually raised on land owned or leased by the business operator. Such sales activities are<sup>18</sup> limited to the following period: Saturdays from 7:00 a.m. to noon, from May 15<sup>th</sup> to November 1<sup>st</sup>. Such sales activities shall be located only in the VHS-C District on private property with permission of the landowner or upon public property with the permission of the City, or both.<sup>19</sup>

**Saturated Soil, means the highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.**

**Sediment Control, means methods employed to prevent sediment from leaving the site. Sediment control practices include: silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, bio rolls, rock logs, compost logs, storm drain inlet protection, and temporary or permanent sedimentation basins.**

*Seismic easement* means an interest in land, less than fee title, that limits the use of the land for the purpose of protecting the scenic, recreational and natural characteristics. Unless otherwise expressly and specifically provided by mutual agreement of the parties, the easement shall be: Perpetually held for the benefit of the public; binding on the holder of the servient estate, his heirs, successors or assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

<sup>18</sup> Ordinance 5-2005, 4/19/2005

<sup>19</sup> Amendment 02-2009, 4/21/2009

*Screening* means and includes earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures, such as timbers; used in combination or singularly, so as to block direct visual access to an object throughout the year. In article IV of this chapter, screening does not include fences and walls.

*Setback* means the minimum horizontal distance between a structure, sewage treatment system, or other facility and a street right-of-way, ordinary high water level mark, sewage treatment system, bluffline, road, highway, property line or other facility.

*Shelter, fallout or blast* means a structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, blasts, air raids, storms, or other emergencies.

*Shopping center* means any grouping of two or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.

*Sign* means a notice which directs attention to a product, place, activity, person, institution, organization, or business for public view.<sup>20</sup>

*Slope* means rise or fall in land surface, expressed as the ratio h:v in which 'h' is horizontal distance and 'v' is vertical rise or fall of the land surface. Equivalently, slope may be expressed as a percentage, calculated to be 100 times 'v' divided by 'h'.<sup>21</sup>

*Small Construction Activity* means as defined in 40 CFR part 122.26(b)(15). Small construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five (5) acres.

*St. Croix Riverway* means all lands and public waters within the riverway boundary subject to the standards and criteria for the Lower Saint Croix National Scenic Riverway in Minnesota.

*Stabilized* means exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass, agricultural crop or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre).

*Stormwater* means as defined under Minn. R. 7077.0105, subp. 41(b), and includes precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage.

*Stormwater Facility* means a stationary and permanent BMP that is designed, constructed and operated to prevent or reduce the discharge of pollutants in stormwater.

*Stormwater Pollution Prevention Plan (SWPPP)* means a plan for stormwater discharge that includes erosion prevention BMPs, sediment control BMPs and permanent stormwater management systems that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.

*Story* means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement shall be counted as a story. A mezzanine shall not be counted as a story.<sup>22</sup>

*Story Above Grade* means any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

1. More than 6 feet (1829 mm) above grade plane.
2. More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter.
3. More than 12 feet (3658 mm) above the finished ground level at any point.<sup>23</sup>

<sup>20</sup> Ord 1997-12, 8/23/98

<sup>21</sup> Repealed Ord 02-2008; Ord 01-2014, 5/20/2014

<sup>22</sup> Ord 02-2011, 7/19/2011

<sup>23</sup> Ord 02-2011, 7/19/2011

*Storage site* means any tract or parcel of land, including any constructed storage platform, tank, or other artificial or natural area or containment facility where manure is stored or kept and which is so located that the escape or movement of the manure or a solution thereof from the storage site into the underlying ground might result in pollution of any waters.

*Street* means a public right-of-way which affords a primary means of access to abutting property, and shall also include avenue, highway, road, or way.

*Street, collector* means a street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road.

*Street, intermediate or minor arterial* means a street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

*Street, local* means a street intended to serve primarily as an access to abutting properties.

*Street pavement* means the wearing of exposed surface of the roadway, used by vehicular traffic.

*Street width* means the width of the right-of-way, measured at right angles to the centerline of the street.

*Structural alteration* means any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

*Structure* means anything constructed or erected on the ground, or attached to something having a location on the ground.

*Subdivision* means the division of a parcel of land into two or more lots or parcels, for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

*Substandard building, structure or lot* means any building, structure or lot lawfully existing on the effective date of the ordinance from which this article is derived or any amendment thereto which building, structure or lot does not conform with the regulations, including dimensional standards, for the district in which it is located after the effective date of the ordinance from which this article is derived or amendment thereto.

*Supper club* means a building with facilities for the preparation and serving of meals and where meals are regularly served at tables to the general public. The building must be of sufficient size and design to permit the serving of meals to not less than 50 guests at one time. Intoxicating liquors may be sold on-sale and live entertainment and/or dancing shall be permitted.

*Surface Water(s)* means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include treatment basins or ponds that were constructed from upland.

*Tavern or bar* means a building with facilities for the serving of 3.2 beer, wine, set-ups and short order foods.

*Temporary Erosion Protection* means methods employed to prevent erosion during construction activities. Examples of temporary erosion protection include: straw, wood fiber blanket, wood chips, vegetation, mulch and rolled erosion control products.

*Trailer* means any vehicle or structure designed and used for human living quarters which meets all of the following qualifications:

1. Is not used as the residence of the owner or occupant;
2. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities;
3. Is towed or otherwise transported, by its own or by other motive power, on the public streets or highways incidental to such recreational or vacation activities.
4. The term "trailer" shall not include "mobile home." The term "trailer" shall include, but not be limited to campers, camper tents, house trailers, camping trailers, travel trailers, tent trailers, pick-up campers, camping buses, and any other self-propelled vehicle constructed to provide living accommodations.

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*Trailer park* means a park, court, campsite, lot, parcel, or tract of land designed, maintained, or intended for the purpose of supplying the temporary location or accommodations for any trailers, as defined herein, and upon which such trailers are parked. The term "trailer park" shall include all buildings used or intended for use as part of the equipment thereof whether or not a charge is made for the use of the park and its facilities.

*Transportation terminal* means truck, taxi, air, train, bus, and mass transit terminal and storage area, including minor freight (solid and liquid) terminal, but only if accessory to a principal use permitted in industrial zoning districts.

*Truck stop* means a motor fuel station devoted principally to the needs of tractor trailer units and trucks and which may include eating and/or sleeping facilities.

*Underground Waters (Groundwater)*, means water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. The term groundwater shall be synonymous with underground water.

*Use* means the purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.

*Use, accessory* means a use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

*Use, nonconforming* means use of land, buildings, or structures legally existing at the time of adoption of the ordinance from which this article was derived that does not comply with all the regulations of this article or any amendments hereto governing the zoning district in which such use is located. See Section 12-57.

*Use, open* means the use of a lot without a building or including a building incidental to the open use.

*Use, permitted* means a public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.

*Use, principal* means the main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted, conditional, or special.

*Variance* means a modification or variation of the strict provisions of this article as applied to a specific piece of property in order to provide relief for a property owner because of practical difficulties imposed upon the property by this article. A variance shall normally be limited to height, bulk, density and yard requirements. A modification in the allowable uses within a district shall not be considered a variance. (See Section 12-77)

*Vehicle repair* means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding, and major painting services.

*Veterinary* means those uses concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.

*Warehousing* means the storage of materials or equipment within an enclosed building as a principal use, including packing and crating.

*Waterfront uses, residential* means boat docks and storage, fish house, fish cleaning, water recreation equipment, and other uses normally incidental to a lakeshore residence provided such uses are for the exclusive use of the occupants and nonpaying guests.

*Wetlands* means those lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. A wetland has one or more of the following attributes:

1. At least periodically, the land supports predominantly wetland vegetation. Wetland vegetation is listed in the National List of Plant Species that Occur in Wetlands: North Central (Region 3). Fish and Wildlife Service, May, 1983, or later revisions.
2. The substrata is predominantly undrained hydric soil. Hydric soils are those which have been exposed to water for long enough periods of time to experience oxygen depletion. Hydric soils are listed in Hydric

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Soils in the United States, Soil Conservation Service, October, 1985, or later revisions.  
3. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.<sup>24</sup>

*Wetlands* in this City are identified in the Afton Water Resources Inventory, Washington County Soil and Water Conservation District, January 1983, or later revisions.

*Wholesaling* means the selling of goods, equipment, and materials by bulk to another business that in turn sells to the final customer.

*Yard* means the open space on an occupied lot which is not covered by any structure.

*Yard, depth of rear yard* means the horizontal distance between the rear building line and the rear lot line.

*Yard, front* means a yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

*Yard, rear* means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

*Yard, required* means a yard area which may not be built on or covered by structures because of the dimensional setbacks for such structures within the zoning district.

*Yard, side* means a yard between the side lines of the lot and the nearest building line.

*Zoning district or district* means an area or areas within the City in which the regulations and requirements of this article are uniform.

<sup>24</sup> Ord 02-2011, 7/26/2011

percent shall require an effective reduction of the impact of such impervious surface to the equivalent of 25 or 35 percent impervious surface site coverage through the use of Low Impact Design (LID) methods and the completion and acceptance by the City Engineer, Washington Conservation District (WCD) engineer, and Valley Branch Watershed Organization (VBWD) engineer of the Impervious Surface Worksheet, as set forth in the City of Afton Best Management Practice (BMP) and Storm water Guide.<sup>75</sup>

B. *Exceptions to minimum area, height, and other requirements:*

1. For the purpose of this article, the term "existing lot" means a lot or parcel of land which was of record as a separate lot or parcel in the office of the county recorder, on or before the adoption date of the ordinance from which this article was derived, except as provided for in Subsection (B)(2).
2. Except in the VHS-R and VHS-C zoning districts, any such lot or parcel created in accordance with the City subdivision ordinance, article VI of this chapter, which contains at least 21/2 acres of buildable or net developable area as defined by this article and has at least 60 percent of the required frontage on an improved public street for the zoning district in which it is located shall be considered buildable provided the lot or parcel can comply with all other requirements of this article, including Subsection (B)(3) of this section.<sup>76</sup>
3. If in a group of two or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width or area requirements of this article, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the combination of lots or parcels will equal one or more parcels of land each meeting the full lot width and area requirements of this Article.
4. Subdivision of lots. Any lot or parcel of land subdivided by any means after the effective date of the ordinance from which this was derived for purposes of erecting a structure, must be approved as required in the subdivision ordinance, Article VI of this chapter.
5. Lake and stream frontage lots. All lots having frontage on a water body or lying within a shoreland management area shall be subject to the regulations of the shoreland management ordinance, Article III of this chapter.
6. Lots in floodplains. All lots in a designated floodplain shall be subject to the regulations of the floodplain ordinance, Article V of this chapter.
7. Through or double frontage lots. Such lots are those as defined in the subdivision ordinance, Article VI of this chapter and include lake and stream frontage lots having a public street as one lot line and a water body as the opposite lot line. The Zoning Administrator shall determine what shall be considered the front, side and rear yards for application of the provisions of this.
8. Reduction of required area. No lot or parcel shall be reduced in area or dimension so as to make such lot or parcel less than the minimum required by this Article; and if the existing lot or parcel is less than the minimum required, it shall not be further reduced.
9. Minimum area requirements for lots. Since no public sanitary sewer is planned to be installed in the City, all single and two family homes shall demonstrate suitable soil conditions for a minimum on-site sewage treatment area of one acre per dwelling unit. A building permit shall not be issued for a lot which does not either meet the minimum acreage of acceptable soils for on-site sewage treatment or does not have enough acceptable soils within the lot or under legal contract to construct at least two complete septic/drainfield treatment systems.
10. All on-site sewage treatment systems shall be maintained in conformity with the regulations of the sanitary sewer disposal ordinance, Article IX of this chapter. Where there is evidence of the system failing to function properly, failing to treat sewage adequately, septic tank effluent percolating from the ground or where there is evidence a failing system is posing a hazard to the public health, the system shall be corrected and conform to these standards within 30 days.<sup>77</sup>
11. Land having a slope between 13 percent and 18 percent, outside of the Lower St. Croix bluffland district, may be included in the required buildable area of a lot or parcel if the Washington County Soil and Water Conservation District has determined that:
  - a. The soils on the land will support the structures, on-site sewage treatment systems and driveways without significant risk of erosion, groundwater contamination or damage to structures thereafter constructed; and,

<sup>75</sup> Ordinance 05-2009, 6/16/2009

<sup>76</sup> Ord 1997-19, 4/20/99, MS added

<sup>77</sup> Ord 1997-10, 5/19/98

- b. The development of this land will not damage heavily wooded areas or other significant natural features; and,
  - c. All structures, including driveways, are set back at least 40 feet from the crest of any 18 percent slope; and,
  - d. There is at least one acre of contiguous land with a slope of less than 13 percent that is suitable for the required on-site sewage treatment systems and the driveways.
12. Wherever in this article a parcel or lot area of five or more acres is required, except for the subdivision or creation of new parcels or lots, that requirement may be met by a "nominal parcel" as defined in the Article. All new parcels or subdivision of existing parcels must meet all of the requirements of this Article<sup>78</sup>
  13. The maximum impervious surface coverage in the I1-A, I1-B and I1-C<sup>79</sup> zoning districts may be increased up to 35 percent, provided that the storm water impact and runoff from the site, both as to volume and rate, is equivalent of a surface coverage of 25 percent. The method and completion of reduction shall be approved by the City Engineer, Washington County Engineer and Valley Branch Watershed District.<sup>80</sup>
- C. The following additional engineering and design guidelines are to be met for any use within the agricultural, except for agricultural activities and residences, rural residential, except for residences and agricultural activities, and industrial zoning districts:
1. The applicant shall also submit a plan for the entire site, showing what low-impact design methods are used. The applicant shall work directly with the City to develop the plan, using low-impact design methods, as defined in the Minnesota Stormwater Manual and the Middle St. Croix Water Management Organization (MSCWMO) and Valley Branch Watershed District (VBWD). The plan shall be reviewed and approved by both the City and the MSCWMO or VBWD prior to any building permits being issued.
  2. The applicant must identify<sup>81</sup> in the development agreement all areas where there is any fractured bedrock. The City may require, as part of the study, a geotechnical analysis including soil borings taken, at a minimum radius of every 150 feet. In addition, any fractured bedrock found within 150 feet of any area of construction, must be covered with a minimum of 5 feet of soil to reduce the potential for any pollutants reaching the ground water.
  3. The applicant may be asked, as a condition, to install a time dosing device to control rate of the flow of effluents from the septic system.
  4. The development agreement must address traffic concerns, and any improvements needed to accommodate additional traffic, as a result of the use.

<sup>78</sup> Repealed Ordinance 02-2008

<sup>79</sup> Ordinance 01-2009, 1/20/2009

<sup>80</sup> Ordinance 09-2008, 9/16/2008

<sup>81</sup> Amendment 02-2009, 4/21/2009

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Sanitarium, convalescent home rest home, nursing home or institution	1 space for each 6 beds, for which accommodations are offered, plus 1 space for each 2 employees on maximum shift.
Retail store	4.5 spaces for each 1000 square feet of gross floor area.
Restaurants, cafes, bars, taverns or supper clubs	1 space for each 21/2 seats, based on capacity design.
Medical or dental clinic	6 spaces per doctor or dentist.
Industrial, warehouse, storage, whole-sale, furniture store, handling of bulk goods	1 space for each 2 employees on maximum shift or 1 for each 2,000 square feet of gross floor area, whichever is larger.
Marinas	1 1/2 spaces per slip plus 1 space per employee and a minimum of 20 12-foot by 25-foot trailer stalls.
Uses not specifically noted	As determined by the Planning Commission.

Sec. 12-197. Off-street loading areas.<sup>169</sup>

- A. *Location.* All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least 25 feet from the intersection of two street rights-of-way and at least 50 feet from a residential zoning district, unless within a building. Loading berths shall be located to the rear of the structure.
- B. *Size.* Unless otherwise specified in this article, a required loading berth shall be not less than 12 feet in width, 50 feet in length and 14 feet in height, exclusive of aisle and maneuvering space.
- C. *Access.* Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner that will least interfere with traffic.
- D. *Surfacing.* All loading berths and accessways shall be improved with a hard surface to control the dust and drainage before occupancy of the building.
- E. *Accessory use.* Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this article shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements to meet the off-street parking area.
- F. *Deliveries.* Any structure erected or substantially altered for a use that requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall provide off-street loading space as required for a new structure.

Sec. 12-198. Traffic control.<sup>170</sup>

- A. The traffic generated by any use shall be controlled so as to prevent:
  - 1. Congestion of the public streets;
  - 2. Traffic hazards; and
  - 3. Excessive traffic through residential areas, particularly truck traffic.
- B. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of commercial and industrial areas shall in all cases be forward moving with no backing into streets.
- C. On any corner lot, nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of 2 1/2 and ten feet above the centerline grades of the intersecting streets within 15 feet of the intersecting street right-of-way lines. This restriction shall also apply to the planting of crops and to yard grades that result in elevations that impede vision within 15 feet of any intersecting right-of-way lines.

<sup>169</sup> Code 1982, § 301.714

<sup>170</sup> Cross reference(s)--Traffic and vehicles, Ch. 22.; Code 1982, § 301.715

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Sec. 12-214. Mining,<sup>224</sup>

All mining and related uses of land, including but not limited to the excavation, removal or storage of sand, gravel, rock, clay and other natural deposits, are subject to the adopted standards, codes, ordinances and regulations of the City related to such activities and all regulations in the mining ordinance, article X of this chapter.<sup>225</sup>

Sec. 12-215. Land reclamation and land grading.<sup>226</sup>

- A. Within this article, land reclamation and land grading is the depositing, removing, and/or moving of material so as to alter the topography of a lot.
1. Land reclamation and land grading shall be permitted only by a Conditional Use Permit in all zoning districts.
  2. The depositing, moving and/or removing of more than 50 cubic yards and/or the disturbance of land area of 1,000 square feet or more of material per lot, either by hauling in and/or out or regrading<sup>227</sup> of an area shall constitute land reclamation and land grading.
  3. Land reclamation and land grading in floodplains shall be in accordance with the floodplain ordinance, Article V of this chapter.
  4. The permit shall include as a condition thereof a finished grading plan that will not adversely affect the adjacent land and as conditions thereof shall regulate the type of material permitted, program for rodent control, plan for fire control, and general maintenance of the site, controls of vehicular ingress and egress, drainage and control of material disbursed from wind or hauling of material to or from the site, and erosion control and stabilization plans for the deposited material or excavated area..
  5. In addition to a finished grading plan, a ~~drainage-stormwater pollution prevention plan (SWPPP)~~ and an erosion and sediment control plan (ESCP) may be required, if in the judgment<sup>228</sup> of the Zoning Administrator, significant soil erosion, vegetation destruction, ~~or drainage damage, or pollution from stormwater~~ may occur during, ~~or after~~ the land alteration process. These plans shall achieve at least the minimum standards described in Chapter 13.
  6. The finished grading plan and ~~drainage-stormwater pollution prevention~~ and erosion control plans shall be reviewed by the City Engineer and may be reviewed, as deemed necessary by the Zoning Administrator or the City Council, by the Minnesota Department of Natural Resources and the appropriate Watershed Management Organization and/or District.
  7. The Zoning Administrator may require the applicant to post a bond or other financial guarantee to ensure compliance with the permit.

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- B. No person, county, municipality or other political subdivision shall appropriate or use any public water, surface or underground, without first obtaining a use of public waters permit and written permission of the commissioner of the division of waters, soils and minerals of the state department of natural resources. For purposes of these regulations, public waters shall be defined in M.S.A. ch. 103G, and as follows:
1. Public waters shall include all lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural watercourses, underground water resources and similar features involving directly or indirectly the use of water within the City.
  2. No public water area shall be filled, partially filled, dredged, altered by grading, mining or otherwise utilized or disturbed in any manner without first securing a public waters use permit from the state department of natural resources and the U.S. Army Corps of Engineers, and a grading permit from the City. Such grading permits shall be reviewed and approved by the department of natural resources, the City Engineer, the watershed district, the Planning Commission and the City Council.
- C. A land reclamation and land grading permit is not required for the following activities:
1. Grading activities associated with a construction project provided a building permit is used and there is a minimal amount of land disturbance; and
  2. Subdivisions that have received preliminary plat approval; and
  3. Driveways permitted in conjunction with a driveway permit; and
  4. Cemetery graves; and
  5. Refuse disposal sites controlled by other regulations; and
  6. Excavations for wells or tunnels for utilities; and
  7. Mining, quarrying, excavating, processing or stockpiling of sand, gravel, rock, aggregate or clay where regulated by the mining ordinance, article X of this chapter; and
  8. Exploratory excavations under the direction of soil engineers or engineering geologists.
- D. Grading of Slopes
1. No slopes of 18% or greater shall be disturbed.
  2. Within the Lower St. Croix River Bluffland and Shoreland Management District, no slopes of 12% or greater shall be disturbed (See Sec. 12-702).
  3. Additional grading and filling requirements are applicable if in Shoreland Management District (See Sec. 12-407).
- E. The work for which a land reclamation and land grading permit is used shall commence within 180 days after the date of permit issuance unless an application for an extension of 90 days has been submitted to and approved by the Zoning Administrator.
- F. Permits issued by the Zoning Administrator under the provisions of this section shall expire and be null and void if the work authorized by a permit is abandoned or suspended for a period of 180 days or if work in not commenced or completed within the time limitations of Subsection (E) of this section.

Sec. 12-216. Soil conservation plans.<sup>229</sup>

- A. On any development or land reclamation project with more than one acre of soil, drainage patterns or

<sup>221</sup> Code 1982, § 301.733

<sup>222</sup> Code 1982, § 301.734

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vegetation cover that would be either destroyed or disturbed by the construction process, the Zoning Administrator may require the owner or contractor on such project to request the soil conservation district to prepare a soil conservation plan to protect the soil from erosion or sheet run-off for the duration of the construction project and/or over the long term occupancy of the site.

- B. The Zoning Administrator may require a soil conservation plan on projects that disturb less than one acre of soil, drainage patterns or vegetation cover if, in the judgment of the Zoning Administrator, significant soil erosion, vegetation destruction or drainage damage may occur during the construction process.
- C. A soil conservation plan shall consist of specific written recommendations on how to protect the soil, vegetation and drainage patterns during the construction process. The Zoning Administrator may require construction fencing along the edges of the construction area.
- D. Where construction of a structure is proposed on slopes of 13 percent to 18 percent, the Zoning Administrator shall require the applicant to provide a grading and erosion control plan and to obtain an Administrative Permit.

<sup>224</sup> Code 1982, § 301.729, Cross reference(s)—Mining, § 12-2301 et seq.

<sup>225</sup> Ord 08-2005, 5/17/2005

<sup>226</sup> Code 1982, § 301.730

<sup>227</sup> Amendment 02-2009, 4/21/2009

Sec. 12-217. Drainage.<sup>230</sup>

- A. No land shall be developed or altered and no use shall be permitted that results in surface ~~or storm~~water run-off causing ~~or with the potential to cause~~ unreasonable flooding, erosion or deposit of materials on adjacent properties or water bodies. Such run-off shall be properly channeled into a stormwater management facility that are ~~drain, a natural watercourse or drainageway, a ponding area or other facility. To the extent feasible consistent with the stormwater management and erosion and sediment control requirements of Chapter 13, through ponding or other means, a~~Any increase in run-off rate or volume as a result of the developed portion of a property shall achieve at least the minimum requirements of Article 13, shall be retained on the property.
- B. The Zoning Administrator, upon inspection of any site that has created drainage problems, or could create drainage problems with proposed new development, may require the owner of such site or the contractor of such development to complete a grading plan and apply for a grading permit.
- C. The owner or contractor of any natural drainage improvement or alteration may be required by the Zoning Administrator to obtain recommendations from the state department of natural resources, the county soil conservation district, the affected watershed district and/or the City Engineer, as well as obtaining a grading permit.
- D. On any slope in excess of 13 percent where, in the opinion of the Zoning Administrator, the natural drainage pattern may be disturbed or altered, the Zoning Administrator may require the applicant to submit both a grading plan and a soil conservation plan prior to applying for a building permit.

Sec. 12-218. Vegetative cutting.<sup>231</sup>

- A. For purposes of this article, the following definitions are made:
1. *Clear cutting* means the removal of all live vegetation in excess of six inches in diameter at breast height on any area of 20,000 square feet or more in size.
  2. *Selective cutting* means the removal of single scattered live trees or shrubs in excess of six inches in diameter at breast height.
- B. Clear cutting of any site shall require a Conditional Use Permit, except as regulated by Subsection (E) of this section. A reclamation, soil conservation or revegetation plan may be required by the Zoning Administrator as part of the Conditional Use Permit application.

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and shore impact zones. No parking facilities other than residential parking shall be permitted.

1. For purposes of these regulations, public waters shall be defined in M.S.A. § 645.44, subd. 8a, M.S.A. § 1036.005, subd. 18.
  2. Public waters shall include all lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural water courses, underground water resources and similar features involving directly or indirectly the use of water within the City.
  3. No public water area shall be filled, partially filled, dredged, altered by grading, mining or otherwise utilized or disturbed in any manner without first securing a public waters use permit from the state department of natural resources and the U.S. Army Corps of Engineers, and a grading permit from the City. Such grading permits shall be reviewed and approved by the department of natural resources, the City Engineer, the watershed district, the Planning Commission and the City Council.
- B. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
1. No grading or filling of any wetland is permitted;
  2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
  3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
  4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
  5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
  6. Fill or excavated material must not be placed in a manner that creates an unstable slope;
  7. Fill or excavated material shall not be placed on steep slopes;
  8. Fill or excavated material shall not be placed in bluff impact zones;
  9. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under M.S.A. § 1036.245.
  10. Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties, and do not cause the potential for erosion;
  11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
  12. Scenic easements on slopes greater than 18 percent shall be required as per the City subdivision ordinance, article VI of this chapter.
- C. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

Sec. 12-408. Placement and design of roads, driveways, and parking areas.<sup>271</sup>

- A. All driveways, parking areas and public roads must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, and plans must be approved by the soil and water conservation district.
- B. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff

Sec. 12-409. Stormwater management.<sup>272</sup>

Unless otherwise exempted by this ordinance, a Stormwater Pollution Prevention Plan (SWPPP) and an Erosion and Sediment Control Plan (ESCP) shall be required as part of any building permit or land disturbing activity that meets the criteria Chapter 13 of this ordinance. All such plans shall achieve at least the minimum standards of Article 13.

The following general and specific standards shall apply:

- ~~1. Existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.~~
  - ~~2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.~~
  - ~~3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds must be used.~~
- ~~B. Specific standards:~~
- ~~1. Impervious surface coverage of lots must not exceed ten percent of the lot area or one-half acre, whichever is greater.~~
  - ~~2. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts and all plans must be approved by that agency.~~
  - ~~3. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.~~

Sec. 12-410. Agricultural use standards.<sup>273</sup>

General cultivation farming, grazing, nurseries, horticulture, truck farming, and wild crop harvesting are permitted provided they do not occur on slopes greater than 12 percent and do not intrude on the bluff impact zones and provided the shore and impact zones are maintained in a permanent vegetative condition. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

Sec. 12-411. Special uses.<sup>274</sup>

Special uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of special uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

- A. *Evaluation criteria.* A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
  1. The prevention of soil erosion or other possible pollution of public waters as well as the runoff of landscape chemicals including fertilizers, herbicides and pesticides both during and after

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for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the standards in this division will also apply in shoreland areas.

Sec. 12-477. Construction on nonconforming lots of record.<sup>278</sup>

- A. Lots of record in the office of the county recorder on August 19, 1975, that do not meet the requirements of Section 12-401 may be allowed as building sites provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, sewage treatment and setback requirements of this article are met and the lot meets the requirements of the zoning ordinance, article II of this chapter, regarding nonconformity.
- B. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for such lot. In evaluating the variance, the Board of Adjustment shall consider, along with all criteria listed in Section 12-328, sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- C. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 12-401 the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 12-401 and the zoning ordinance, article II of this chapter.

Sec. 12-478. Additions/expansions to nonconforming structures.<sup>279</sup>

- A. All structures in existence prior to the adoption of the ordinance from which this article was derived which do not meet the structure setbacks and other dimensional standards of this article shall be considered substandard structures.
- B. Any extension, enlargement, or alteration of an existing substandard structure or sanitary facility shall meet the setback standards of this article.
- C. Exceptions to the setback standards for substandard structures may include the following:
  1. An extension, enlargement, or alteration of an existing substandard structure or sanitary facility may be permitted on the side of the structure or facility facing away from the shoreline or ordinary high water level.
  2. An improvement to an existing structure or facility may be allowed to extend laterally (parallel to the shoreline or ordinary high water level) when the improvement is within 60% of the required setback and in compliance with all of the dimensional standards and side yard setbacks of the zoning ordinance, article II of this chapter.
  3. Exterior decks attached to the structure which do not extend any roof or foundation, may be permitted to extend laterally (parallel to the shoreline or ordinary high water level) at the same setback as the substandard structure.
- D. If a substandard structure needs replacing due to destruction, deterioration, or obsolescence, such replacement shall comply with the dimensional standards of this article.

Secs. 12-479–12-500. Reserved.

DIVISION 6. SUBDIVISION REQUIREMENTS<sup>280</sup>

<sup>278</sup> Code 1982, § 303.6.1

<sup>279</sup> Ord. 97-43, 11/13/01

<sup>280</sup> Cross reference—Subdivisions, § 12-1251 et seq.

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Sec. 12-501. Land suitability.<sup>281</sup>

Each lot created through subdivision, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

Sec. 12-502. Consistency with other controls.<sup>282</sup>

- A. Subdivisions must conform to all official controls of the City. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly-owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with sections 12-402 and 12-413 and an approved septic system can be provided for every lot.
- B. Each lot shall meet the minimum lot size and dimensional requirements of Section 12-401, including at least a minimum contiguous lawn area, that is free of limiting factors as identified in the City ordinance sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks shall not be approved.

Sec. 12-503. Information requirements.<sup>283</sup>

Sufficient information must be submitted by the applicant for the community to make a determination of land suitability as well as complying with the subdivision ordinance, article VI of this chapter. The information shall include at least the following:

- A. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
- B. The surface water features required in M.S.A. § 505.02, subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
- C. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- D. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; ~~and~~ proposed methods for achieving the controlling stormwater runoff, and ~~and~~ erosion and sediment control provisions of Article 13 of this ordinance: proposed methods for controlling and runoff of landscape chemicals including fertilizers, herbicides and pesticides both during and after construction activities;
- E. Location of 100-year floodplain areas and floodway districts from existing adopted maps or data;
- F. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream;
- G. All slopes of 18 percent or greater shall be identified; and
- H. All slopes of 12 percent to 18 percent shall be identified.

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<sup>289</sup> Mn Rules, §§ 6105.0351--6105.0550Sec. 12-504. Dedications.<sup>284</sup>

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage, ~~or facilities-ponding areas~~ for management of stormwater required by Article 13 of this ordinance, and significant wetlands.

Sec. 12-505. Platting.<sup>285</sup>

All subdivisions as a plat in accordance with M.S.A. ch. 505 and this article: No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

Sec. 12-506. Controlled access or recreational lots.<sup>286</sup>

Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision shall not be permitted.

## Secs. 12-507--12-575. Reserved.

## ARTICLE IV.

LOWER ST. CROIX RIVER BLUFFLAND AND SHORELAND MANAGEMENT<sup>287</sup>

## DIVISION 1. GENERALLY

## Sec. 12-576. Short title.

This article shall be known, cited and referred to as the Lower St. Croix River Bluffland and Shoreland Management Ordinance; except as referred to herein, where it shall be known as, "This article."

Sec. 12-577. Intent and purpose.<sup>288</sup>

This article is adopted for the purpose of:

- A. Designating suitable land use districts along the bluffland and shoreland of the Lower St. Croix River.
- B. Regulating the area of a lot, and the length of bluffland and water frontage suitable for building sites.
- C. Regulating the setback of structures and sanitary waste treatment facilities from blufflines to protect the existing and/or natural scenic values, vegetation, soils, water, and bedrock from disruption by manmade structures or facilities.
- D. Regulating the setback of structures and sanitary waste treatment facilities from shorelines to protect the natural scenic value, floodplain, and water quality.
- E. Regulating alterations of the natural vegetation and topography.
- F. Conserving and protecting the natural scenic values and resources of the river valley and maintaining a high standard of environmental quality to comply with state department of natural resources standards and criteria for the Lower St. Croix National Scenic Riverway.<sup>289</sup>

<sup>284</sup> Code 1982, § 303.7.14

<sup>285</sup> Code 1982, § 303.7.15

<sup>286</sup> Code 1982, § 303.7.16

<sup>287</sup> Cross reference—Subdivision requirements for the Lower St. Croix River shoreland, § 12-1496 et seq.

<sup>288</sup> Res. No. 1997-16, § 18, 6-17-97

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- D. The final plat must be approved by the county surveyor in accordance with the standard procedures for platting in the county.
- E. Upon receiving final plat approval by the City Council, the subdivider shall then record it with the county recorder within 120 days or the approved plat shall be considered void.
- F. Upon receiving approval of the final plat for a portion of the approved plat, the subdivider shall not be required to request a continuation of the recognition of the plat so as to avoid automatic expiration of preliminary approval unless final plat approval is not obtained within 24 months following preliminary approval.

Secs. 12-1333--12-1375. Reserved.

DIVISION 3. MINIMUM DESIGN STANDARDS

Sec. 12-1376. Conformity with comprehensive development plan.<sup>355</sup>

The proposed subdivision shall conform to the comprehensive development plan and policies as adopted by the City.

Sec. 12-1377. Land requirements.<sup>356</sup>

- A. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or adverse earth or rock formations.
- B. Land which poses hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- C. Erosion and sedimentation control plans in accordance with the technical standards and specifications of the soil conservation service as provided by the county soil and water conservation district office, shall be required on slopes with grades of 12 percent or steeper.
- D. Proposed subdivision shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

Sec. 12-1378. Street plan.<sup>357</sup>

- A. Proposed streets shall conform to the state road and county highway plans or preliminary plans as have been prepared, adopted and/or filed as prescribed by law. All streets within a subdivision shall be dedicated to the City and built to city standards.
- B. Streets shall be logically related to the topography in order to produce usable lots and reasonable grades.
- C. Access shall be given to all lots and portions of the tract in the subdivision, and to adjacent unsubdivided parcels unless the topography clearly indicates that such connection is not feasible. Access shall be defined as practical access. Reserved strips, and land-locked areas shall not be created.
- D. The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets in adjoining areas.
- E. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by extending the new streets to the boundaries of the subdivision at appropriate locations. Streets must be constructed to the

<sup>355</sup> Code 1982, § 305.701

<sup>356</sup> Code 1982, § 305.702

<sup>357</sup> Code 1982, § 305.703, Cross reference(s)--Streets and sidewalks, ch. 20.

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boundary according to city specifications or it shall be documented that it is feasible to build them to the boundary. Dedication of road right-of-way shall be required to the boundary even though the street is not constructed. It shall be the responsibility of the adjoining property owner, when his land is subdivided, to build the road to city standards.

- F. Where the City does not have an adequate dedicated right-of-way for an existing road adjacent to the proposed subdivision, the developer shall dedicate the required right-of-way to the City for street and utility purposes.
- G. Minor streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be reserved for through traffic by providing marginal access streets, interior streets for serving lots, or other means.
- H. Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- I. Wherever a tract to be subdivided adjoins an existing half, or partial street, the part of the street within such tract shall be platted to provide the necessary road right-of-way.
- J. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sac streets. A temporary turn-around or cul-de-sac shall be required by the City if a road will be a dead end until an adjoining tract is developed.
- K. Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, a street approximately parallel to land on each side of such thoroughfare and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare of railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- L. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

Sec. 12-1379. Cul-de-sac streets.<sup>358</sup>

- A. The City Council may permit cul-de-sac streets, after Planning Commission review, by reason of unfavorable land forms or the irregular shape of the land from which the subdivision is being made and a normal street pattern cannot be established. The City Council may also permit cul-de-sac streets to minimize the impacts of the subdivision or proposed street on existing neighborhoods. These impacts may include increased traffic volume or speed, privacy or security of existing neighborhoods and preservation of natural resources or features.
- B. A cul-de-sac street shall not exceed 1,320 feet in length and shall serve no more than nine lots. Every lot platted on a cul-de-sac street shall have frontage and access on the cul-de-sac street and shall be included in the nine lot limit. A variance may be granted on the length limitation only when it is clearly demonstrated that the length greater than 1,320 feet is necessary for reasons of unfavorable land topography. No variance shall be granted which would allow more than nine lots to be created on a cul-de-sac street.
- C. When future development of adjacent parcels will allow for extension of a temporary cul-de-sac street or conversion thereof to a through street, the City Council may require that right-of-way shall be dedicated to the plat boundary. No outlots shall be created.

Sec. 12-1380. Street design.<sup>359</sup>

<sup>358</sup> Code 1982, § 305.704; Res. No. 1997-3, 1-14-97; Res. No. 1997-16, § 20, 6-17-97, Cross reference(s)--Streets and sidewalks, ch. 20.

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B. *Street pavement.* The design of street pavement for all streets covered by this regulation shall be in accordance with the state highway department road design Manual No. 5-291 for flexible pavements. The designed thickness of the surfacing elements shall be in accordance with the flexible pavement design standard for road classifications as shown below. However, a minimum of six inches of class 5 aggregate base and three inches of bituminous surfacing is required. This bituminous surfacing shall consist of 1 1/2 inches of bituminous base course and 1 1/2 inches of bituminous wear course. More stringent design may be required by the City Engineer based on soil borings provided by the developer. The final bituminous wear course shall be placed no sooner than one year after the date that the bituminous base course is placed. Immediately prior to the placement of the bituminous wear course, any roadway settlements or other pavement damage shall be repaired by the developer.

C. <i>Classification</i>	<i>Pavement Design: Axle Load</i>
1. Arterials, Collector Street needs	As determined by traffic
2. Local Streets	7 ton minimum

D. *Soil tests.* To determine subgrade soil classifications, soil samples shall be collected and analyzed by an independent, certified testing laboratory. Reports of the soil analysis shall be submitted to the engineer with the pavement plans. Soil samples shall be taken along the center line of the proposed road at intervals not exceeding 300 feet.

A. *Curb and gutter.* Concrete curb and gutter can be constructed on both sides of urban design streets. Where applicable, curbless roads shall be designed to encourage stormwater infiltration. Where required, the construction of concrete curb and gutter shall be in accordance with state department of transportation 2531 and shall be either barrier or surmountable type curb as directed by the City Council. Bituminous curbs will not be allowed.

A-B. *Boulevards.* All boulevards shall have four inches of top soil (black dirt) placed on them and then be seeded or sodded.

B-C. *Sidewalks and pedestrian ways.* All required walks shall be concrete four inches thick placed on a four-inch gravel base. Grades shall be approved by the City Engineer. Sidewalks shall be placed in the public right-of-way.

C-D. *Aggregate shoulders.* The aggregate shoulders constructed on rural design roadways shall consist of a four-foot wide section consisting of two inches of class 2 aggregate.

Sec. 12-1427. Utilities.<sup>369</sup>

- A. All utilities shall be installed by the subdivider to each lot in the subdivision.
- B. All utilities shall be placed underground. All groundwork shall be completed prior to street surfacing.

Sec. 12-1428. Sanitation, sewer and water rural areas.<sup>370</sup>

Where lots cannot be connected with a public sewerage system, provision must be made for sanitary sewerage facilities, consisting of an individual disposal device for each lot in accordance with the City sanitary sewer ordinance, Article IX of this chapter. This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.

- A. Any subdivision or lot not provided with off-site sewer facilities shall be subject to soil and percolation tests to determine whether the lot size proposed will meet minimum standards of health and sanitation due to limitations of soils as shown on existing soils maps. The lot area and topography must be such that it will accommodate two adequate disposal systems to serve the residence for the estimated unsewered years, as determined by the City Council. Such test shall be made at the expense of the subdivider, and a sketch map shall be submitted to identify the specific locations where tests were made.

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- B. Four soil borings showing an area of 10,000 square feet suitable for an on-site septic system shall be required for each proposed lot by a certified soil tester. Additional testing may be required for each proposed lot by a certified soil tester. Additional testing may be required if serious limitations for the installation of an on-site system are found.
- C. All on-site sewage disposal systems shall comply with the standards of the City sanitary sewer ordinance, Article IX of this chapter, the state department of health, and the state pollution control agency.

Sec. 12-1429. Stormwater drainage.<sup>371</sup>

A drainage system design shall be required, and may include a storm sewer system or a system of open ditches, culverts, pipes, catch basins and ponding areas, or both systems. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters; drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of floodplain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purposes. If there is a watershed district, that board must approve all surface water drainage. The City Engineer shall review and approve the stormwater drainage system and all runoff calculations for any street improvement project.

All drainage systems shall achieve at least the minimum requirements of Article 13 of this ordinance.

Sec. 12-1430. Street signs.<sup>372</sup>

All street signs shall be provided and installed by the City at the expense of the subdivider.

Sec. 12-1431. Inspection.<sup>373</sup>

- A. All required improvements shall be inspected by the City Engineer during construction at the expense of the subdivider.

Secs. 12-1432--12-1470. Reserved.

DIVISION 5. IMPROVEMENTS

Sec. 12-1471. Required.<sup>374</sup>

Prior to final approval of a plat by the City Council, the subdivider shall have agreed, in the manner set forth below, to install at the subdivider's expense and in conformity with all applicable standards and ordinances, the following improvements on site:

- B. *Survey monuments.* All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments or triangulation stations in or adjacent to the property and shall be preserved in precise position unless a relocation is approved by the controlling agency. Delayed setting of monuments shall not be permitted.
- C. *Grading.* The full width of the right-of-way of each street and alley dedicated in the plat shall be graded for an urban design roadway. All graded rights-of-way, not including the street surface, and all graded or disturbed areas within a subdivision shall be seeded and stabilized in compliance with the recommendations of the county soil conservation district and the City Engineer within 30 days of the completion of grading or disturbance of individual areas.
- D. *Pavement.* All street and alleys shall be improved with concrete or bituminous surface.
- E. *Curb and gutter.* Along both sides of an urban design street, concrete curb and gutter shall be installed.

<sup>369</sup> Code 1982, § 305.802, Cross reference(s)--Utilities, ch. 24.

<sup>370</sup> Code 1982, § 305.803, Cross reference(s)--Sewage, § 12-1951 et seq.

<sup>371</sup> Code 1982, § 305.805

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- F. *Drainage facilities.* Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters; a storm sewer system may be required when such easements or land is needed in the public interest for purposes of floodplain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose. If there is a watershed district, that board must approve all surface water drainage. If SCS structures exist on the land to be subdivided or will be required, SCS must approve the plan for structures and restoration.
- G. *Miscellaneous facilities.* Tree planting, traffic control signs, oversized utility trunk lines, pedestrian ways, and other improvements may be required.
- H. *Erosion control.* Prior to the commencement of any grading or disturbance of any area within a subdivision, silt fences or other erosion control devices required and approved by the City Engineer shall be installed on site. Such devices shall include but not be limited to: staging, grading operations, side slopes, silt fences, mulching, culverts, ponding areas, netting, etc. Such erosion control devices shall remain in place and shall be maintained in working order until the disturbed areas are stabilized and roadways are approved, at which time they shall be removed at the expense of the developer.

Sec. 12-1472. Payment for installation.<sup>375</sup>

- A. The required improvements as listed elsewhere are to be furnished and installed at the sole expense of the subdivider.
- B. If the platting and development of the subject property shall necessitate the construction and improvement of public roads outside of the subdivided property, the City may require the owner to provide sufficient financial guarantees for the portion of the estimated cost of such construction or improvement as represents the benefit to the subdivided property using usual assessment apportionment practices.

Sec. 12-1473. Agreement providing for the installation.<sup>376</sup>

- A. Prior to the installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the City requiring the subdivider to have such improvements constructed by the subdivider in accordance with the plans and specifications prepared by the City Engineer, which plans shall be in conformance with all applicable standards and ordinances. Such contract shall provide for the observation of construction by the City Engineer to ensure conformance to the plans and specifications, and shall require that the City be reimbursed for all costs incurred by the City for planning, engineering, and legal fees, and other expenses in connections with making such improvements; and shall contain such other provisions as may be required by the City Council.
  - 1. The subdivider shall, concurrently with the execution of the contract, make a cash escrow deposit, or in lieu thereof, provide an irrevocable letter of credit, the amount of which shall be equal to 150 percent of the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the costs for legal, administrative, and engineering expenses, including inspection. The City shall be entitled to reimburse itself out of such cash deposit or irrevocable letter of credit for all expenses incurred by the City for the completion of the work, and upon completion of the work, any balance remaining in said deposit shall be refunded to the subdivider. The subdivider shall also agree to reimburse the City for any costs and expenses incurred in excess of the original cash deposit or irrevocable letter of credit, and shall replenish the deposit or letter of credit as necessary and requested by the City to secure the subdivider's obligations to the City.
  - 2. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, the amount of the deposit or letter of credit may be reduced in a sum equal to one-half of the estimated cost of covered improvements completed prior to acceptance of the plat. The time for completion of the work and the several parts thereof shall be determined by the City Council upon recommendation of the City Engineer. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper correlations with construction activities in the plat and subdivision.

- B. No subdivider shall be permitted to start work on any other subdivision without special approval of the City Council if he has previously defaulted on work or commitments.

Sec. 12-1474. Financial guarantee.<sup>377</sup>

The financial guarantee shall be required as part of the division agreement for the following actions and similar construction activities:

- A. ~~Grading and Erosion and Sediment Control Plan.~~ The City Council may require the applicant to post a financial guarantee to ensure the orderly completion of the grading and erosion and sediment control plans by a specific date.
- ~~B. Stormwater Pollution Prevention Plan. The City Council may require the applicant to post a financial guarantee to ensure the orderly completion of the stormwater pollution prevention plan and adequate function of any stormwater management facilities by a specific date.~~
- ~~B-C. Septic system.~~ When an existing nonconforming septic system is required to be upgraded according to Section 12-83(C), the new on-site sewage treatment system shall be installed prior to the issuance of a building permit unless a financial guarantee equal to 125 percent of the cost of installing such a system and is valid for one year is issued to the City.
- ~~C-D. Driveway permit.~~ To assure compliance with this article and the conditions of any driveway permit, the Zoning Administrator may require a financial guarantee from each applicant. The financial guarantee may be in the form of a performance bond, irrevocable letter of credit or escrow deposit as regulated in other sections of this article. The amount of the financial guarantee shall be equal to 125 percent of the estimated cost of the construction of the driveway, or an amount determined by the Zoning Administrator. A financial guarantee shall be released to the applicant upon satisfactory completion of the driveway installation according to this article and any conditions of the driveway permit.
- ~~D-E. Escrow deposit.~~ A cash escrow deposit may be made with the City Administrator. The City shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the City for completion of the work in case of default of the breach thereof.
- ~~E-F. Letter of credit.~~ The subdivider may deposit with the City, from a bank or other reputable institution or individual subject to the approval of the City Council, an irrevocable letter of credit which shall certify that:
  - 1. The creditor does guarantee funds in the required amount.
  - 2. In the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the City immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
  - 3. This letter of credit may not be withdrawn, or reduced in amount, until released by the City Council.
- ~~F-G. Release.~~ Financial securities shall not be released until all permitted and remedial work is completed.
- ~~G-H. Community indemnity.~~ This security shall save the community free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement or storage of rock, sand, gravel, soil or other like material within the community.
- ~~H-I. Maintaining the financial security.~~ If at any time during the course of the work the amount falls below 50% of the required deposit, the applicant shall make another deposit in the amount necessary to restore the cash deposit to the required amount. If the applicant does not bring the financial security back up to the required amount within seven (7) days after notification by the community that the amount has fallen below 50% of the required amount the community may:
  - 1. Withhold inspections - Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
  - 2. Revoke permits - Revoke any permit issued by the community to the applicant for the site in question or any other of the applicant's sites within the community's jurisdiction.
- ~~I-L. Action against the financial security.~~ The community may access financial security for remediation actions if any of the conditions listed below exist. The community shall use the security to finance remedial work undertaken by the community, or a private contractor under contract to the community, to reimburse the community for all direct costs incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.
  - 1. Abandonment - The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.
  - 2. Failure to implement the SWPPP or ESC Plan - The applicant fails to conform to the grading plan

<sup>375</sup> Code 1982, § 305.902

<sup>376</sup> Code 1982, § 305.903

and/or the SWPPP as approved by the Community.

3. Failure to perform - The techniques utilized under the SWPPP fail within one year of installation.
4. Failure to reimburse community - The applicant fails to reimburse the community for corrective action taken.

J-K. *Returning the financial security.* The security deposited with the community for faithful performance of the SWPPP or the ESC Plan and any related remedial work shall be released one full year after the completion of the installation of all stormwater pollution control measures as shown on the SWPPP or ESC Plan.

K-L. *Emergency action.* If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the community, the community may take emergency preventative action. The community shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the community may be recovered from the applicant's financial security.

Sec. 12-1475. Construction plans and inspections.<sup>378</sup>

- A. Construction plans for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared at the subdivider's expense by the City Engineer. Such plans shall become part of the required contract. Two prints of the plans shall be furnished to the City to be filed as a public record.
- B. All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the City Engineer at the subdivider's expense. Any tests necessary to determine conformance to all city specifications and requirements and the plans shall be prescribed and scheduled by the City Engineer and performed at the subdivider's expense. Acceptance by the City of the improvements and release of the subdivider's security shall occur one year after the City Engineer has certified completion of the project and compliance with the contract.
- C. The subdivider shall obtain at his own expense, an "as built" plan which shall be submitted to the City upon completion of improvements and before such improvements are accepted by the City. The City Engineer shall certify to the City that the improvements were constructed as specified in the plans, and that the improvements were constructed according to all applicable standards and ordinances.

Sec. 12-1476. Completion prior to approval of plat.<sup>379</sup>

Improvements within a subdivision which have been completed prior to application for approval of the plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the City Engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.

Secs. 12-1477--12-1479. Reserved.<sup>380</sup>

DIVISION 6. PROTECTIVE COVENANTS REQUIRED FOR ALL MAJOR SUBDIVISIONS<sup>381</sup>

<sup>377</sup> Code 1982, § 305.904; Res. No. 1997-16, § 20, 6-17-97

<sup>378</sup> Code 1982, § 305.905

<sup>379</sup> Code 1982, § 305.906

<sup>380</sup> Ordinance 10-2005, 6/21/2005

<sup>381</sup> Ordinance 10-2005, 6/21/2005

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*Suspended solids* means solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

*Toxic pollutant* means the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards pursuant to section 307(a) of the Clean Water Act.

*Unpolluted water* means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

*Wastewater facility* means the structures, equipment, or processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

**Sec. 12-1953. Applicability.**

This article shall apply and be in effect for the stated purposes within the "201" study areas in the City.

**Sec. 12-1954. Enforcement.**

- A. The City Clerk/Zoning Administrator shall be responsible for administration and enforcement of this article.
- B. The City Clerk/Zoning Administrator or his agent shall be qualified and certified by the MPCA as competent in the design, evaluation and inspection of individual on-site sewage treatment systems, and shall carry a current individual sewage treatment system certificate and a current class D operators certificate.

**Sec. 12-1955. Appeals and variance requests.**

- A. The City Council shall hear and decide appeals and review any order, decision or determination made by the clerk/Zoning Administrator regarding the enforcement of this article.
- B. The City Council shall hear and act upon all rate adjustment and variance requests.
- C. Any appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county, or state which is aggrieved by the decisions.

**Sec. 12-1956. Inspections.**

Inspections as required to determine compliance with this article shall be performed by the City Administrator or his authorized agent under the following circumstances:

- A. Duly authorized employees of the City shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.
- B. The owner or occupant of a property shall be responsible to provide access at reasonable times, to the City Administrator or his agent, for the purpose of performing inspections required under this article.
- C. While performing the necessary work on private property as referred to in Subsection (A) of this section, the authorized employees of the City shall observe all safety rules applicable to the premises.
- D. Fees for inspections, maintenance, or other services rendered under this article shall be as set by resolution of the City Council from time to time.

- E. **The City may issue construction stop work orders until stormwater management measures meet**

**specifications and the applicant repairs any damage caused by stormwater runoff. An inspection by the community must follow before the construction project work can resume.**

- F. **The City can take any combination of the following actions in the event of a failure by the applicant to meet the terms of this ordinance:**

- **Withhold inspections or issuance of certificates or approvals**
- **Revoke any permit issued by the City to the applicant**
- **Conduct remedial or corrective action on the development site or adjacent site affected by the failure**
- **Charge the applicant for all costs associated with correcting the failure or remediating damage from the failure; if payment is not made within thirty days, payment will be made from the applicant's financial securities**
- **Bring other actions against the applicant to recover costs of remediation or meeting the terms of this ordinance.**
- **Any person failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. Each day that a separate violation exists shall constitute a separate offense.**

Secs. 12-2356 – 12-2370. Reserved.<sup>442</sup>

ARTICLE XII. PRESERVATION AND LAND CONSERVATION DEVELOPMENTS.<sup>443</sup>

Sec. 12-2371. Scope.

This article applies to Preservation and Land Conservation Developments (PLCD) in the Agricultural (AG) zoning district.

Sec. 12-2372. General provisions.

A PLCD is a tract of land that is developed as a unit under single or unified ownership or controls. A Preservation and Land Conservation Development may be allowed in the AG zoning district to preserve prime agricultural land, woodland, wildlife habitat, vistas, groundwater recharge areas, areas with sensitive soils or geological limitations and areas identified in the Comprehensive Plan. Uses not otherwise allowed in the zoning district are prohibited within a planned development unless specifically permitted by provisions of this ordinance.

Sec. 12-2373. Purpose.

The purposes of this article are:

- A. To permit subdivisions in the Agricultural Zoning District which require the construction of a new public street.
- B. To encourage a more creative and efficient development of land and its improvements through the preservation of agricultural land, natural features and amenities than is possible under the more restrictive application of zoning requirements, while at the same time, meeting the standards and purposes of the comprehensive plan and preserving the health, safety, and welfare of the citizens of the City.
- C. To preserve open space, to preserve the natural resources of the site and to preserve wildlife habitat and corridors.
- D. To facilitate the economical provision of streets and public utilities.
- E. To allow the transfer of development rights (density) within a subdivision in order to preserve agricultural land, open space, natural features and amenities.

Sec. 12-2374. Permitted uses.

The Permitted Uses are:

- A. Those uses that are permitted in the underlying zoning district;
- B. Subdivisions that require the construction of a new public street in the AG zoning district;

Sec. 12-2375. General standards for approval.

- A. A Conditional Use Permit shall be required for all preservation and land conservation developments. The City may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards:
  1. The preservation and land conservation development is consistent with the comprehensive plan of the City.

2. The preservation and land conservation development is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities.
  3. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.
- B. The tract is a minimum of eighty (80) contiguous acres in size and that all of the following conditions exist:
    1. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
    2. The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.
    3. The proposal would provide land use and/or site design flexibility while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.
    4. The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site more effectively than would otherwise occur in the underlying zoning district.
  - C. At least fifty (50) percent of the total tract is preserved as an undeveloped parcel.

Sec. 12-2376. Density, Frontage on a Public Street and Length of Cul-de-sac requirements.<sup>444</sup>

- A. The average density over the proposed PLCD shall not exceed the maximum density permitted in the underlying zoning district.
- B. The maximum length of cul-de-sacs may be exceeded to accommodate curvilinear streets and other design elements that tend to preserve the rural character or other resources within the PLCD.

Sec. 12-2377. Coordination with subdivision regulations.

- A. It is the intent of this article that subdivision review under Chapter 12 be carried out simultaneously with the review of a planned development under this article.
- B. The plans required under this article must be submitted in a form that will satisfy the requirements of Chapter 12 for the preliminary and final plats.
- C. Parcels which contain their maximum permitted density or have been previously subdivided to their permitted density may not be joined to a PLCD.

Sec. 12-2378. Pre-application meeting.

**Prior to the submission of any plan to the Planning Commission, the potential applicant is required to meet with the City Administrator and other relevant partner agencies to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for an Administrative Permit and a preliminary plat. The potential applicant may submit a simple sketch plan at this stage for informal review and discussion. The potential applicant is urged to seek the advice and assistance of the City staff to facilitate the informal review of the simple sketch plan.**

Sec. 12-2379. General development plan.

- A. An applicant shall make an application for an Administrative Permit following the procedural steps as set forth in Section 12-78.
- B. In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of Administrative Permits, the following additional findings shall be made before the approval of the outline development plan:

<sup>442</sup> Ord. 97-55, 6/18/02, Ord 04-2009, 5/19/2009

<sup>443</sup> Ord 06-2008, 4/15/2008; Ord 02-2014, 5/20/2014

<sup>444</sup> Ord 02-2014, 5/20/2014

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

## Meeting Date Jan. 17, 2017

### Council Action Memo

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: January 11, 2017  
Re: St. Croix Trail Agreement with Washington County

---

Attached is an email from Allan Brandt, Project Manager for Washington County, regarding the Afton-Lakeland Trail repaving project. Diane Hankee will provide additional information regarding the trail project and a cost agreement related to the Lower St. Croix Valley Foundation's funding of the pedestrian bridge work in Afton.

**COUNCIL ACTION REQUESTED:**

**No Action Required.**

## Ron Moorse

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**From:** Allan Brandt <Allan.Brandt@co.washington.mn.us>  
**Sent:** Friday, December 30, 2016 12:05 PM  
**To:** Diane Hankee  
**Subject:** St. Croix Trail Agreements with the City of Afton

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Diane,

I'd like to give you an update on Washington County's Afton-Lakeland Trail repaving project. The County would like to repave the entire length of trail from 30th St in Afton to the I-94 bridge in Lakeland. The majority of the trail is in the County's right of way, however, as you know there is a portion in the City of Afton right of way. The County has agreed to include paving of the trail and bridge work in Afton's right of way into the County's project and the Lower St. Croix Valley Community Foundation (LSCVCF) has agreed to provide reimbursement for construction costs.

Some background on the trail.

Portions of the trail were constructed by the MnDNR through MnDOT in the late 1970's.

When County Road 18 (formerly Trunk Highway 95) was turned back to the County, the entire trail was included. At the time of turn back, maintenance responsibility was given to the Cities that the trail runs through even though the trails may be in the County right of way. Since then, the County has moved away from that approach and has begun to accept major maintenance of the portions in County right of way with minor maintenance remaining a responsibility of the Cities. Examples of major maintenance may include resurfacing/replacement and minor maintenance may include resealing, crack repairs, and debris/snow removal.

Washington County would like to enter into a cost agreement with the City of Afton to allow the city to act as liaison between the county and LSCVCF. The cost agreement would be for trail work located within the City of Afton right of way. At this time the county is unable to enter into an agreement with a private foundation so having an agreement with the city is the best way to proceed. The cost agreement would expire at the time that the construction contract is closed out.

In addition, the county would like to take over some maintenance responsibilities for the trail while keeping some responsibility with the cities. The county and city responsibilities would be memorialized in separate maintenance agreements (perpetual) for each city along the trail.

I have completed a draft of the cost agreement and would like to send the draft to you, as the City Engineer, for routing within the city and obtaining approval.

I will also be drafting maintenance agreements between the county and each city along the trail in the coming weeks and would like to route the maintenance agreement with Afton to you.

Please let me know if you have any questions concerning the agreements.

Allan

**Allan Brandt, EIT** | Project Manager | Transportation Division  
Phone: 651-430-4348  
[allan.brandt@co.washington.mn.us](mailto:allan.brandt@co.washington.mn.us)

**Washington County Public Works Department**

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

**Meeting Date Jan. 17, 2017**

## **Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: January 11, 2017  
Re: Engineering Services proposal for 2017 Street Improvement Projects

---

Attached for Council consideration is a proposal from Diane Hankee, City Engineer, for engineering services for the 2017 street improvement projects, including the preparation of bid specifications and advertisement for bids. The total estimated cost is \$150,995.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the proposal from Diane Hankee, City Engineer, for engineering services for the 2017 street improvement projects, including the preparation of bid specifications and advertisement for bids, with a total cost of \$150,995.**



January 10, 2017

Honorable Mayor and City Council  
City of Afton  
3033 St Croix Trail S  
Afton, Minnesota 55001

Re: Professional Services Proposal  
2018 Pavement Management Project  
WSB Project 1856-540

Dear Honorable Mayor and Council Members:

As requested, we are providing you a proposal for the preparation of plans, specifications and bidding services for 2018 Pavement Management Project in the City of Afton. The proposed improvements include:

#### **Reclamation**

- **15<sup>th</sup> Street S** from Neal Ave S to Stagecoach Trail S,
- **30<sup>th</sup> Street S** from Nybeck Ave S to Trading Post Trail S,
- **Indian Trail S** from Hudson Road S to Stagecoach Trail S,
- **Trading Post Trail S** from 30<sup>th</sup> St to 60<sup>th</sup> St,

#### **Overlay**

- **42<sup>nd</sup> Street S** from Trading Post Trail S to Pasture Ridge,
- **Oakgreen Ave** from Oakgreen Cr to 40<sup>th</sup> St,
- **Nybeck Ave** from 30<sup>th</sup> St to Oakgreen Cr.

#### **Proposed Services**

##### *Preparation of Plans and Specifications & Bidding Services:*

- Project management and coordination/meetings with City staff and the City Council.
- Coordinate private utilities located in the improvement corridor. This coordination will include providing drawings to any affected utility companies and hosting an on-site utility relocation meeting to determine what utilities, if any, will require relocation.
- Complete a topographic survey to identify surficial information/landmarks, existing grades, to be used for construction centerline staking and to address drainage issues as much as possible.
- Perform roadway pavement cores to identify existing bituminous and gravel thickness to design the reclamation depth.
- Prepare final project and construction schedule
- Preparation of estimated quantities and detailed engineer's opinion of probable construction cost as it relates to the work outlined in our scope of services.
- Prepare final plans, project specific specifications, contract documents, and bidding forms. Specifications will be in accordance with MnDOT standard specifications.
- Coordinate project advertisement. We will distribute plans and specifications to the contractors, as well as any needed addenda. We will also attend the bid opening at City Hall, prepare a tabulation of bids, and bid results letter for City Council consideration of award.

Building a legacy – *your* legacy.

Equal Opportunity Employer | [wsbeng.com](http://wsbeng.com)

**Proposed Fee**

We are proposing to complete the work on a cost-reimbursable basis in accordance with our current fee schedule. Estimated fees for:

**Preparation of Plans, Specifications, & Bidding Services**

- 15<sup>th</sup> Street S (Neal Ave S – Stagecoach Trail S) - **\$32,719**
- 30th St S (Nybeck Ave S – Trading Post Trail S) - **\$25,601**
- Indian Trail S (Hudson Rd S – Stagecoach Trail S) - **\$35,289**
- Trading Post Trail S (30th St – 60<sup>th</sup> St)- **\$35,918**
- Overlays (42nd St, Oakgreen Ave, Nybeck Ave) - **\$21,468**
- \$150,995**

Thank you for this opportunity to provide professional consulting services to the City of Afton. If this proposal is acceptable, please execute the signature block below and return as our authorization to proceed.

Please do not hesitate to contact me at 651-286-8468 if you have any questions.

Sincerely,

**WSB & Associates, Inc.**

Nick Guilliams, P.E.  
Project Manager

Diane Hankee, P.E.  
City Engineer

**PROPOSAL FOR:**

**Preparation of Bid Documents and Bidding Services – Afton Local Street Improvements**

**ACCEPTED BY:**

**City of Afton, MN**

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_



**Estimate of Engineering Fees Construction Plans and Specifications  
2018 Pavement Management Project  
City of Afton, MN**

Description	Estimated Hours									Total Hours	Amount
	Principal	Senior Project Manager	Engineering Specialist VI	ROW	2-Person Survey Crew	Graduate Engineer	Water Resources Project Manager	Geotechnical	Office Technician		
	DH/NG	TC	PR		KK	JN		KP			
<b>15th Street (Neal Ave to Stagecoach Trail)</b>											
A. Plans											
A. Title Sheet		0.5								0.5	\$ 67.00
B. General Layout		0.5								0.5	\$ 67.00
C. Statement of Quantities/Tabulations	1	1			2					4	\$ 499.00
D. Typical Section/Pavement Details	2	4			2					8	\$ 1,052.00
E. Miscellaneous Details	1	2			2					5	\$ 633.00
F. Construction Plan and Profile	8	36			12					56	\$ 7,316.00
G. Drainage Plan, Details & Quantities	4	12			8		4			28	\$ 3,568.00
H. Storm Water Pollution Prevention Plan (SWPPP)		2					2			4	\$ 518.00
I. Cross-Sections	4	18			2					24	\$ 3,230.00
B. Specifications	4				8			4		16	\$ 1,772.00
C. Private Utility Coordination	2				6					8	\$ 944.00
D. Plan Review/Approval	2				4					6	\$ 730.00
E. Bidding Administration	2				12			2		16	\$ 1,742.00
F. Permits	1				6		8	2		17	\$ 1,949.00
G. Cost Estimate	2				8					10	\$ 1,158.00
H. Survey					33					33	\$ 5,577.00
I. Geotechnical								5		5	\$ 1,225.00
J. Project Meetings	2				2			2		6	\$ 772.00
Subtotal	0	35	76	0	33	74	14	5	10	247	\$ 32,719.00
<b>Indian Trail (Hudson Road to Stagecoach Tr)</b>											
A. Plans											
A. Title Sheet		0.5								0.5	\$ 67.00
B. General Layout		0.5								0.5	\$ 67.00
C. Statement of Quantities/Tabulations	1	1			2					4	\$ 499.00
D. Typical Section/Pavement Details	2	4			2					8	\$ 1,052.00
E. Miscellaneous Details	1	2			2					5	\$ 633.00
F. Construction Plan and Profile	8	42			16					66	\$ 8,548.00
G. Drainage Plan, Details & Quantities	4	14			8		4			30	\$ 3,836.00
H. Storm Water Pollution Prevention Plan (SWPPP)		2					4			6	\$ 768.00
I. Cross-Sections	4	20			8					32	\$ 4,140.00
B. Specifications	4				8			4		16	\$ 1,772.00
C. Private Utility Coordination	2				6					8	\$ 944.00
D. Plan Review/Approval	2				4					6	\$ 730.00
E. Bidding Administration	2				12			2		12	\$ 1,314.00
F. Permits	1				6		8	2		17	\$ 1,949.00
G. Cost Estimate	2				8					10	\$ 1,158.00
H. Survey					35					35	\$ 5,915.00
I. Geotechnical								5		5	\$ 1,225.00
J. Project Meetings	2				2			2		6	\$ 772.00
Subtotal	0	35	86	0	35	80	16	5	10	267	\$ 35,289.00
<b>30th Street (Trading Post to Nybeck Ave)</b>											
A. Plans											
A. Title Sheet		0.5								0.5	\$ 67.00
B. General Layout		0.5								0.5	\$ 67.00
C. Statement of Quantities/Tabulations	1	1			2					4	\$ 499.00
D. Typical Section/Pavement Details	2	4			2					8	\$ 1,052.00
E. Miscellaneous Details	1	2			2					5	\$ 633.00
F. Construction Plan and Profile	4	16			8					28	\$ 3,604.00
G. Drainage Plan, Details & Quantities	2	8			8		6			24	\$ 2,980.00
H. Storm Water Pollution Prevention Plan (SWPPP)		2					4			6	\$ 768.00
I. Cross-Sections	4	8			8					20	\$ 2,532.00
B. Specifications	4				4			4		12	\$ 1,344.00
C. Private Utility Coordination	2				6					8	\$ 944.00
D. Plan Review/Approval	2				4					6	\$ 730.00
E. Bidding Administration	2				4			2		8	\$ 886.00
F. Permits	1				6		8	2		17	\$ 1,949.00
G. Cost Estimate	2				4					6	\$ 730.00
H. Survey full topo for steep grade					30					30	\$ 5,070.00
I. Geotechnical								5		5	\$ 1,225.00
J. Project Meetings	2				2			2		6	\$ 772.00
Subtotal	0	28	42	0	30	60	18	5	10	193	\$ 25,601.00
<b>Trading Post Trail (40th St to 60th St)</b>											
A. Plans											
A. Title Sheet		0.5								0.5	\$ 67.00
B. General Layout		0.5								0.5	\$ 67.00
C. Statement of Quantities/Tabulations	1	1			2					4	\$ 499.00
D. Typical Section/Pavement Details	2	4			2					8	\$ 1,052.00
E. Miscellaneous Details	1	2			2					5	\$ 633.00
F. Construction Plan and Profile	8	40			20					68	\$ 8,708.00
G. Drainage Plan, Details & Quantities	4	12			8					24	\$ 3,068.00
H. Storm Water Pollution Prevention Plan (SWPPP)		2					2			4	\$ 518.00
I. Cross-Sections	4	20			8					32	\$ 4,140.00
B. Specifications	4				12			4		20	\$ 2,200.00
C. Private Utility Coordination	2				4					6	\$ 730.00
D. Plan Review/Approval	2				4					6	\$ 730.00
E. Bidding Administration	2				12			2		16	\$ 1,742.00
F. Permits	1				6		8	2		17	\$ 1,949.00
G. Cost Estimate	2				8					10	\$ 1,158.00
H. Survey Steep Grade Areas					40					40	\$ 6,760.00
I. Geotechnical								5		5	\$ 1,225.00
J. Project Meetings	2				2			2		6	\$ 772.00
Subtotal	0	35	82	0	40	90	10	5	10	272	\$ 35,918.00
<b>Mill &amp; Overlay (~2.5 mi 42nd Street, Oakgreen Ave, Nybeck Ave)</b>											
A. Plans											
A. Title Sheet		0.5								0.5	\$ 67.00
B. General Layout		0.5								0.5	\$ 67.00
C. Statement of Quantities/Tabulations	1	1			2					4	\$ 499.00
D. Typical Section/Pavement Details	2	4			2					8	\$ 1,052.00
E. Miscellaneous Details	1	2			2					5	\$ 633.00
F. Construction Plan and Profile	4	30			18					52	\$ 6,550.00
G. Drainage Plan, Details & Quantities	1	4			8					13	\$ 1,543.00
H. Storm Water Pollution Prevention Plan (SWPPP)		2					8			10	\$ 1,268.00
B. Specifications	4				4			4		12	\$ 1,344.00
C. Private Utility Coordination	2				6					8	\$ 944.00
D. Plan Review/Approval	2				12			2		16	\$ 1,742.00
E. Bidding Administration	2				8			2		10	\$ 1,158.00
F. Cost Estimate	2				8					10	\$ 1,158.00
G. Survey Steep Grade Areas					16					16	\$ 2,704.00
H. Geotechnical to verify Overlay depth								5		5	\$ 1,225.00
J. Project Meetings	2				2			2		6	\$ 772.00
Subtotal	0	21	44	0	16	64	8	5	8	166	\$ 21,468.00
	0	308	660	0	308	736	132	50	96	2290	\$ 21,468.00
	0	308	660	0	308	736	132	50	96	2290	
	163.00	151.00	134.00	163.00	169.00	107.00	125.00	245.00	78.00		
	\$ -	\$ 46,508.00	\$ 88,440.00	\$ -	\$ 52,052.00	\$ 78,752.00	\$ 16,500.00	\$ 12,250.00	\$ 7,488.00		\$ 150,995.00

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

## Meeting Date Jan. 17, 2017

### Council Action Memo

To: Mayor Bend and Members of the City Council  
From: Ron Moore, City Administrator  
Date: January 11, 2017  
Re: 2017 Rate Schedule for Engineering Services

---

Attached for Council consideration is the 2017 rate schedule from WSB for engineering services. The rate schedule reflects an overall increase of 3%.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the 2017 rate schedule from WSB for engineering services, with an overall increase of 3%.**



November 29, 2016

CITY OF AFTON

DEC 01 2016

RECEIVED

Mr. Ron Moorse  
City Administrator  
City of Afton  
3033 Saint Croix Trail  
PO Box 219  
Afton, MN 55001

Re: WSB & Associates, Inc. 2017 Rate Schedule

Dear Mr. Moorse:

I'd like to thank you for choosing WSB to support your planning and infrastructure needs in 2016! We appreciate our relationship with you and your staff, and look forward to serving you in 2017. We have had an exciting year, highlighted by the following:

- WSB was named a Great Place to Work by our staff for the fourth year in a row. We are proud that our staff are engaged and enjoy working together on your behalf.
- As we hope you are aware, we have constructed a material testing lab located in Burnsville to complement our existing Rochester location. We have added staff and equipment to expand our geotechnical/materials testing operation. We invite you to tour the facility with our staff and learn how we will employ these services to bring value and expertise to you.
- We've attracted specialty staff to our team in several areas in response to your needs and the changing regulatory landscape.
- WSB made investments in virtual reality and visualization technology which allows us to create 3D models for projects. The models add context and provide a clear vision so that you can effectively engage with stakeholders in your community.

We have attached our 2017 Rate Schedules for our typical services and geotechnical/material testing services for your information. Like our clients, we are facing a competitive staffing environment and increasing costs of doing business. As in years past, we are committed to controlling our costs and minimizing change in our rates. Our rate schedule includes an overall increase of 3% for 2017.

Please accept our sincere gratitude for the opportunity to serve you. I would be happy to answer any questions you have related to our rate schedules or our services. I can be contacted at (763) 541-4800.

Sincerely,

**WSB & Associates, Inc.**

Diane Hankee, PE  
Associate

Attachments

srb



# 2017 Rate Schedule

	<b>Billing Rate/Hour</b>
Principal	\$160-\$180
Associate / Sr. Project Manager / Sr. Project Engineer	\$143-\$180
Project Manager	\$125-\$137
Project Engineer	\$109-\$138
Graduate Engineer	\$82-\$102
Sr. Landscape Architect / Sr. Planner / Sr. GIS Specialist	\$113-\$142
Landscape Architect / Planner / GIS Specialist	\$67-\$107
Engineering Specialist / Sr. Environmental Scientist	\$94-\$135
<b>Pavement Coring</b>	
One-Person Crew	\$165
Two-Person Crew	\$245
<b>Survey</b>	
One-Person Crew	\$135
Two-Person Crew	\$172
Three-Person Crew	\$189
Underwater Inspection Dive Team	\$470
Office Technician	\$45-\$88
<p>Costs associated with word processing, cell phones, reproduction of common correspondence, and mailing are included in the above hourly rates. Vehicle mileage is included in our billing rates [excluding geotechnical and construction materials testing (CMT) service rates]. Mileage can be charged separately, if specifically outlined by contract.</p> <p>Reimbursable expenses include costs associated with plan, specification, and report reproduction; permit fees; delivery costs; etc.</p> <p>Multiple rates illustrate the varying levels of experience within each category.</p> <p>Rate Schedule is adjusted annually.</p>	



# 2017 Unit Rate Test Costs

Description	Unit	Rate
<b>Drilling Charges</b>		
Two-Person Crew Performing Soil Borings and Rock Coring	Per Hour	\$200.00
Two-Person Crew Travel Time, Utility Meets, Standby	Per Hour	\$160.00
Drilling Rig Mileage	Per Mile	\$1.35
Support Truck Mileage	Per Mile	\$1.05
Semi-Tractor Transport Mileage	Per Mile	\$2.20
Truck-Mounted Drilling Rig	Per Hour	\$50.00
Track-Mounted Drilling Rig	Per Hour	\$100.00
Trailer Rental (for transport of Track-Mounted Drilling Rig)	Per Project	\$350.00
<b>Construction Materials Testing</b>		
<b>Soils</b>		
Unified Soil Classification (ASTM D2487)	Per Sample	\$15.00
Visual Soil Identification (ASTM D2488)	Per Sample	\$15.00
Hand Penetrometer/Torvane	Per Test	\$10.00
Water/Moisture Content (ASTM D2216)	Per Test	\$15.00
Dry Density w/ Moisture (ASTM D7263)	Per Test	\$40.00
Atterberg Limits, P.I. (ASTM D4318)	Per Test	\$125.00
Liquid Limit or Plastic Limit Only	Per Test	\$60.00
Shrinkage Limit (ASTM D427)	Per Test	\$110.00
Sample Preparation (ASTM D421)	Per Sample	\$20.00
Sieve Analysis w/#200 Wash (ASTM D422 & ASTM D1140)	Per Test	\$155.00
#200 Wash Only (ASTM D1140)	Per Test	\$65.00
Sieve Analysis w/Hydrometer (ASTM D422)	Per Test	\$200.00
pH Determination (ASTM G51)	Per Test	\$45.00
Specific Gravity (ASTM D854)	Per Test	\$120.00
Organic Content (ASTM D2974)	Per Test	\$60.00
Topsoil Borrow (MnDOT 3877)	Per Test	\$280.00
Electrical Resistivity, Miller Box (ASTM G57 or G187)	Per Test	\$90.00
Unconfined Compression (ASTM D2166)	Per Test	\$80.00
Proctor Sample Preparation	Per Sample	\$30.00



## 2017 Unit Rate Test Costs

Standard Proctor (ASTM D698)	Per Test	\$150.00
Modified Proctor (ASTM D1557)	Per Test	\$175.00
Proctor – One Point Check	Per Test	\$60.00
Permeability – Falling Head (ASTM D3385)	Per Test	\$230.00
Consolidation – Up to 32 TSF (ASTM D2435)	Per Test	\$550.00
Sand Equivalent (ASTM D2419)	Per Test	\$200.00
Static Cone Penetrometer Rental (ASTM D3441)	Per Test	\$30.00
Dynamic Cone Penetrometer Rental (MnDOT Modified)	Per Test	\$40.00
Nuclear Density Testing Rental (ASTM D6938)	Per Trip	\$25.00
Sand Cone Density Rental (ASTM D1556)	Per Test	\$20.00
Double Ring Infiltrometer Rental (ASTM D3385)	Per Day	\$200.00
Wenner Probe Rental (ASTM G57)	Per Day	\$200.00
<b>Aggregates</b>		
Reducing Sample (ASTM C702)	Per Sample	\$20.00
Moisture Content (ASTM C566)	Per Test	\$20.00
Sieve Analysis (ASTM C136)	Per Test	\$100.00
Sieve Analysis w/#200 (ASTM C136 & ASTM C117)	Per Test	\$150.00
#200 Wash Only (ASTM C117)	Per Test	\$65.00
Clay Lumps & Friable (ASTM C142)	Per Test	\$100.00
Organic Impurities (ASTM C40)	Per Test	\$60.00
Specific Gravity & Absorption (ASTM C127 or ASTM C128)	Per Test	\$110.00
Lightweight Particles (ASTM C123)	Per Test	\$130.00
Unit Weight (ASTM C29)	Per Test	\$64.00
Abrasion – Los Angeles Rattler (ASTM 131 or ASTM C535)	Per Test	\$120.00
Percent Crushing (ASTM D5821)	Per Test	\$160.00
Flat & Elongated (ASTM D4791)	Per Test	\$150.00
Fine Aggregate Angularity (ASTM C1252)	Per Test	\$110.00
Total Spall - Visual (MnDOT 1209)	Per Test	\$175.00
Insoluble Residue (ASTM D3042)	Per Test	\$240.00
Soundness (ASTM C88)	Per Test	\$250.00



## 2017 Unit Rate Test Costs

Concrete		
Cylinder Molds	Per Mold	\$2.50
Preparation of Cylinder Ends	Per Cylinder	\$15.00
Compressive Strength – Cylinders (ASTM C39)	Per Cylinder	\$30.00
Compressive Strength – Mortar Cubes (ASTM C109)	Per Cube	\$30.00
Compressive Strength – Grout Prism (ASTM C1019)	Per Prism	\$60.00
Compressive Strength – Masonry Prisms (ASTM C1314)	Per Prism	\$160.00
Compressive Strength – CMU Block (ASTM C140)	Per Block	\$200.00
Compressive Strength – Beams (ASTM C78)	Per Beam	\$100.00
Compressive Strength – Concrete Cores (ASTM C42)	Per Core	\$80.00
Floor Flatness & Levelness Rental (ASTM E1155)	Per Day	\$200.00
Schmidt Rebound Hammer Rental (ASTM C805)	Per Day	\$40.00
Pullout Strength Rental (ASTM C900)	Per Day	\$200.00
Ground Penetrating Radar Rental (ASTM D6432)	Per Hour	\$60.00
Bituminous		
Pavement Density & Thickness (ASTM D2726)	Per Core	\$45.00
Core Thickness (ASTM D2726)	Per Core	\$15.00
Saw Trimming of Core Lifts	Per Core	\$20.00
Extraction (MnDOT 1852)	Per Test	\$160.00
Extraction & Gradation (MnDOT 1852)	Per Test	\$210.00
MnDOT Gyrotory Mix Properties	Per Test	\$525.00
Miscellaneous		
Sprayed Fire Materials Pull Test (ASTM E736)	Per Test	\$60.00
Sprayed Fire Materials Thickness & Density (ASTM E605)	Per Test	\$65.00
Company Vehicle Miles	Per Mile	\$0.70
<p>Costs associated with word processing, cell phones, reproduction of common correspondence, and mailing are included in the above rates. Vehicle mileage fees are not included in our rates.</p> <p>Rental Rates are in addition to personnel billing rates.</p> <p>Rate Schedule is adjusted annually.</p>		

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

# Meeting Date Jan. 17, 2017

## Council Action Memo

To: Honorable Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: January 9, 2017  
Re: Street Reconstruction Bonds – Public Hearing **(Cancelled)**

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The Council, at its January 12, 2017 Special Meeting, reconsidered its action from its December 20, 2016 meeting which directed staff to move forward with the process of issuing Street Reconstruction Bonds to finance planned street improvements, and to also be prepared to move forward with the process of issuing Abatement Bonds if the Council's vote on the sale of Street Reconstruction Bonds was not unanimous. The Council approved simplifying the bond sale process by focusing only on the issuance of Abatement Bonds and cancelling the scheduled hearing on the Street Reconstruction Bonds, which was published for the January 17, 2017 Council meeting.

**Council Action Requested**

**No Action Required.**

**City of Afton**  
**3033 St. Croix Trl, P.O. Box 219**  
**Afton, MN 55001**

## Meeting Date Jan. 17, 2017

### Council Action Memo

To: Mayor Bend and Members of the City Council  
 From: Ron Moore, City Administrator  
 Date: January 10, 2017  
 Re: Brown Trout LLC Application for Variance and Minor Subdivision at 15311 Putnam Boulevard and 2573 Stagecoach Trail – Resolution 2017-08 - Public Hearing

#### Background

The properties at 15311 Putnam Boulevard and 2573 Stagecoach Trail are both owned by Brown Trout LLC. The properties are zoned Rural Residential. The property at 15311 Putnam Boulevard historically had its driveway access directly from Putnam Boulevard. During the period from 2006 to 2008, the City worked through a process to close Putnam Boulevard to traffic due to unsafe conditions related to a sharp curve that was not economically feasible to reconstruct. At the time of the road closure, the owner of the Putnam Boulevard property also owned the property to the south at 2573 Stagecoach Trail, and used a driveway from Stagecoach Trail to access the Putnam Boulevard property. Since that time, both properties were purchased by Brown Trout LLC and both houses were removed.

Brown Trout began a house project that was expanded beyond the required setback area, which caused them to apply for a lot line rearrangement through a minor subdivision to enable the house to meet the required setback. The Council denied the lot line rearrangement, in favor of combining the two parcels to resolve the house setback issue and the access issue for the Putnam Boulevard parcel. Brown Trout LLC then argued that the two parcels, each of which meet the minimum lot size and one of which does not meet the frontage and access requirements due to the City's closure of Putnam Boulevard, should be allowed to remain as separate buildable lots. The Council then indicated it would consider an application for a minor subdivision/lot line rearrangement and a variance to allow access to the Putnam Boulevard parcel through the Stagecoach Trail parcel via a shared driveway.

#### Public Hearing

While the public hearing regarding a land use application is normally held at the Planning Commission, the Planning Commission had previously held a public hearing on a similar application for these parcels and had provided a recommendation to the Council. Therefore the public hearing is being held at the Council meeting.

#### Application Materials

Attached are the application materials for a minor subdivision for a lot line rearrangement and a variance for a shared driveway, including a survey showing the proposed lot line rearrangement and the easement area for a shared driveway to serve the Putnam Boulevard parcel. Also attached is an aerial photo from the Washington County property records website showing the two existing parcels. (The Putnam Boulevard parcel is shown in color and the Stagecoach Trail parcel is shown cross-hatched.)

#### Findings

The following is a set of suggested findings related to the applications.

1. The minor subdivision does not create an additional lot, but rearranges the lot line between the two lots.
2. While the proposed lot line between the two properties is irregular, it is less irregular than the existing lot line.
3. Each of the two proposed lots meets the 5-acre minimum lot size.
4. The proposed minor subdivision would enable both the existing house on the Stagecoach Trail parcel and a future house on the Putnam Boulevard parcel to meet required setbacks.

5. The circumstances of the Putnam Boulevard parcel are unique in that it was a buildable parcel prior to the closure of Putnam Boulevard and, due to the loss of access from Putnam Boulevard, the parcel would be unbuildable without a shared driveway.
6. Because the two parcels were both buildable in the past, the variance would not change the essential character of the neighborhood.

**Conditions**

The following are suggested conditions of approval, in the case that the Council approves the applications.

1. A driveway permit is required for driveway construction
2. Scenic easements shall be placed on all areas with slope 18% or greater.

**Resolutions**

Attached for the Council's consideration are a resolution of approval and a resolution of denial.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the adoption of a resolution regarding the Brown Trout LLC variance and minor subdivision applications at 15311 Putnam Boulevard and 2573 Stagecoach Trail.**

**RESOLUTION 2017-08**

**CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION APPROVING THE BROWN TROUT LLC APPLICATION FOR A MINOR  
SUBDISION FOR A LOT LINE REARRANGEMENT AND A VARIANCE FOR A SHARED  
DRIVEWAY AT 15311 PUTNAM BOULEVARD AND 2573 STAGECOACH TRAIL**

**WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and

**WHEREAS,** Brown Trout LLC has applied for a minor subdivision for a lot line rearrangement and a variance for a shared driveway at 15311 Putnam Boulevard and 2573 Stagecoach Trail; and

**WHEREAS,** City staff reviewed the request and drafted a report for consideration; and

**WHEREAS,** the City Council held a public hearing regarding the request at its regular meeting on January 17, 2017, at which it considered all of the comments, concerns and recommendations of the public, the Zoning Administrator and the applicant;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Afton does hereby **APPROVE** the Brown Trout LLC application for a minor subdivision for a lot line rearrangement and a variance to allow a shared driveway at 15311 Putnam Boulevard and 2573 Stagecoach Trail, based on the findings of fact and conditions as listed below:

Findings

1. The minor subdivision does not create an additional lot, but rearranges the lot line between the two lots.
2. While the proposed lot line between the two properties is irregular, it is less irregular than the existing lot line.
3. Each of the two proposed lots meets the 5-acre minimum lot size.
4. The proposed minor subdivision would enable both the existing house on the Stagecoach Trail parcel and a future house on the Putnam Boulevard parcel to meet required setbacks.
5. The circumstances of the Putnam Boulevard parcel are unique in that it was a buildable parcel prior to the closure of Putnam Boulevard and, due to the loss of access from Putnam Boulevard, the parcel would be unbuildable without a shared driveway.
6. Because the two parcels were both buildable in the past, the variance would not change the essential character of the neighborhood.

Conditions

1. A driveway permit is required for driveway construction
2. Scenic easements shall be placed on all areas with slope 18% or greater.

**RESOLUTION 2017-08**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17<sup>th</sup> DAY OF  
JANUARY, 2017.**

**SIGNED:**

---

Richard Bend, Mayor

**ATTEST:**

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Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Palmquist:  
Richter:  
Ross:  
Nelson:  
Bend:

**RESOLUTION 2017-XX**

**CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION DENYING THE BROWN TROUT LLC APPLICATION FOR A MINOR SUBDISION FOR A LOT LINE REARRANGEMENT AND A VARIANCE FOR A SHARED DRIVEWAY AT 15311 PUTNAM BOULEVARD AND 2573 STAGECOACH TRAIL**

- WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and
- WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and
- WHEREAS,** Brown Trout LLC has applied for a minor subdivision for a lot line rearrangement and a variance for a shared driveway at 15311 Putnam Boulevard and 2573 Stagecoach Trail; and
- WHEREAS,** City staff reviewed the request and drafted a report for consideration; and
- WHEREAS,** the City Council held a public hearing regarding the request at its regular meeting on January 17, 2017, at which it considered all of the comments, concerns and recommendations of the public, the Zoning Administrator and the applicant;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Afton does hereby DENY the Brown Trout LLC application for a minor subdivision for a lot line rearrangement and a variance to allow a shared driveway at 15311 Putnam Boulevard and 2573 Stagecoach Trail, based on the findings of fact listed below:

Findings

(The findings of fact are to be provided by the City Council)

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17<sup>th</sup> DAY OF JANUARY, 2017.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Palmquist:  
Richter:  
Ross:  
Nelson:  
Bend:

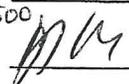
RECEIVED

DEC 22 2016

CITY OF AFTON

216-40

### CITY OF AFTON MINOR SUBDIVISION PERMIT APPLICATION

Owner	Address	City	State	Zip	Phone
Brown Trout LLC	15311 Putnam Blvd. S. & 2573 Stagecoach Trail	Afton	MN	55001	612-386-4962
Applicant (if different than owner)	Address	City	State	Zip	Phone
Brown Trout LLC	15311 Putnam Blvd. S. & 2573 Stagecoach Trail	Afton	MN		
Project Address					
		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
	Residential	See attached Exhibit A			
Description of Request					
See narrative attached as Exhibit B					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
Signature of Owner/Applicant			Date		
			12/20/16		
Make checks payable to City of Afton:					
<b>FEES:</b>		<b>Escrow:</b>			
Minor Subdivision	\$250.00	Minor Subdivision	\$1,500.00	TOTAL:	\$1,750.00
			DATE PAID:	12-22-16	
			CHECK #:	1006 + 1008	
			RECVD. BY:		
<b>ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION</b>					

616588

OFFICE OF  
COUNTY RECORDER  
WASHINGTON COUNTY, MN

DEC 8 10 49 AM '89

616588  
JANUARY 1990  
DEPUTY

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed (  ) not required  
Certificate of Real Estate Value No. December 8, 1989  
H. V. Stafford  
County Auditor  
by Judith Atkins  
Deputy

STATE DEED TAX DUE HEREON: \$ 1.65

Date: 2-1, 1989

10.- (reserved for recording data)

FOR VALUABLE CONSIDERATION, Thomas N. Johnson and Norah A. Johnson  
husband and wife, Grantor(s),  
(marital status)  
hereby convey (s) and quitclaim (s) to Thomas N. Johnson and Norah A. Johnson  
husband and wife, Grantees  
as joint tenants, real property in Washington County, Minnesota, described as follows:

See attached Exhibit "A".

This transaction involves consideration of \$500.00 or less.

CURRENT TAXES PAID IN FULL  
R.H. STAFFORD BY J

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

Thomas N. Johnson  
Thomas N. Johnson  
Norah A. Johnson  
Norah A. Johnson

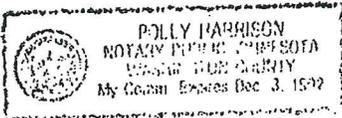
STATE OF MINNESOTA

COUNTY OF WASHINGTON } ss.

The foregoing instrument was acknowledged before me this 14th day of February, 1989,  
by Thomas N. Johnson and Norah A. Johnson, husband and wife

, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



[Signature]  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Two Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

return to:  
Mr. and Mrs. Thomas Johnson  
P.O. Box 351  
Afton, MN 55001

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Edward W. Simonet, III  
Attorney at Law  
522 South Fourth Street  
Stillwater, MN 55082  
(612) 439-5787  
A.R.N. 101217

MINNESOTA CONSERVATION FUND  
WASHINGTON COUNTY

\$5.00 FEE PAID

M. S. 473H 29/12/89 DATE  
#026,881 JH INITIALS

Schedule 1

Parcel A

616588

All that part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:  
 Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter, thence South 01 degree 10 minutes 59 seconds East, assumed bearing, along the easterly line thereof 560.00 feet; thence South 88 degrees 49 minutes 01 seconds West 165.00 feet; thence South 88 degrees 25 minutes 46 seconds West along a line which if extended would intersect the centerline of Stagecoach Trail South (a.k.a. Afton and Lakeland Road) at a distance of 660.00 feet South of the North line of said Northeast Quarter of the Southeast Quarter, for a distance of 158.52 feet, more or less, to the westerly line of the East 323.52 feet of said Northeast Quarter of the Southeast Quarter; thence North 01 degree 10 minutes 59 seconds West along said westerly line 451.93 feet to the point of beginning of the parcel being described; thence South 25 degrees 54 minutes 03 seconds West 200.28 feet; thence South 88 degrees 30 minutes 06 seconds West 125.00 feet; thence North 34 degrees 09 minutes 41 seconds West 117.00 feet; thence North 87 degrees 35 minutes 48 seconds West 214.29 feet; thence South 80 degrees 07 minutes 24 seconds West 73.00 feet; thence South 88 degrees 30 minutes 06 seconds West 114.61 feet, more or less, to the centerline of Putnam Boulevard South (a.k.a. Afton and Lakeland Road); thence North 21 degrees 03 minutes 21 seconds West along said centerline 300.05 feet, more or less, to said northerly line of the Northeast Quarter of the Southeast Quarter; thence North 88 degrees 30 minutes 06 seconds East 782.52 feet, more or less, to said westerly line of the East 323.52 feet of the Northeast Quarter of the Southeast Quarter; thence South 01 degree 10 minutes 59 seconds East along said westerly line 207.36 feet, more or less, to the point of beginning.  
 Containing 5.12 Acres, more or less.  
 Subject to the right-of-way of Putnam Boulevard South (a.k.a. Afton and Lakeland Road).

Conveyance of land described by this instrument is hereby approved and is authorized to be done and subdivided.

CITY OF Afton

By Paul W. Jeff 2-16-89  
 City Attorney W. G. Guse

EXHIBIT A  
 (parcel A)

Individual(s) to Joint Tenants

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed (  ) not required Certificate of Real Estate Value No.

December 8, 1989

R.H. Stafford County Auditor  
by Judith Atkins Deputy

STATE DEED TAX DUE HEREON: \$ 1.65

Date: 2-1, 1989

10. - (reserved for recording data)

616589  
OFFICE OF  
COUNTY RECORDER  
WASHINGTON COUNTY, MN

DEC 8 10 49 AM '89

616589  
JOHN  
COUNTY  
of Paul Brader DEPUTY

FOR VALUABLE CONSIDERATION, Thomas N. Johnson and Norah A. Johnson,  
husband and wife, Grantor(s),  
(marital status)  
hereby convey (s) and quitclaim (s) to Thomas N. Johnson and Norah A. Johnson,  
husband and wife, Grantees  
as joint tenants, real property in Washington County, Minnesota, described as follows:

See attached Exhibit "A".

This transaction involves consideration of \$500.00 or less.

CURRENT TAXES PAID IN FULL  
R.H. STAFFORD BY Judith Atkins

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

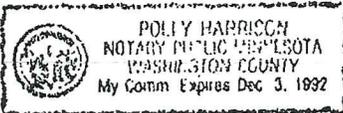
Thomas N. Johnson  
Thomas N. Johnson  
Norah A. Johnson  
Norah A. Johnson

STATE OF MINNESOTA

COUNTY OF WASHINGTON } ss.

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of February, 1989,  
by Thomas N. Johnson and Norah A. Johnson, husband and wife, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



Edith Harriccn  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

return to  
Mr. and Mrs. Thomas Johnson  
P.O. Box 351  
Afton, MN 55001

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Edward W. Simonet, III  
Attorney at Law  
522 South Fourth Street  
Stillwater, MN 55082  
(612) 439-5787  
A.R.N. 101217

MINNESOTA CONSERVATION FUND  
WASHINGTON COUNTY

\$5.00 FEE PAID  
M. S. 473H 5/11/88 JJA  
#126,802 INITIAL

Schedule 2

Parcel B

616589

All that part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter, thence South 01 degree 10 minutes 59 seconds East, assumed bearing, along the easterly line thereof 660.00 feet; thence South 88 degrees 49 minutes 01 seconds West 165.00 feet; thence South 88 degrees 25 minutes 46 seconds West along a line hereinafter referred to as "Line A" to a point in the centerline of Stagecoach Trail South, (a.k.a. Afton and Lakeland Road), said point being 660.00 feet South of the North line of said Northeast Quarter of the Southeast Quarter, said point also being the point of beginning of the parcel being described; thence North 88 degrees 25 minutes 46 seconds East along said "Line A" 569.30 feet, more or less, to the westerly line of the East 323.52 feet of said Northeast Quarter of the Southeast Quarter; thence North 01 degree 10 minutes 59 seconds West along said westerly line 451.93 feet; thence South 25 degrees 54 minutes 03 seconds West 200.28 feet; thence South 88 degrees 30 minutes 06 seconds West 125.00 feet; thence North 34 degrees 09 minutes 41 seconds West 117.30 feet; thence North 87 degrees 35 minutes 48 seconds West 214.29 feet; thence South 80 degrees 07 minutes 24 seconds West 73.00 feet; thence South 88 degrees 30 minutes 06 seconds West 114.61 feet, more or less, to the centerline of Putnam Boulevard South (a.k.a. Afton and Lakeland Road); thence South 21 degrees 03 minutes 21 seconds East along said centerline 84.34 feet to an angle point in said Afton and Lakeland Road; thence South 16 degrees 41 minutes 59 seconds East along said centerline 308.59 feet to the point of beginning.

Containing 5.01 Acres, more or less.

Subject to the right-of-way of Putnam Boulevard South and Stagecoach Trail South, both formerly know as the Afton and Lakeland Road.

Conveyance of Land described by this instrument is hereby approved and is entitled to recording and subdividing.

CITY OF

Afton

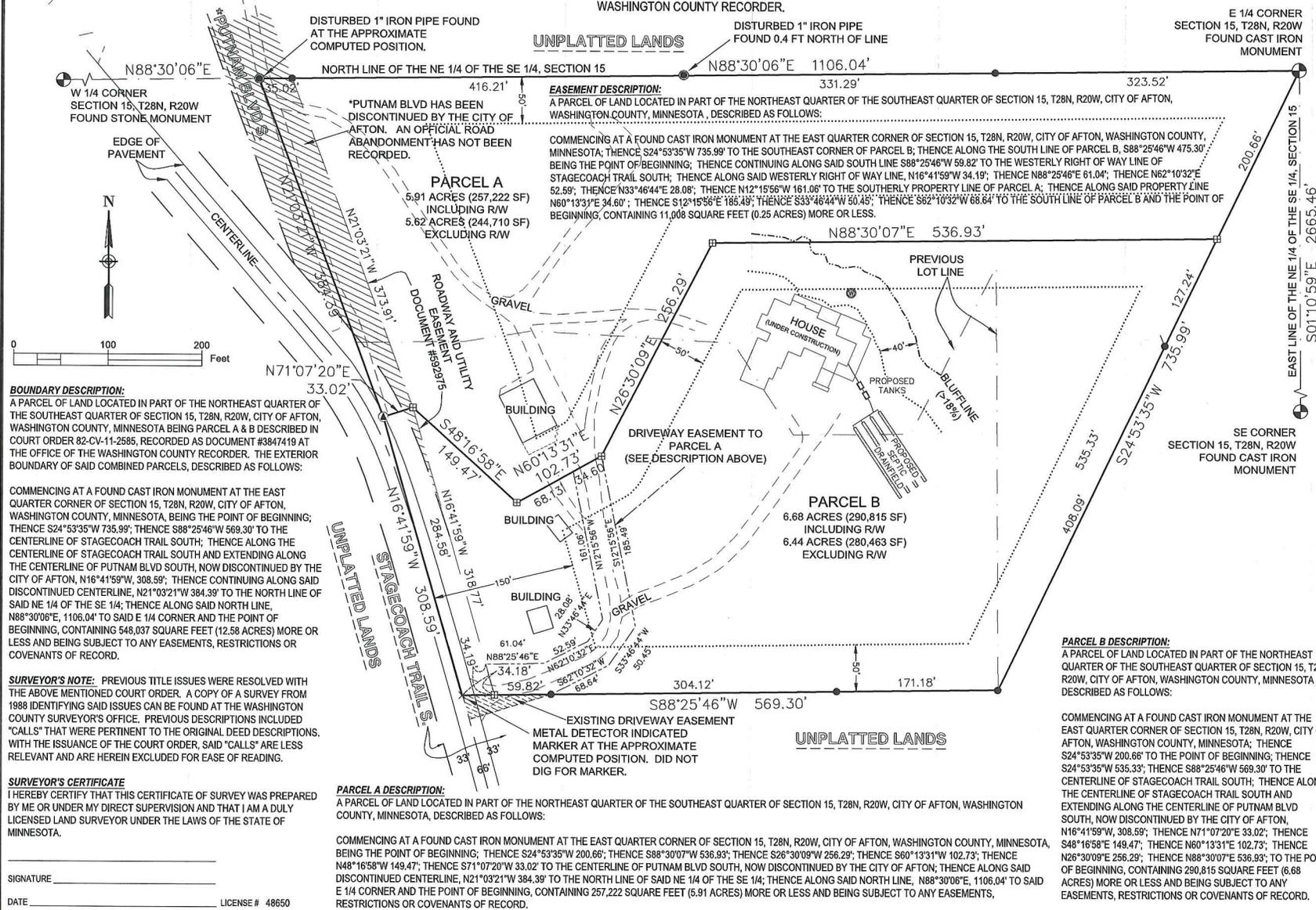
By

Paul A. Wolf 2-16-89  
City Attorney Date

EXHIBIT A  
(parcel B)

# CERTIFICATE OF SURVEY

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.



**BOUNDARY DESCRIPTION:**  
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER. THE EXTERIOR BOUNDARY OF SAID COMBINED PARCELS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35\"/>

**SURVEYOR'S NOTE:** PREVIOUS TITLE ISSUES WERE RESOLVED WITH THE ABOVE MENTIONED COURT ORDER. A COPY OF A SURVEY FROM 1988 IDENTIFYING SAID ISSUES CAN BE FOUND AT THE WASHINGTON COUNTY SURVEYOR'S OFFICE. PREVIOUS DESCRIPTIONS INCLUDED "CALLS" THAT WERE PERTINENT TO THE ORIGINAL DEED DESCRIPTIONS. WITH THE ISSUANCE OF THE COURT ORDER, SAID "CALLS" ARE LESS RELEVANT AND ARE HEREIN EXCLUDED FOR EASE OF READING.

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_ LICENSE # 48650

**PARCEL A DESCRIPTION:**  
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35\"/>

**EASEMENT DESCRIPTION:**  
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA; THENCE S24°53'35\"/>

**PARCEL B DESCRIPTION:**  
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA; THENCE S24°53'35\"/>

<b>SONNENTAG CONSULTING, L.L.C.</b>	
616 TOWER RD. HUDSON, WI 54016 PH. 651-334-3352	
<b>LAND SOLUTIONS</b> A DIVISION OF SONNENTAG PH. 715-246-7529	
<b>PROJECT:</b>	
BROWN TROUT LLC 15511 PUTNAM BLVD S AFTON, MN PART OF NE-SE, SECTION 15, T28N, R20W, WASHINGTON COUNTY, MN	
<b>NOTES:</b>	
<b>LEGEND:</b>	
PROPERTY LINE	
— EXISTING BITUMINOUS EDGE	
- - - EXISTING GRAVEL EDGE	
● FOUND COUNTY SECTION CORNER MONUMENT (AS NOTED)	
● FOUND 1" OUTSIDE DIAMETER IRON PIPE	
● FOUND 0.75" OUTSIDE DIAMETER IRON PIPE (W/CAP #13774)	
■ SET 3/4" X 1/8" REBAR WEIGHING 1.502 LBS PER LIN. FT (W/CAP #48650)	
Ⓢ SET SURVEY MARK NAIL	
<b>BEARINGS REFERENCED TO THE EAST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 15, T28N, R20W WHICH BEARS S07°05'59\"/&gt; </b>	
<b>DRAWN BY:</b> JMS	<b>CHECKED BY:</b> JWG
<b>DATE:</b> 04/07/16	<b>DWG FILE:</b> 115-LEZEN (RIVAS)
<b>JOB NUMBER:</b> 115-LEZEN (RIVAS)	<b>STAFF DATE</b>
<b>REVISION FOR REVIEW:</b> JMS 04/18/16	
<b>REVISED LAYOUT:</b> JMS 05/20/16	
<b>EASEMENT PER ATTORNEY LETTER:</b> JMS 11/29/16	
<b>CERTIFICATE OF SURVEY</b>	
SHEET NO. 1 OF 1	

**EXISTING SLOPES AND BUILDABLE AREA**

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2586, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER

**SONNENTAG CONSULTING, LLC.**

616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-354-3352



**PROJECT:**  
BROWN TROUT LLC  
1551 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

**LEGEND:**

SLOPES 12-18%  
SLOPES > 18%

**NOTE:**  
BUILDABLE AREA = LOT ACREAGE, EXCEPT THE FOLLOWING AREAS:

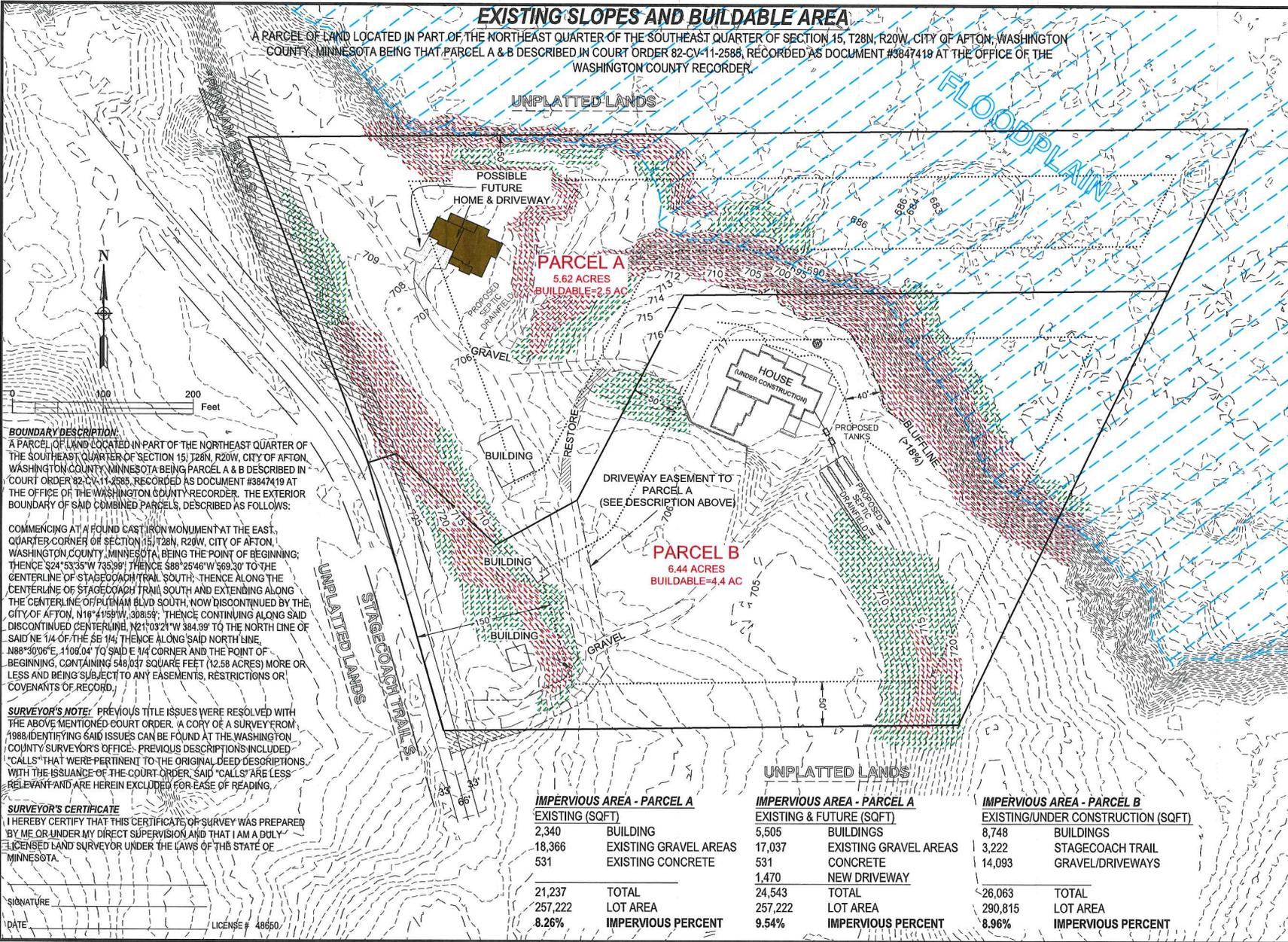
- FLOODPLAIN
- SLOPES > 18%
- RIGHT OF WAY
- DRIVEWAY EASEMENT

THE ELEVATIONS SHOWN ARE ON NAD 1983 DATUM DERIVED FROM LIDAR DATA AVAILABLE THROUGH THE MN GEOSPATIAL INFORMATION OFFICE. APPROXIMATE SLOPE CATEGORIES WERE GENERATED FROM THE LIDAR SURFACE MODEL.

**DRAWN BY:** JMS  
**CHECKED BY:**  
**DATE:** 04/07/16  
**DWG FILE:** 115-LENZEN (RIVAS)  
**REF FILE:**  
**JOB NUMBER:** 115-LENZEN (RIVAS)  
**REVISION DESC. | STAFF | DATE**

RELEASED FOR REVIEW	JMS	04/18/16
IMPERVIOUS AREAS	JMS	04/27/16
REVISED LOT LAYOUT	JMS	08/25/16
REVISED PER ATTORNEY LETTER	JMS	11/30/16

**SLOPES & BUILDABLE AREA**  
SHEET NO. 1 OF 1



**BOUNDARY DESCRIPTION:**  
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2586, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER. THE EXTERIOR BOUNDARY OF SAID COMBINED PARCELS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35"W 735.99'; THENCE S88°25'46"W 569.30' TO THE CENTERLINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG THE CENTERLINE OF STAGECOACH TRAIL SOUTH AND EXTENDING ALONG THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON, N19°41'59"W 308.65'; THENCE CONTINUING ALONG SAID DISCONTINUED CENTERLINE, N21°03'21"W 384.89' TO THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, N88°30'06"E, 1108.04' TO SAID E 1/4 CORNER AND THE POINT OF BEGINNING, CONTAINING 548,037 SQUARE FEET (12.58 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.

**SURVEYOR'S NOTE:** PREVIOUS TITLE ISSUES WERE RESOLVED WITH THE ABOVE MENTIONED COURT ORDER. A COPY OF A SURVEY FROM 1988 IDENTIFYING SAID ISSUES CAN BE FOUND AT THE WASHINGTON COUNTY SURVEYOR'S OFFICE. PREVIOUS DESCRIPTIONS INCLUDED "CALLS" THAT WERE PERTINENT TO THE ORIGINAL DEED DESCRIPTIONS WITH THE ISSUANCE OF THE COURT ORDER, SAID "CALLS" ARE LESS RELEVANT AND ARE HEREIN EXCLUDED FOR EASE OF READING.

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_ LICENSE # 48650

**IMPERVIOUS AREA - PARCEL A**

EXISTING (SQFT)	
2,340	BUILDING
18,366	EXISTING GRAVEL AREAS
531	EXISTING CONCRETE
<hr/>	
21,237	TOTAL
257,222	LOT AREA
8.26%	IMPERVIOUS PERCENT

**IMPERVIOUS AREA - PARCEL A**

EXISTING & FUTURE (SQFT)	
5,505	BUILDINGS
17,037	EXISTING GRAVEL AREAS
531	CONCRETE
1,470	NEW DRIVEWAY
<hr/>	
24,543	TOTAL
257,222	LOT AREA
9.54%	IMPERVIOUS PERCENT

**IMPERVIOUS AREA - PARCEL B**

EXISTING/UNDER CONSTRUCTION (SQFT)	
8,748	BUILDINGS
3,222	STAGECOACH TRAIL
14,093	GRAVEL/DRIVEWAYS
<hr/>	
26,063	TOTAL
290,815	LOT AREA
8.96%	IMPERVIOUS PERCENT

**EASEMENT DESCRIPTION:**

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA , DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA; THENCE S24°53'35"W 735.99' TO THE SOUTHEAST CORNER OF PARCEL B; THENCE ALONG THE SOUTH LINE OF PARCEL B, S88°25'46"W 475.30' BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S88°25'46"W 59.82' TO THE WESTERLY RIGHT OF WAY LINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, N16°41'59"W 34.19'; THENCE N88°25'46"E 61.04'; THENCE N62°10'32"E 52.59'; THENCE N33°46'44"E 28.08'; THENCE N12°15'56"W 161.06' TO THE SOUTHERLY PROPERTY LINE OF PARCEL A; THENCE ALONG SAID PROPERTY LINE N60°13'31"E 34.60' ; THENCE S12°15'56"E 185.49'; THENCE S33°46'44"W 50.45'; THENCE S62°10'32"W 68.64' TO THE SOUTH LINE OF PARCEL B AND THE POINT OF BEGINNING, CONTAINING 11,008 SQUARE FEET (0.25 ACRES) MORE OR LESS.

**PARCEL A DESCRIPTION:**

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35"W 200.66'; THENCE S88°30'07"W 536.93'; THENCE S26°30'09"W 256.29'; THENCE S60°13'31"W 102.73'; THENCE N48°16'58"W 149.47'; THENCE S71°07'20"W 33.02' TO THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON; THENCE ALONG SAID DISCONTINUED CENTERLINE, N21°03'21"W 384.39' TO THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, N88°30'06"E, 1106.04' TO SAID E 1/4 CORNER AND THE POINT OF BEGINNING, CONTAINING 257,222 SQUARE FEET (5.91 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.

**PARCEL B DESCRIPTION:**

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA , DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA; THENCE S24°53'35"W 200.66' TO THE POINT OF BEGINNING; THENCE S24°53'35"W 535.33'; THENCE S88°25'46"W 569.30' TO THE CENTERLINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG THE CENTERLINE OF STAGECOACH TRAIL SOUTH AND EXTENDING ALONG THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON, N16°41'59"W, 308.59'; THENCE N71°07'20"E 33.02'; THENCE S48°16'58"E 149.47'; THENCE N60°13'31"E 102.73'; THENCE N26°30'09"E 256.29'; THENCE N88°30'07"E 536.93'; TO THE POINT OF BEGINNING, CONTAINING 290,815 SQUARE FEET (6.68 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD

## **Description of Request**

When purchased by the Applicant the property that is the Subject of this Request was 2 parcels:

Parcel A, is 5.12 Acres, 300.5 ft. of frontage on Putnam, was created by document number 616588, approved for recording by the City of Afton on February 16<sup>th</sup>, 1989. Parcel B is 5.01 Acres, 382.72 ft. of frontage on Putnam and Stagecoach, was created by document number 616589, approved for recording by the City of Afton on February 16<sup>th</sup>, 1989, copies of both deeds that have the City stamp approving the documents for recording are attached as Schedule 1 and Schedule 2.

Properties at 15311 Putnam Boulevard and 2573 Stagecoach Trail are both owned by Brown Trout LLC. The property at 15311 Putnam Boulevard has historically had its public road frontage and its driveway access directly from Putnam Boulevard. During the period from 2006 to 2008, the City worked through a process to close Putnam Boulevard to traffic due to unsafe conditions related to a sharp curve that was not economically feasible to reconstruct. This included a survey of the property owners along Putnam Boulevard regarding the closure. Although the road was closed, the City still holds the road right-of-way. At the time of the road closure, the owner of the property also owned the property to the south at 2573 Stagecoach Trail, and used a driveway from Stagecoach Trail to access the property at 15311 Putnam.

When Brown Trout LLC applied for a building permit for a new house on the 15311 parcel, staff notified them that, because the property could no longer use Putnam Boulevard, a variance was required to enable the only access to the property to come through 2573 Stagecoach Trail property on a driveway easement.

The request is to allow Parcels A and B to have the common lot line between the parcels to be adjusted according to the Survey attached as Exhibit A, and for a variance to allow use of a common driveway that would allow both of the new parcels to use Stagecoach Trail for the common access.

RECEIVED

DEC 22 2016

CITY OF AFTON

716-39

### CITY OF AFTON VARIANCE APPLICATION

(Reference Sections: 12-55, 12-77, 12-328 12-835, 12-1020, 12-1266, 12-1955, 12-2228)

Owner	Address	City	State	Zip	Phone
Brown Trout LLC	15311 Putnam Blvd. S. & 2573 Slagorach Trl	Afton	MN	55001	612-386-4962
Applicant (if different than owner)	Address	City	State	Zip	Phone
Same as above					
Project Address	AFTON MN 55001				

Zoning Classification	Existing Use of Property	PID# or Legal Description
Residential	Residential	See attached legal descriptions

Please list the section(s) of the code from which the variance(s) are requested.

**Description of Request**

An application for a lot line adjustment has been filed at the same time as this application and both applications should be considered at the same time since they are related. This variance is requested to allow the use of a shared driveway since this will avoid the use of Putnam Blvd.

By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.

Signature of Owner/Applicant  \_\_\_\_\_

Date 12/20/16

Make checks payable to: **City of Afton**

If multiple variances are necessary from the applicant only **one** fee is required. However, the deposit fee must be multiplied by the number of variances sought.

<b>FEES:</b>	<b>ESCROWS:</b>		
Variance	\$250	<del>\$600</del> BJM	TOTAL: <u>250.00</u>
Renewal/Extension	\$250	\$350	DATE PAID: <u>12-20-16</u>
			CHECK #: <u>1007</u>
			RECVD BY: <u>BJM</u>

Applicant(s):     Brown Trout LLC      
 Phone:     612 386 4962      
 Mailing Address:     2573 Stagecoach Trail Afton, MN      
 Property Address for variance:     15311 Putnam Blvd and 2573 Stagecoach Trail , Afton    

Variance request description: To use a common driveway for two residential parcels. \_\_\_\_\_

City Ordinance Section number(s), that variance is requested for:     Section 12-477    

Answer the following questions to the best of your ability - based on the criteria found in section 12-77 of Afton's Code (Land Use, Appeals and Variances). Completing this questionnaire will help the Planning Commission and the City of Afton evaluate your application in light of the requirements of Afton's Variance Ordinance. It does not guarantee that your variance request will be approved. If needed use a separate page.

Background: This questionnaire is designed to help you and the City of Afton determine whether a variance should be granted. Please consult with the City Administrator who can help you with your variance application and explain the Variance Ordinance to you. The City Administrator will work with you to ensure that the variance you request is the minimum variance required to provide the same rights commonly enjoyed by other properties in the same zoning district. Because of special provisions for certain types of construction, the City Administrator will also determine whether the property is in the Flood Plain District. There are also special provisions for earth-sheltered construction.

**Criteria #1** *The requested use, must be a reasonable use in order to receive a variance. Applicant - Please explain why the proposed use which requires a variance is a reasonable use for this property?*  
    Both parcels are rural residential uses and both meet the minimum lot size for the zoning district .    

**Criteria #2** *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography, or other circumstances over which the property owner, since enactment of this Ordinance, have had no control. Applicant - What exceptional or extraordinary circumstances related to the property do not apply generally to other properties in the same zone or vicinity? Extraordinary circumstances would include lot size, irregular lot shape or topography. Are there other circumstances over which you, as the property owner, have no control?*

Explain?     Both parcels were lawfully subdivided and at the time of approval by the City of Afton, one had a driveway on Stagecoach and the other had a driveway on Putnam. When the council forbid vehicles on Putnam, it rendered that parcel unbuildable. The applicant is unaware of any other parcel that is similar to the tow parcel that are the subject of this application

**Criteria #3** *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.*

**Applicant** - How does the literal interpretation of the provisions of the Afton ordinance (from which you are requesting a variance) deprive you of rights commonly enjoyed by other properties in the same zoning district? Explain:            Other parcels in the zoning district that meet the lot size and dimensional standards are buildable. Without the variance, no reasonable use of the parcel remains. \_\_\_\_\_

**Criteria #4** *The special conditions or circumstances do not result from actions of the applicant.*

**Applicant** - How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances? Explain:            When the two parcels were purchased the records were checked and the records showed that both parcel had been approved as buildable by the City of Afton. \_\_\_\_\_

**Criteria #5** *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.*

**Applicant** - Will the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district? Explain:            The applicants are not aware of any other parcels in the City that would have the same history of these two parcels. It is not a special privilege that would be denied others since no other land, structures or buildings in this zoning district are similarly situated and had their status changed by the closing of Putnam Blvd. \_\_\_\_\_

**Criteria #6** *The variance requested is the minimum variance which would alleviate the hardship.*

**Applicant** - Is the variance you are requesting the minimum variance which would alleviate the practical difficulty or hardship for your property? Explain:            Without the sharing of the driveway to Stagecoach, the parcel with frontage on Putnam would be unbuildable. Since Putnam cannot be used , the minimum variance is requested to allow this valuable site to be use for residential use. \_\_\_\_\_

**Criteria #7** *The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.*

**Applicant (Optional)** - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity? Explain:            Both parcels are owned by the same entity and both will be developed for residential use. Both will have structures that will be beneficial to the neighborhood and a credit to the City of Afton. \_\_\_\_\_

**Criteria #8** *Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.*

**Applicant** - Is the requested variance for economic reasons? Explain:            The applicant believes that without the variance no reasonable use exists for the Putnam parcel since open space is not a reasonable use. Since a reasonable use does not exist under the term s of \_\_\_\_\_

the ordinance, economic circumstances should be a factor that can be considered. \_\_\_\_\_

---

**Criteria #9** *In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law. Applicant (optional), PC - Is the property in a Flood Plain District? No*

**Criteria #10** *Variances shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance. Applicant - Is the variance for earth-sheltered construction? No*

□

***ADDITIONAL CRITERIA THAT MAY BE CONSIDERED BY THE PLANNING COMMISSION (PC) AND/OR CITY COUNCIL(CC)- Applicant responses to criteria #11 and criteria #12 are optional.***

**Criteria #11** *Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance. Applicant (Optional), PC* - Is the requested variance in harmony with the Afton ordinances and code? How will this variance if granted (and the proposed use of the property allowed) affect the essential character of the area?

Explain: \_ High quality single family rural residential houses are in harmony and in accord with the general purpose of the zoning ordinance and that is how both parcels will be used. Both will be a credit to the City. \_\_\_\_\_  
\_\_\_\_\_

**Criteria #12** *Variances shall only be permitted when they are in harmony with the general purposes and intent of the Afton Comprehensive Plan. Applicant (Optional), PC* - Is the requested variance in harmony with the Afton comprehensive plan?

Explain: \_ The comprehensive plan values high quality rural residential use and since that goal is a founding principle of the City of Afton, the proposed use of these two parcels fits this principal and is in harmony with and in concert with the general purpose of the comprehensive plan of the City of Afton. \_\_\_\_\_  
\_\_\_\_\_

**CITY OF AFTON  
CITY COUNCIL  
NOTICE OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN: Notice is hereby given that the City of Afton City Council will convene on Tuesday, January 17, 2017 at 7:00 PM at the Afton City Hall Council Chambers, 3033 St. Croix Trail S., Afton, MN 55001 to conduct the following public hearing:

To consider the application by Brown Trout LLC for a variance and minor subdivision at 15311 Putnam Boulevard and 2573 Stagecoach Trail to enable a shared driveway and a lot line rearrangement between the two properties.

Materials will be available on Thursday, January 12 for viewing at the Afton City Hall, 3033 St. Croix Trail, Afton, MN. The materials will also be available on the City website at [www.ci.afton.mn.us](http://www.ci.afton.mn.us). All interested persons are encouraged to attend the public hearing.

Ron Moore  
City Administrator  
City of Afton

BELWIN CONSERVANCY  
or Current Resident  
1553 STAGECOACH TR S  
AFTON MN 55001

BELWIN  
or Current Resident  
1553 STAGECOACH TRL S  
AFTON MN 55001

STAGECOACH PORPERTIES LLC  
or Current Resident  
488 ATWATER CIR  
SAINT PAUL MN 55103

BORGWARDT MARK A & BARBARA K  
or Current Resident  
PO BOX 223  
AFTON MN 55001-0223

BROWN TROUT LLC  
or Current Resident  
15901 PUTNAM BLVD S  
AFTON MN 55001

TREAT JAMES R  
or Current Resident  
PO BOX 117  
AFTON MN 55001

SCHUMANN DENNIS C & LINDA A  
or Current Resident  
2598 STAGECOACH TRL S  
AFTON MN 55001

CARLSON ALBERT W & SANDRA P  
or Current Resident  
2534 STAGECOACH TR S  
AFTON MN 55001

ROBERTSON PAUL D  
or Current Resident  
PO BOX 5  
AFTON MN 55001-0005

WEBER CAROL J & CONNIE LEMIRE & COLLEEN J NOWACKI  
or Current Resident  
1159 9TH AVE S  
SOUTH ST PAUL MN 55075

SEIDL TAMMY L & AUGUST H LARENZIE  
or Current Resident  
2696 STAGECOACH TRL  
AFTON MN 55001

MUNSON ROY D  
or Current Resident  
2626 STAGECOACH TRL S  
AFTON MN 55001

LEMIRE CONNIE D & KEITH  
or Current Resident  
2657 STAGECOACH TRL S  
AFTON MN 55001

STANTON SUSAN J  
or Current Resident  
PO BOX 236  
LAKELAND MN 55043





*Current lot configuration*

# CERTIFICATE OF SURVEY

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

**SONNENTAG CONSULTING, LLC.**

616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-334-3332



**PROJECT:**  
BROWN TROUT LLC  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15, T28N, R20W, WASHINGTON COUNTY, MN

**NOTES:**

**LEGEND:**

- PROPERTY LINE
- EXISTING BITUMINOUS EDGE
- EXISTING GRAVEL EDGE
- FOUND COUNTY SECTION CORNER MONUMENT (AS NOTED)
- FOUND 1" OUTSIDE DIAMETER IRON PIPE
- FOUND 0.75" OUTSIDE DIAMETER IRON PIPE (WCAP #13774)
- SET 3/4" X 18" REBAR WEIGHING 1.502 LBS PER LIN. FT (WCAP #48650)
- SET SURVEY MARK NAIL

BEARINGS REFERENCED TO THE EAST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 15, T28N, R20W WHICH BEARS S01°10'59"E AS DEFINED BY STACK LAND SURVEYING ON 9-19-1988.

**DRAWN BY:** JMS

**CHECKED BY:** JWG

**DATE:** 04/01/16

**DWG FILE:** 113-LENZEN (RIVAS)

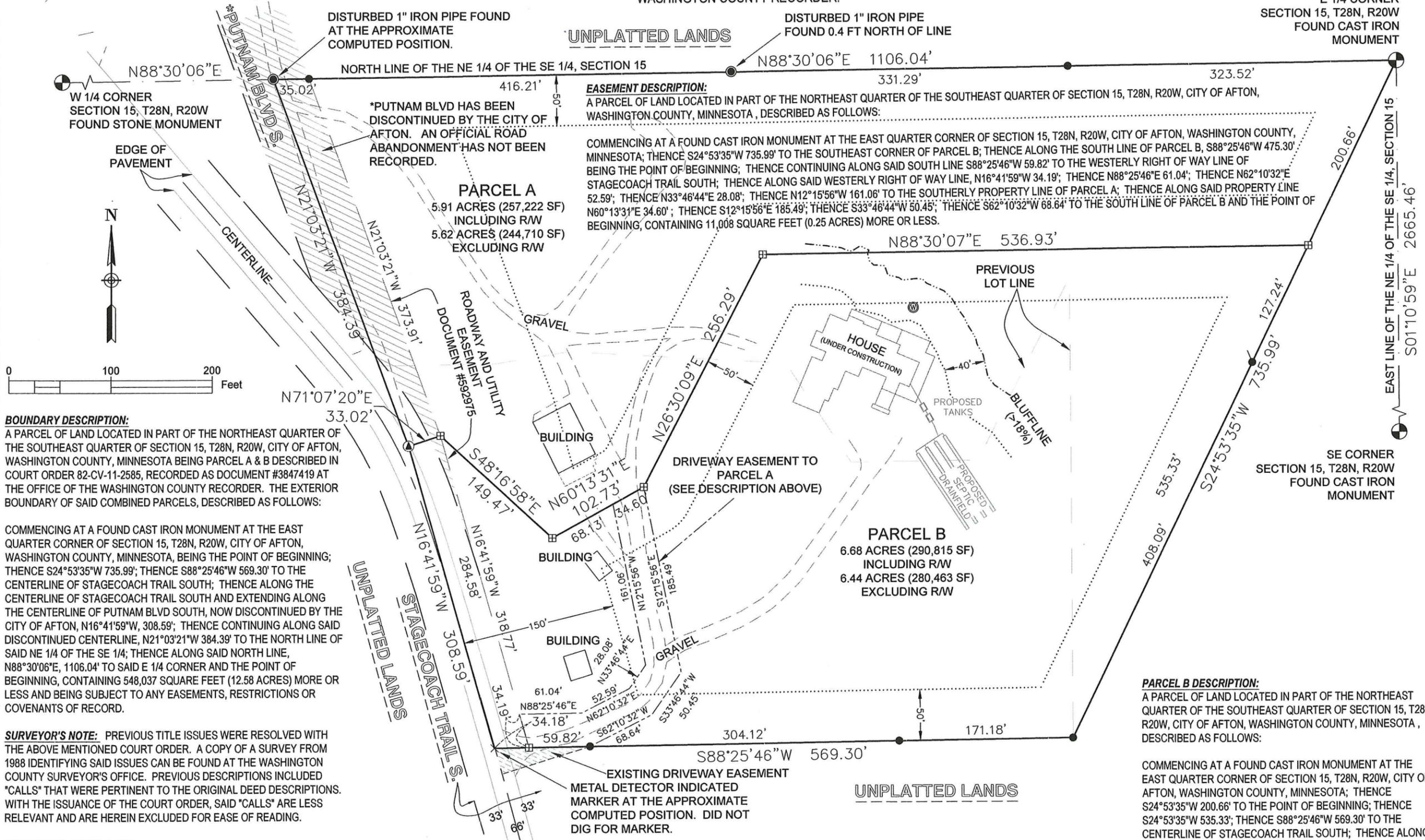
**REF FILE:**

**JOB NUMBER:** 113-LEZEN(RIVAS)

REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16
REVISED LAYOUT	JMS	05/20/16
EASEMENT PER ATTORNEY LETTER	JMS	11/29/16

**CERTIFICATE OF SURVEY**

SHEET NO.  
1 OF 1



**BOUNDARY DESCRIPTION:**  
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER. THE EXTERIOR BOUNDARY OF SAID COMBINED PARCELS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35"W 735.99'; THENCE S88°25'46"W 569.30' TO THE CENTERLINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG THE CENTERLINE OF STAGECOACH TRAIL SOUTH AND EXTENDING ALONG THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON, N16°41'59"W, 308.59'; THENCE CONTINUING ALONG SAID DISCONTINUED CENTERLINE, N21°03'21"W 384.39' TO THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, N88°30'06"E, 1106.04' TO SAID E 1/4 CORNER AND THE POINT OF BEGINNING, CONTAINING 548,037 SQUARE FEET (12.58 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.

**SURVEYOR'S NOTE:** PREVIOUS TITLE ISSUES WERE RESOLVED WITH THE ABOVE MENTIONED COURT ORDER. A COPY OF A SURVEY FROM 1988 IDENTIFYING SAID ISSUES CAN BE FOUND AT THE WASHINGTON COUNTY SURVEYOR'S OFFICE. PREVIOUS DESCRIPTIONS INCLUDED "CALLS" THAT WERE PERTINENT TO THE ORIGINAL DEED DESCRIPTIONS. WITH THE ISSUANCE OF THE COURT ORDER, SAID "CALLS" ARE LESS RELEVANT AND ARE HEREIN EXCLUDED FOR EASE OF READING.

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_ LICENSE # 48650

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# CERTIFICATE OF SURVEY

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**SONNENTAG CONSULTING, LLC.**

616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-334-3332



**PROJECT:**  
BROWN TROUT LLC,  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

**NOTES:**

**LEGEND:**

- PROPERTY LINE
- - - EXISTING BITUMINOUS EDGE
- - - EXISTING GRAVEL EDGE
- ⊙ FOUND COUNTY SECTION CORNER MONUMENT (AS NOTED)
- ⊙ FOUND 1" OUTSIDE DIAMETER IRON PIPE
- ⊙ FOUND 0.75" OUTSIDE DIAMETER IRON PIPE (WC# 13774)
- ⊞ SET 3/4" X 18" REBAR WEIGHING 1.502 LBS PER LIN. FT (WC# 48650)
- ⊙ SET SURVEY MARK NAIL

BEARINGS REFERENCED TO THE EAST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 15, T28N, R20W WHICH BEARS S01°10'59"E AS DEFINED BY STACK LAND SURVEYING ON 9-19-1988.

**DRAWN BY:** JMS

**CHECKED BY:** JWG

**DATE:** 04/01/16

**DWG FILE:** 115-LENZEN (RIVAS)

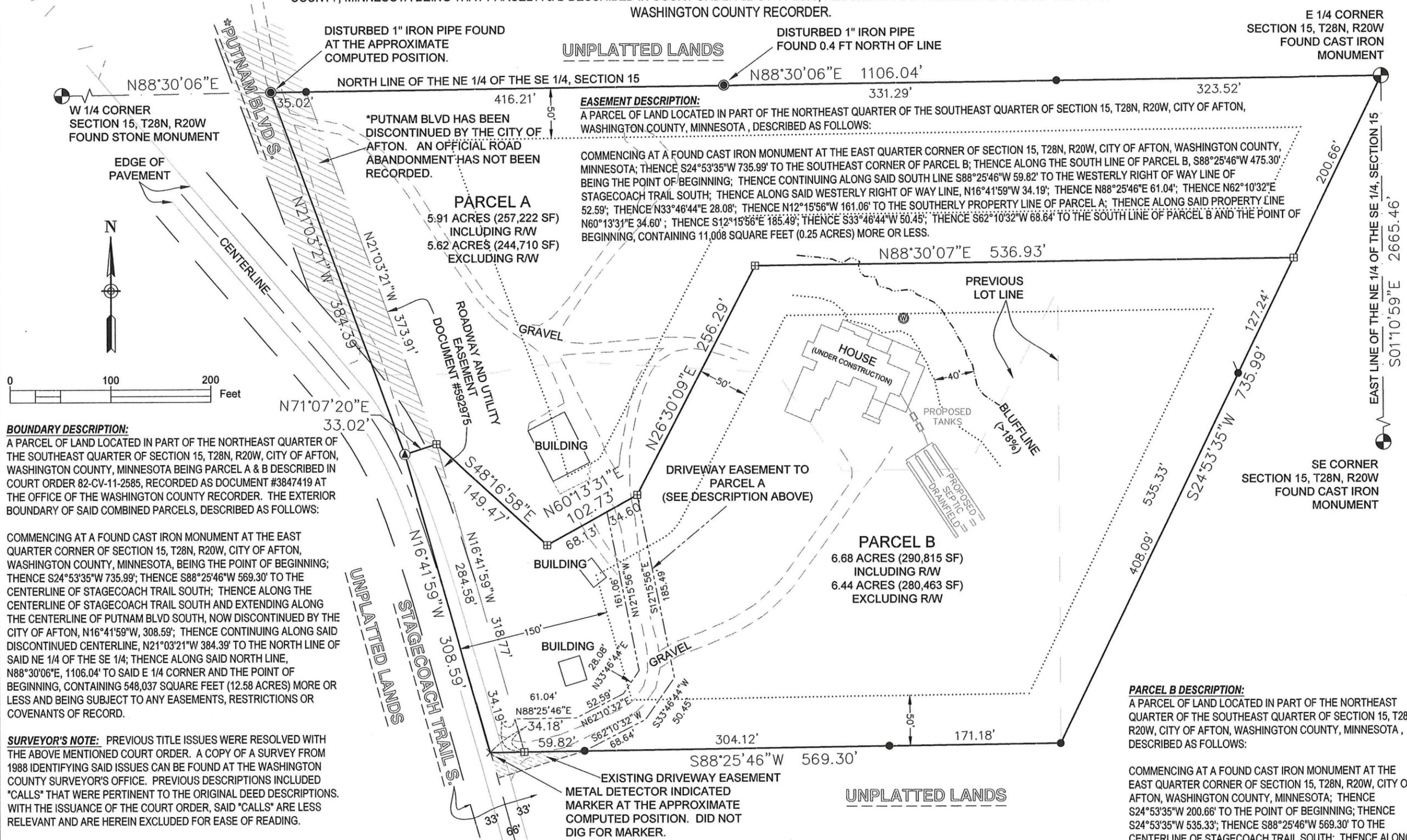
**REF FILE:**

**JOB NUMBER:** 115-LEZEN(RIVAS)

REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16
REVISED LAYOUT	JMS	05/20/16
EASEMENT PER ATTORNEY LETTER	JMS	11/29/16

**CERTIFICATE OF SURVEY**

SHEET NO.  
1 OF 1



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CHECKED BY: JWG

DATE: 04/01/16

DWG FILE: 113-LEZEN (RIVAS)

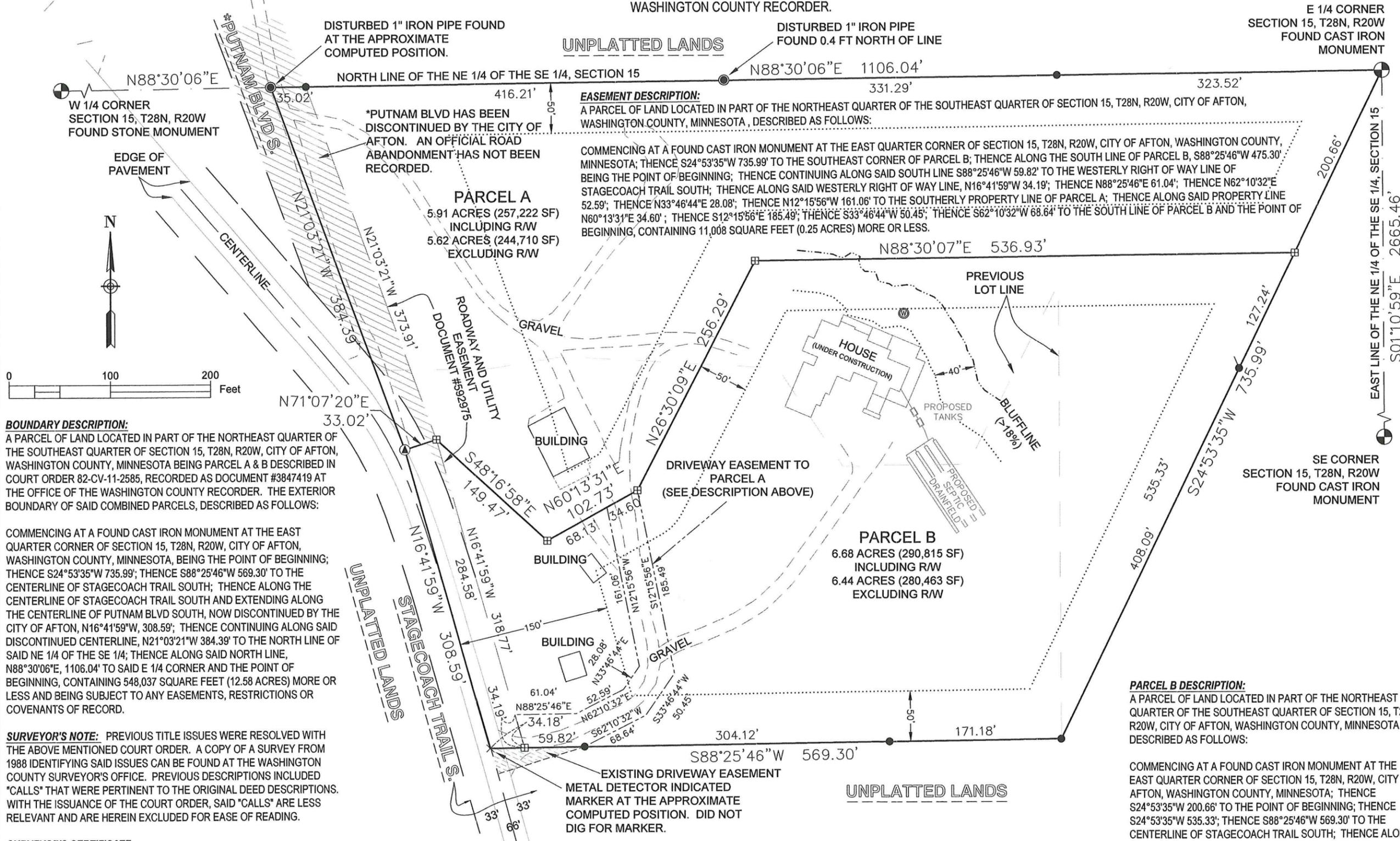
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RELEASED FOR REVIEW	JMS	04/18/16
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CERTIFICATE OF SURVEY

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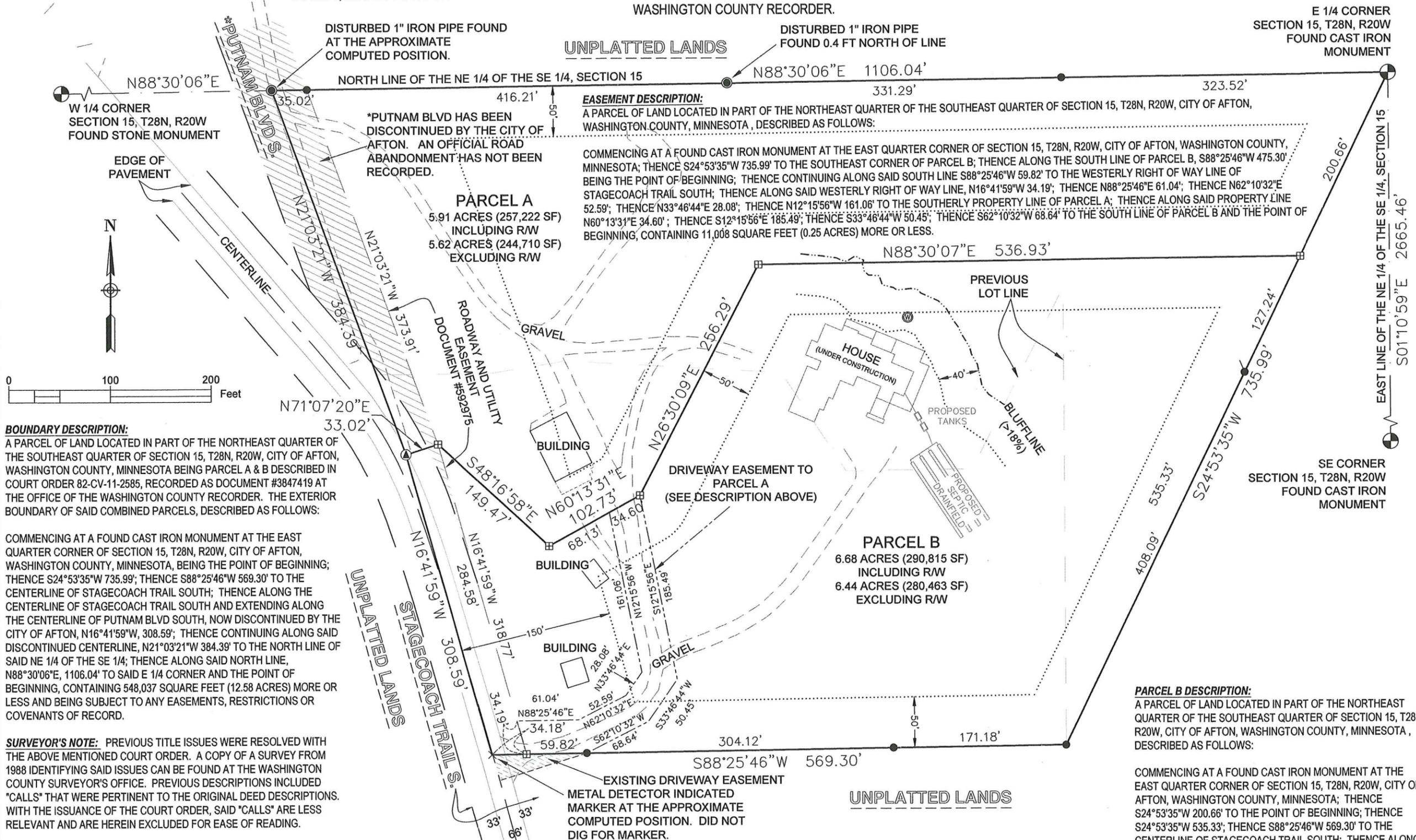
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**SURVEYOR'S NOTE:** PREVIOUS TITLE ISSUES WERE RESOLVED WITH THE ABOVE MENTIONED COURT ORDER. A COPY OF A SURVEY FROM 1988 IDENTIFYING SAID ISSUES CAN BE FOUND AT THE WASHINGTON COUNTY SURVEYOR'S OFFICE. PREVIOUS DESCRIPTIONS INCLUDED "CALLS" THAT WERE PERTINENT TO THE ORIGINAL DEED DESCRIPTIONS. WITH THE ISSUANCE OF THE COURT ORDER, SAID "CALLS" ARE LESS RELEVANT AND ARE HEREIN EXCLUDED FOR EASE OF READING.

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_ LICENSE # 48650

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**SONNENTAG CONSULTING, LLC.**

616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-334-3332



**PROJECT:**  
BROWN TROUT LLC  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

**NOTES:**

**LEGEND:**

- PROPERTY LINE
- EXISTING BITUMINOUS EDGE
- EXISTING GRAVEL EDGE
- FOUND COUNTY SECTION CORNER MONUMENT (AS NOTED)
- FOUND 1" OUTSIDE DIAMETER IRON PIPE
- FOUND 0.75" OUTSIDE DIAMETER IRON PIPE (WCAP #13774)
- SET 3/4" X 18" REBAR WEIGHING 1.502 LBS PER LIN. FT (WCAP #48650)
- SET SURVEY MARK NAIL

BEARINGS REFERENCED TO THE EAST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 15, T28N, R20W WHICH BEARS S01°10'59"E AS DEFINED BY STACK LAND SURVEYING ON 9-19-1988.

**DRAWN BY:** JMS

**CHECKED BY:** JWG

**DATE:** 04/01/16

**DWG FILE:** 115-LEZEN (RIVAS)

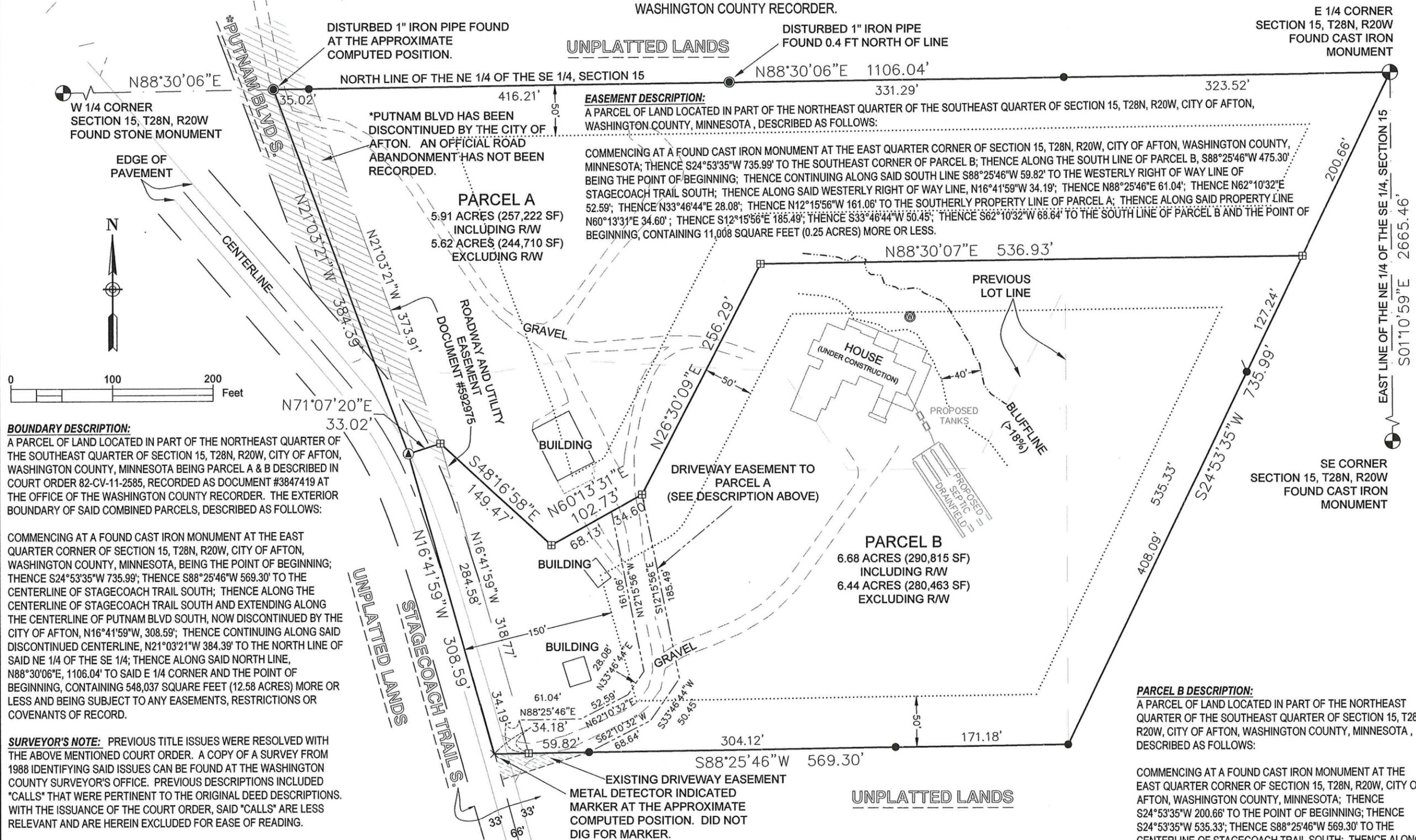
**REF FILE:**

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REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16
REVISED LAYOUT	JMS	05/20/16
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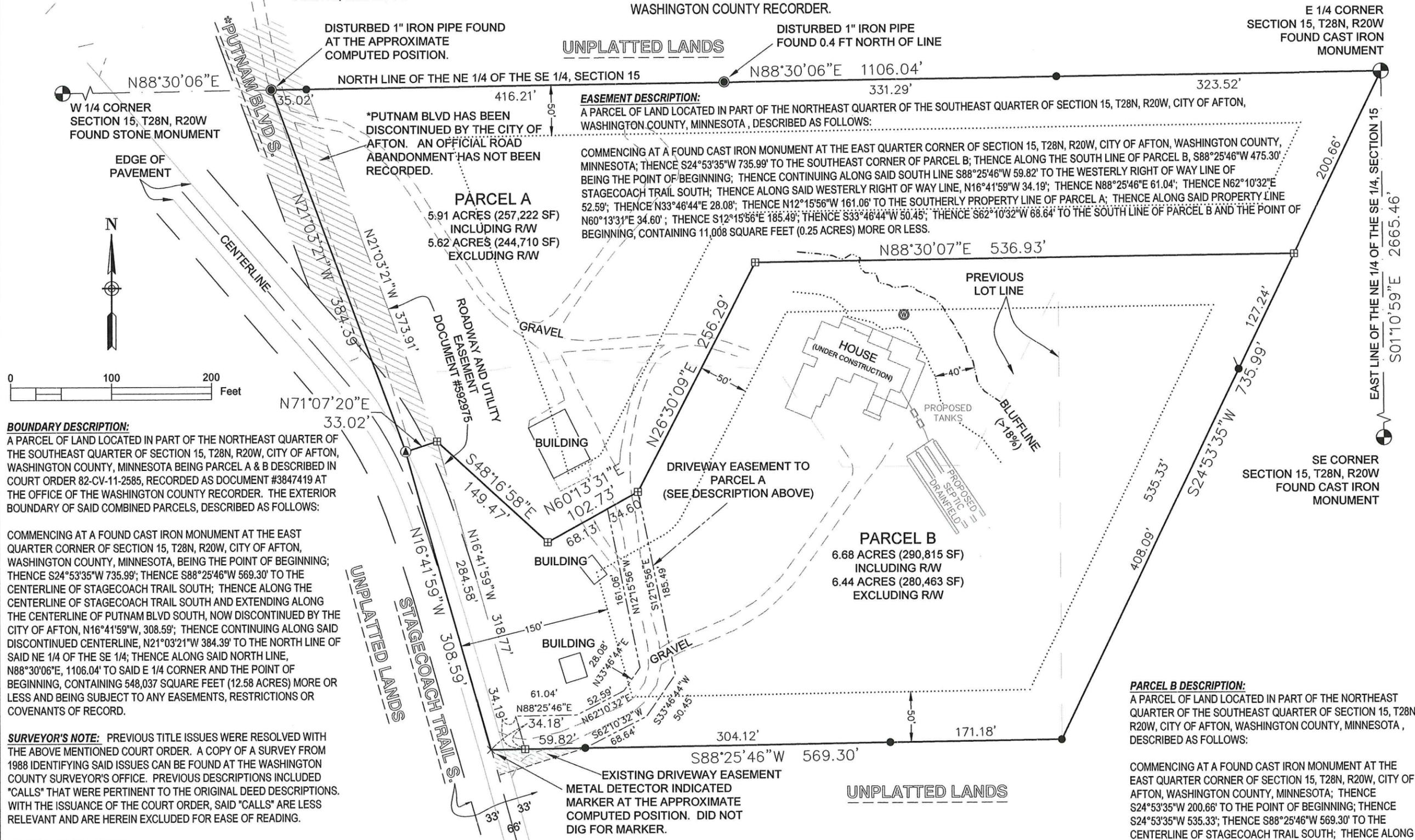
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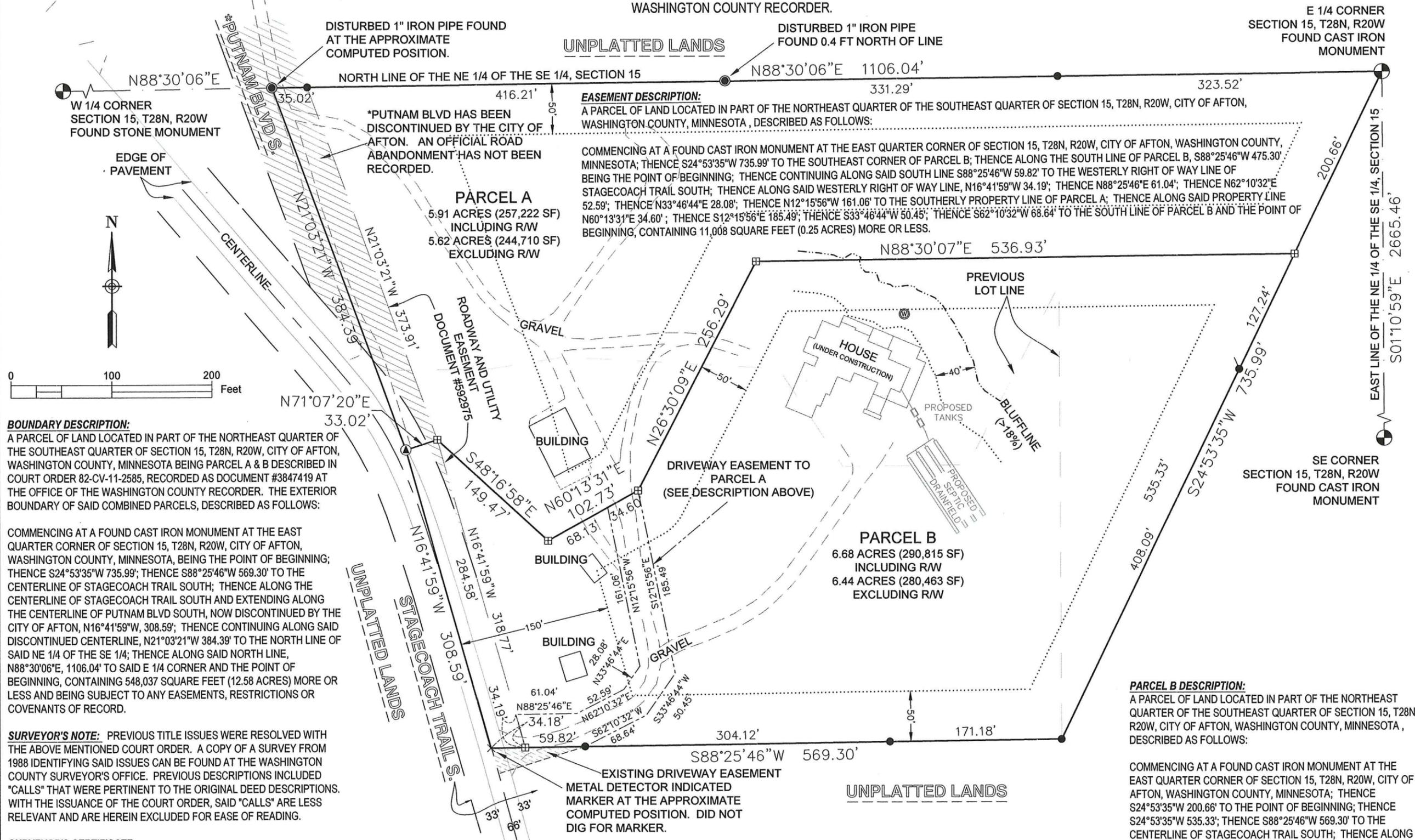
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SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_ LICENSE # 48650

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**SONNENTAG CONSULTING, LLC.**

616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-334-3332

**LAND SOLUTIONS**  
GRANBERG & SONNENTAG  
PH. 715-246-7529

**PROJECT:**  
BROWN TROUT LLC  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

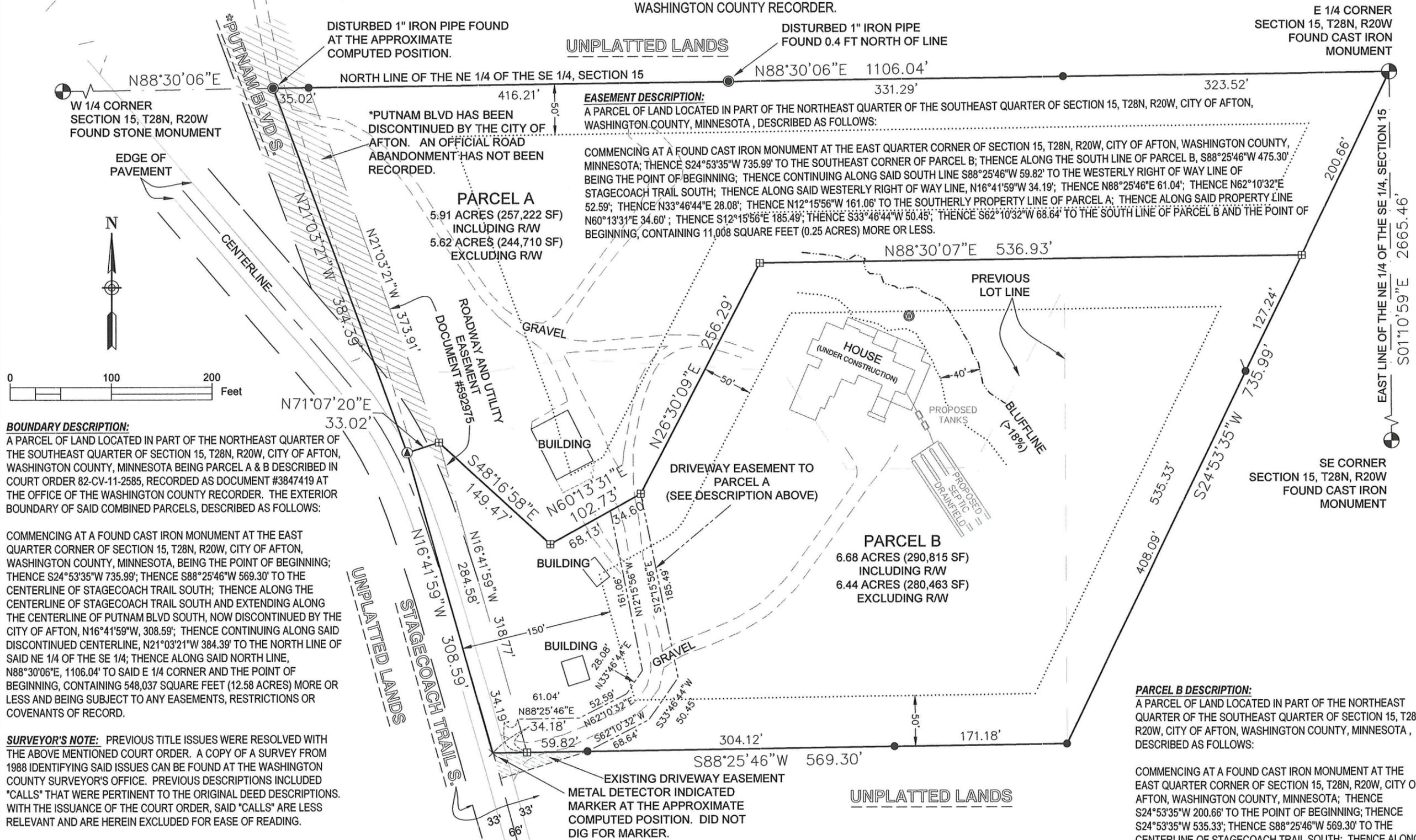
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  - FOUND 1" OUTSIDE DIAMETER IRON PIPE
  - FOUND 0.75" OUTSIDE DIAMETER IRON PIPE (WICAP #13774)
  - SET 3/4" X 18" REBAR WEIGHING 1.502 LBS PER LIN. FT (WICAP #48650)
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DATE:	04/01/16	
DWG FILE:	115-LENZEN (RIVAS)	
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JOB NUMBER:	115-LEZEN(RIVAS)	
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REVISED LAYOUT	JMS	05/20/16
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PART OF NE-SE, SECTION 15,  
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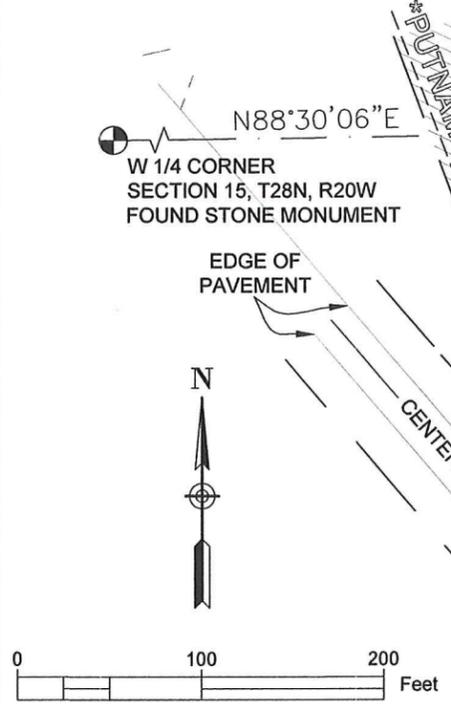
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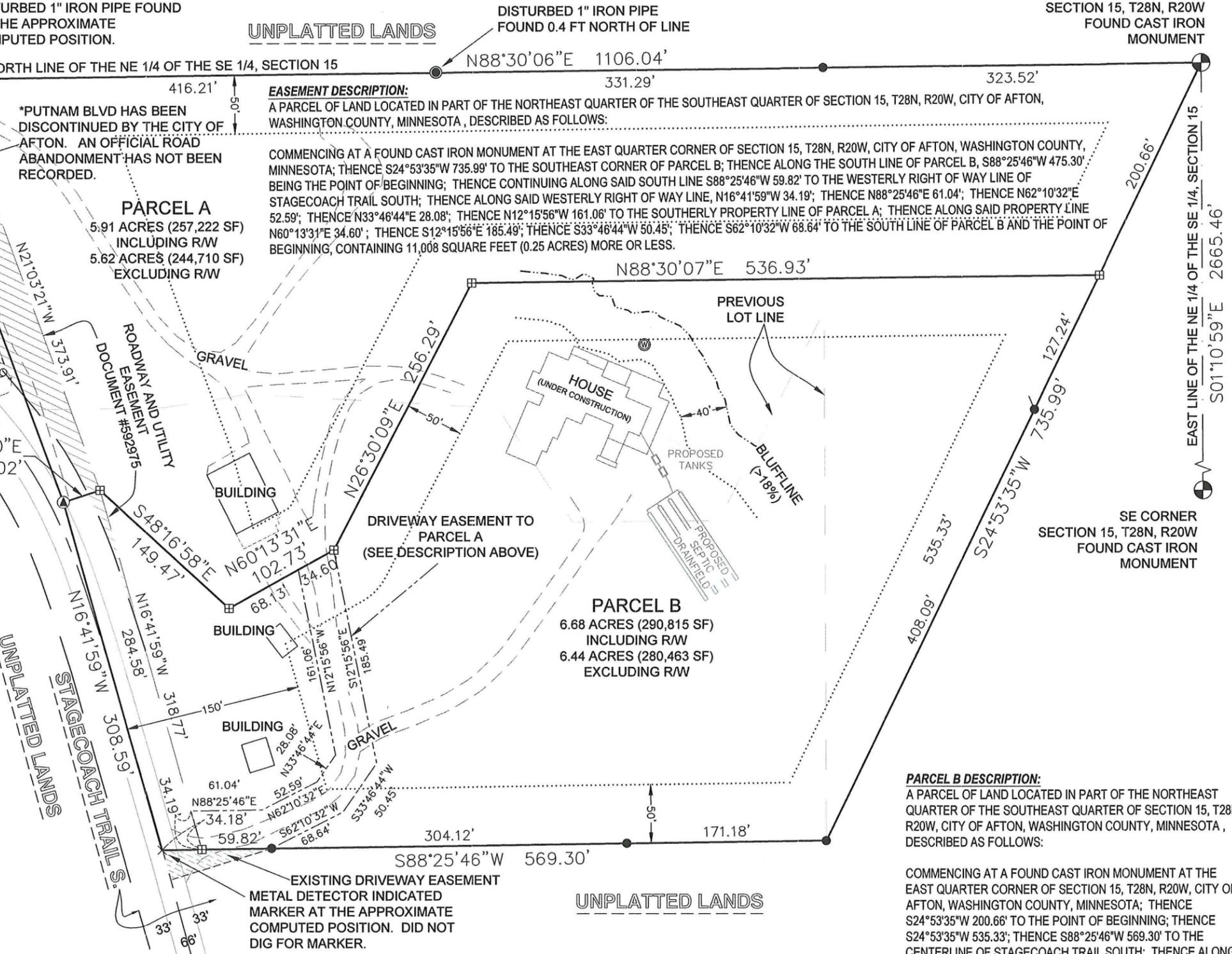
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**UNPLATTED LANDS**

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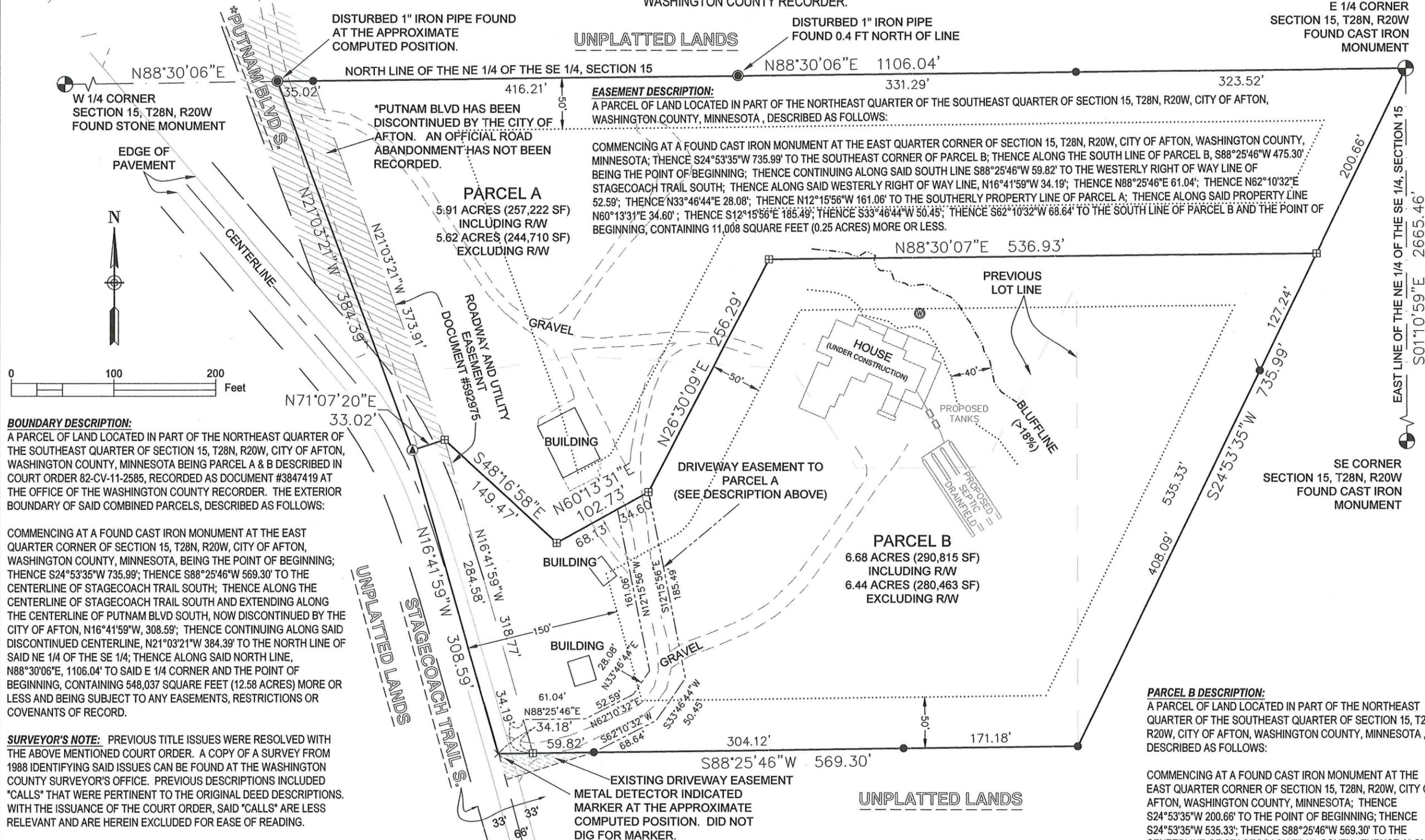
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COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35"W 200.66'; THENCE S88°30'07"W 536.93'; THENCE S26°30'09"W 256.29'; THENCE S60°13'31"E 102.73'; THENCE N48°16'58"W 149.47'; THENCE S71°07'20"W 33.02' TO THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON; THENCE ALONG SAID DISCONTINUED CENTERLINE, N21°03'21"W 384.39' TO THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, N88°30'06"E, 1106.04' TO SAID E 1/4 CORNER AND THE POINT OF BEGINNING, CONTAINING 257,222 SQUARE FEET (5.91 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.

**EASEMENT DESCRIPTION:**  
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA; THENCE S24°53'35"W 735.99' TO THE SOUTHEAST CORNER OF PARCEL B; THENCE ALONG THE SOUTH LINE OF PARCEL B, S88°25'46"W 475.30' BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S88°25'46"W 59.82' TO THE WESTERLY RIGHT OF WAY LINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, N16°41'59"W 34.19'; THENCE N88°25'46"E 61.04'; THENCE N62°10'32"E 52.59'; THENCE N33°46'44"E 28.08'; THENCE N12°15'56"W 161.06' TO THE SOUTHERLY PROPERTY LINE OF PARCEL A; THENCE ALONG SAID PROPERTY LINE N60°13'31"E 34.60'; THENCE S12°15'56"E 185.49'; THENCE S33°46'44"W 50.45'; THENCE S62°10'32"W 68.64' TO THE SOUTH LINE OF PARCEL B AND THE POINT OF BEGINNING, CONTAINING 11,008 SQUARE FEET (0.25 ACRES) MORE OR LESS.

DRIVEWAY EASEMENT TO PARCEL A (SEE DESCRIPTION ABOVE)

**PARCEL B DESCRIPTION:**  
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

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# CERTIFICATE OF SURVEY

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

**SONNENTAG CONSULTING, LLC.**

616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-334-3332

**G/S LAND SOLUTIONS**  
GRANBERG & SONNENTAG  
PH. 715-246-7529

**PROJECT:**  
BROWN TROUT LLC  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

**NOTES:**

**LEGEND:**

- PROPERTY LINE
- EXISTING BITUMINOUS EDGE
- EXISTING GRAVEL EDGE
- FOUND COUNTY SECTION CORNER MONUMENT (AS NOTED)
- FOUND 1" OUTSIDE DIAMETER IRON PIPE
- FOUND 0.75" OUTSIDE DIAMETER IRON PIPE (WICAP #13774)
- SET 3/4" X 18" REBAR WEIGHING 1.502 LBS PER LIN. FT (WICAP #48650)
- SET SURVEY MARK NAIL

BEARINGS REFERENCED TO THE EAST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 15, T28N, R20W WHICH BEARS S01°10'59"E AS DEFINED BY STACK LAND SURVEYING ON 9-19-1988.

DRAWN BY: JMS

CHECKED BY: JWG

DATE: 04/01/16

DWG FILE: 113-LENZEN (RIVAS)

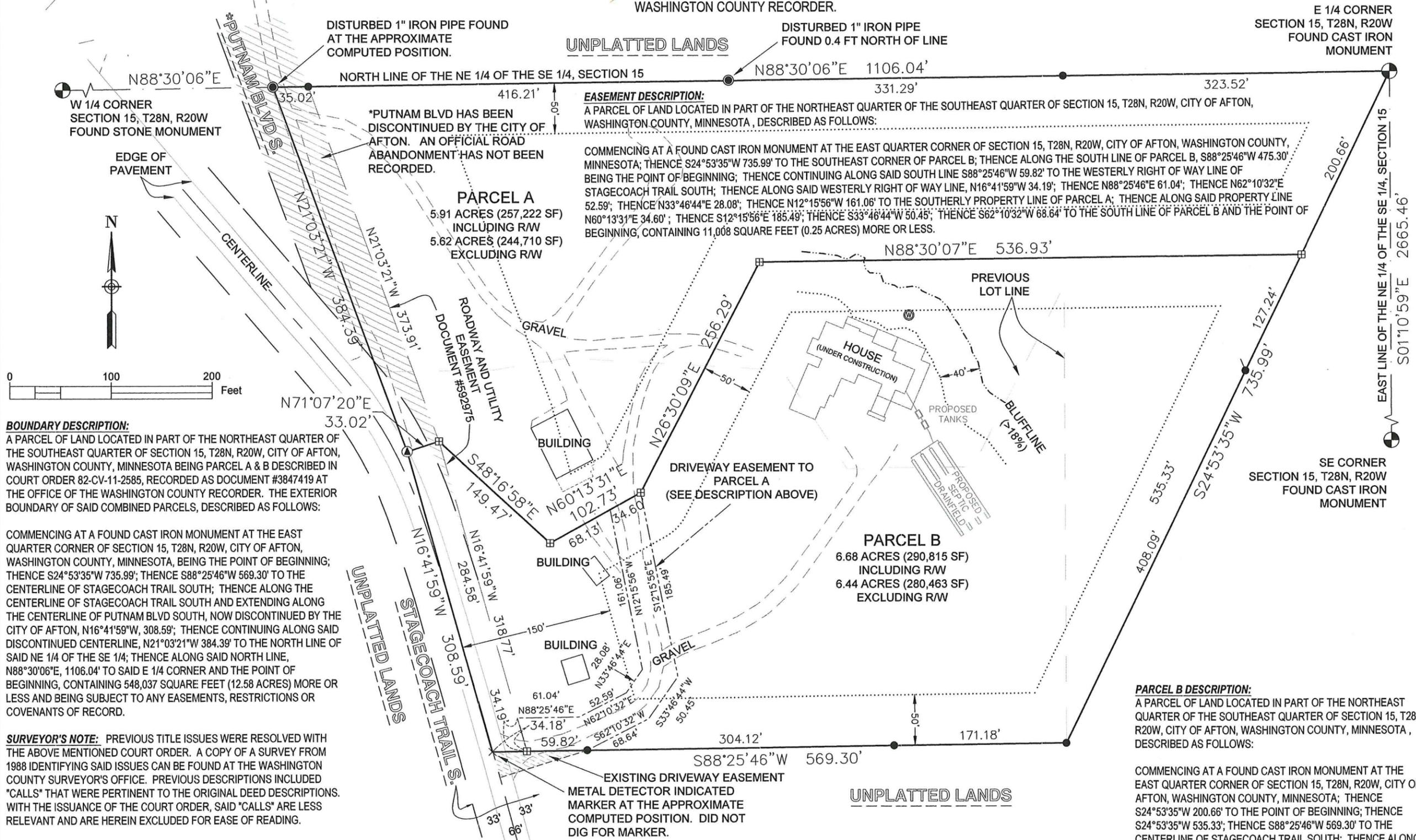
REF FILE:

JOB NUMBER: 113-LEZEN(RIVAS)

REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16
REVISED LAYOUT	JMS	05/20/16
EASEMENT PER ATTORNEY LETTER	JMS	11/29/16

**CERTIFICATE OF SURVEY**

SHEET NO.  
1 OF 1



**BOUNDARY DESCRIPTION:**  
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**SURVEYOR'S NOTE:** PREVIOUS TITLE ISSUES WERE RESOLVED WITH THE ABOVE MENTIONED COURT ORDER. A COPY OF A SURVEY FROM 1988 IDENTIFYING SAID ISSUES CAN BE FOUND AT THE WASHINGTON COUNTY SURVEYOR'S OFFICE. PREVIOUS DESCRIPTIONS INCLUDED "CALLS" THAT WERE PERTINENT TO THE ORIGINAL DEED DESCRIPTIONS. WITH THE ISSUANCE OF THE COURT ORDER, SAID "CALLS" ARE LESS RELEVANT AND ARE HEREIN EXCLUDED FOR EASE OF READING.

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_ LICENSE # 48650

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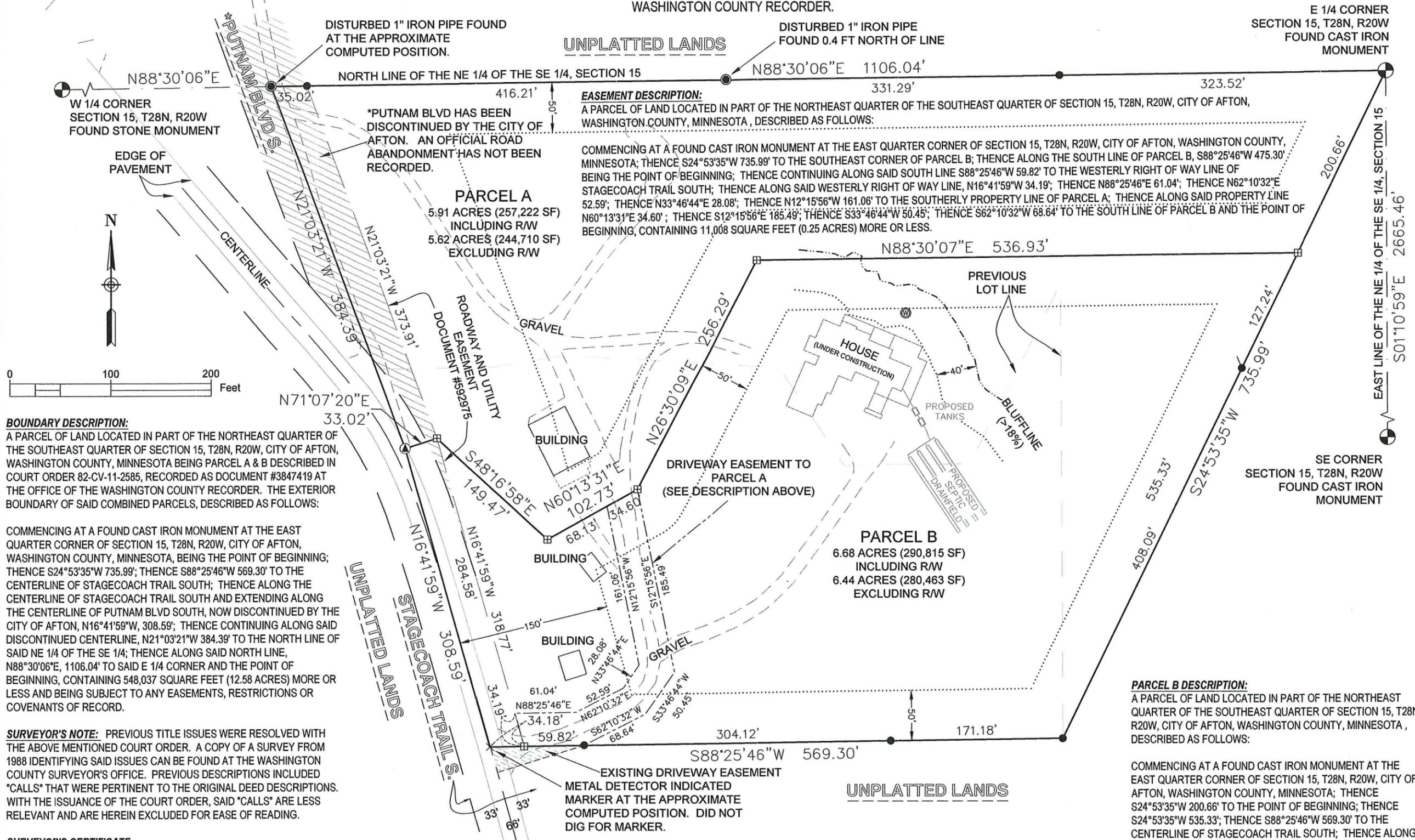
# CERTIFICATE OF SURVEY

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PH. 651-334-3332

**G/S LAND SOLUTIONS**  
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**PROJECT:**  
BROWN TROUT LLC  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

**LEGEND:**

- PROPERTY LINE
- EXISTING BITUMINOUS EDGE
- EXISTING GRAVEL EDGE
- FOUND COUNTY SECTION CORNER MONUMENT (AS NOTED)
- FOUND 1" OUTSIDE DIAMETER IRON PIPE
- FOUND 0.75" OUTSIDE DIAMETER IRON PIPE (W/CAP #13774)
- SET 3/4" X 18" REBAR WEIGHING 1.502 LBS PER LIN. FT (W/CAP #48650)
- SET SURVEY MARK NAIL

BEARINGS REFERENCED TO THE EAST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 15, T28N, R20W WHICH BEARS S01°10'59"E AS DEFINED BY STACK LAND SURVEYING ON 9-19-1988.

DRAWN BY:	JMS	
CHECKED BY:	JWG	
DATE:	04/01/16	
DWG FILE:	113-LEZEN (RIVAS)	
REF FILE:		
JOB NUMBER:	113-LEZEN (RIVAS)	
REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16
REVISED LAYOUT	JMS	05/20/16
EASEMENT PER ATTORNEY LETTER	JMS	11/29/16

SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_ LICENSE # 48650

# EXISTING SLOPES AND BUILDABLE AREA

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

**SONNENTAG CONSULTING, LLC.**

616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-334-3332

**G/S LAND SOLUTIONS**  
GRANBERG & SONNENTAG  
PH. 715-246-7529

**PROJECT:**  
BROWN TROUT LLC  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

**LEGEND:**

SLOPES 12-18%  
SLOPES > 18%

**NOTE:**  
BUILDABLE AREA = LOT ACREAGE, EXCEPT THE FOLLOWING AREAS:

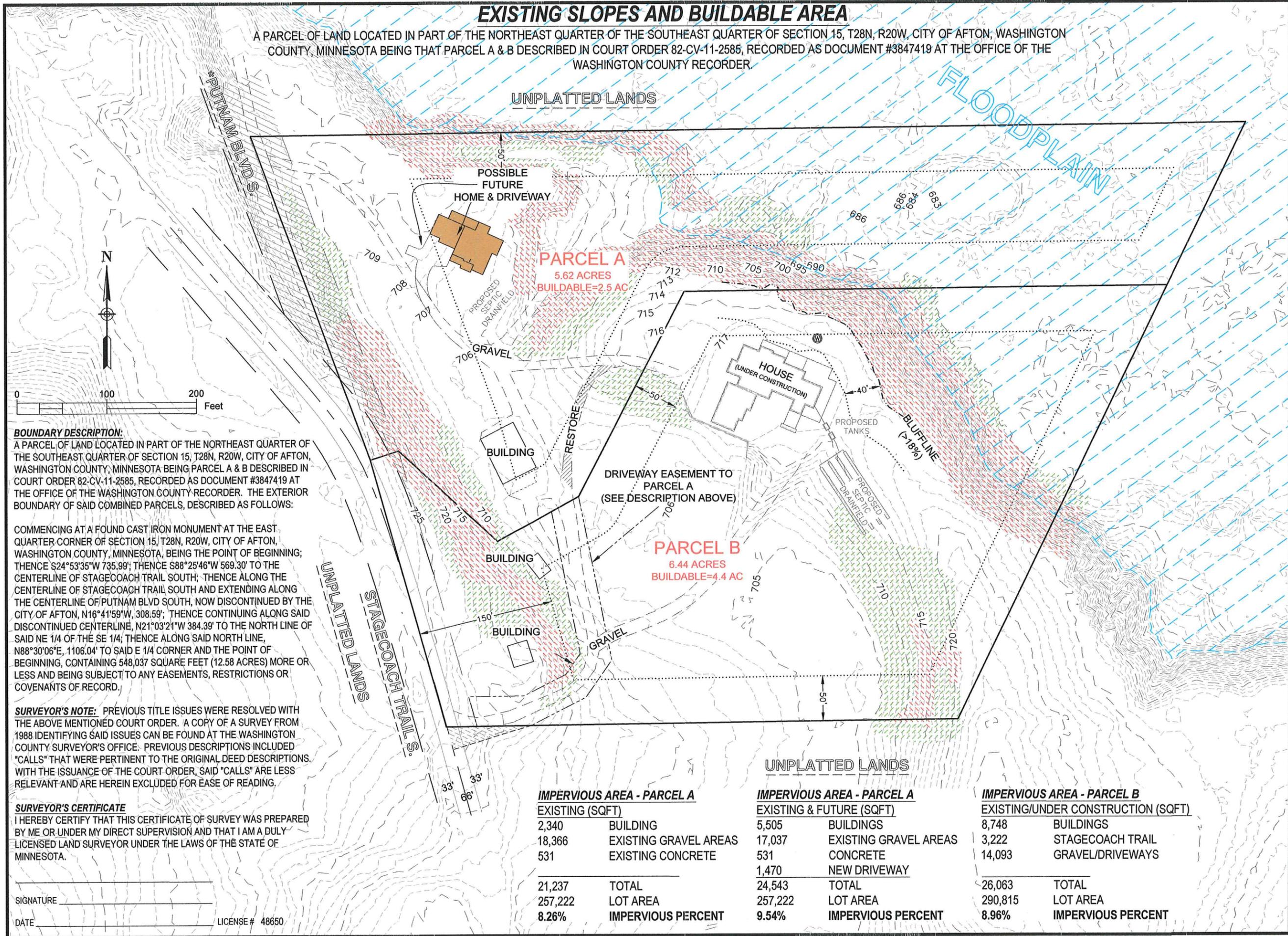
- FLOODPLAIN
- SLOPES > 18%
- RIGHT OF WAY
- DRIVEWAY EASEMENT

THE ELEVATIONS SHOWN ARE ON NAVD 1988 DATUM DERIVED FROM LIDAR DATA AVAILABLE THROUGH THE MN GEOSPATIAL INFORMATION OFFICE. APPROXIMATE SLOPE CATEGORIES WERE GENERATED FROM THE LIDAR SURFACE MODEL.

DRAWN BY:	JMS	
CHECKED BY:		
DATE:	04/01/16	
DWG FILE:	113-LEZEN(RIVAS)	
REF FILE:		
JOB NUMBER:	113-LEZEN(RIVAS)	
REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16
IMPERVIOUS AREAS	JMS	04/27/16
REVISED LOT LAYOUT	JMS	05/25/16
REVISED PER. ATTORNEY LETTER	JMS	11/30/16

**SLOPES & BUILDABLE AREA**

SHEET NO.  
1 OF 1



**BOUNDARY DESCRIPTION:**  
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SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_ LICENSE # 48650

**UNPLATTED LANDS**

IMPERVIOUS AREA - PARCEL A	
EXISTING (SQFT)	
2,340	BUILDING
18,366	EXISTING GRAVEL AREAS
531	EXISTING CONCRETE
21,237	TOTAL
257,222	LOT AREA
8.26%	IMPERVIOUS PERCENT

**UNPLATTED LANDS**

IMPERVIOUS AREA - PARCEL A	
EXISTING & FUTURE (SQFT)	
5,505	BUILDINGS
17,037	EXISTING GRAVEL AREAS
531	CONCRETE
1,470	NEW DRIVEWAY
24,543	TOTAL
257,222	LOT AREA
9.54%	IMPERVIOUS PERCENT

**UNPLATTED LANDS**

IMPERVIOUS AREA - PARCEL B	
EXISTING/UNDER CONSTRUCTION (SQFT)	
8,748	BUILDINGS
3,222	STAGECOACH TRAIL
14,093	GRAVEL/DRIVEWAYS
26,063	TOTAL
290,815	LOT AREA
8.96%	IMPERVIOUS PERCENT

# EXISTING SLOPES AND BUILDABLE AREA

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

**SONNENTAG CONSULTING, LLC.**

616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-334-3332

**G/S LAND SOLUTIONS**  
GRANBERG & SONNENTAG  
PH. 715-246-7529

**PROJECT:**  
BROWN TROUT LLC  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

**LEGEND:**

SLOPES 12-18%



SLOPES > 18%



**NOTE:**  
BUILDABLE AREA = LOT ACREAGE,  
EXCEPT THE FOLLOWING AREAS:

- FLOODPLAIN
- SLOPES > 18%
- RIGHT OF WAY
- DRIVEWAY EASEMENT

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DRAWN BY: JMS

CHECKED BY:

DATE: 04/01/16

DWG FILE: 113-LENZEN (RIVAS)

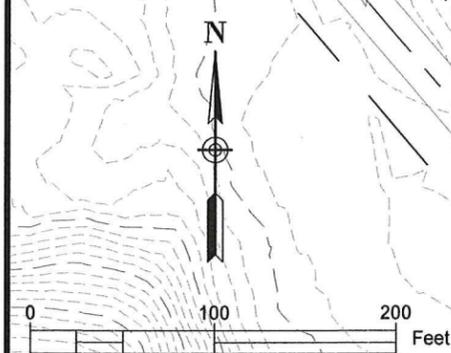
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RELEASED FOR REVIEW	JMS	04/18/16
IMPERVIOUS AREAS	JMS	04/27/16
REVISED LOT LAYOUT	JMS	05/25/16
REVISED PER ATTORNEY LETTER	JMS	11/30/16

**SLOPES & BUILDABLE AREA**

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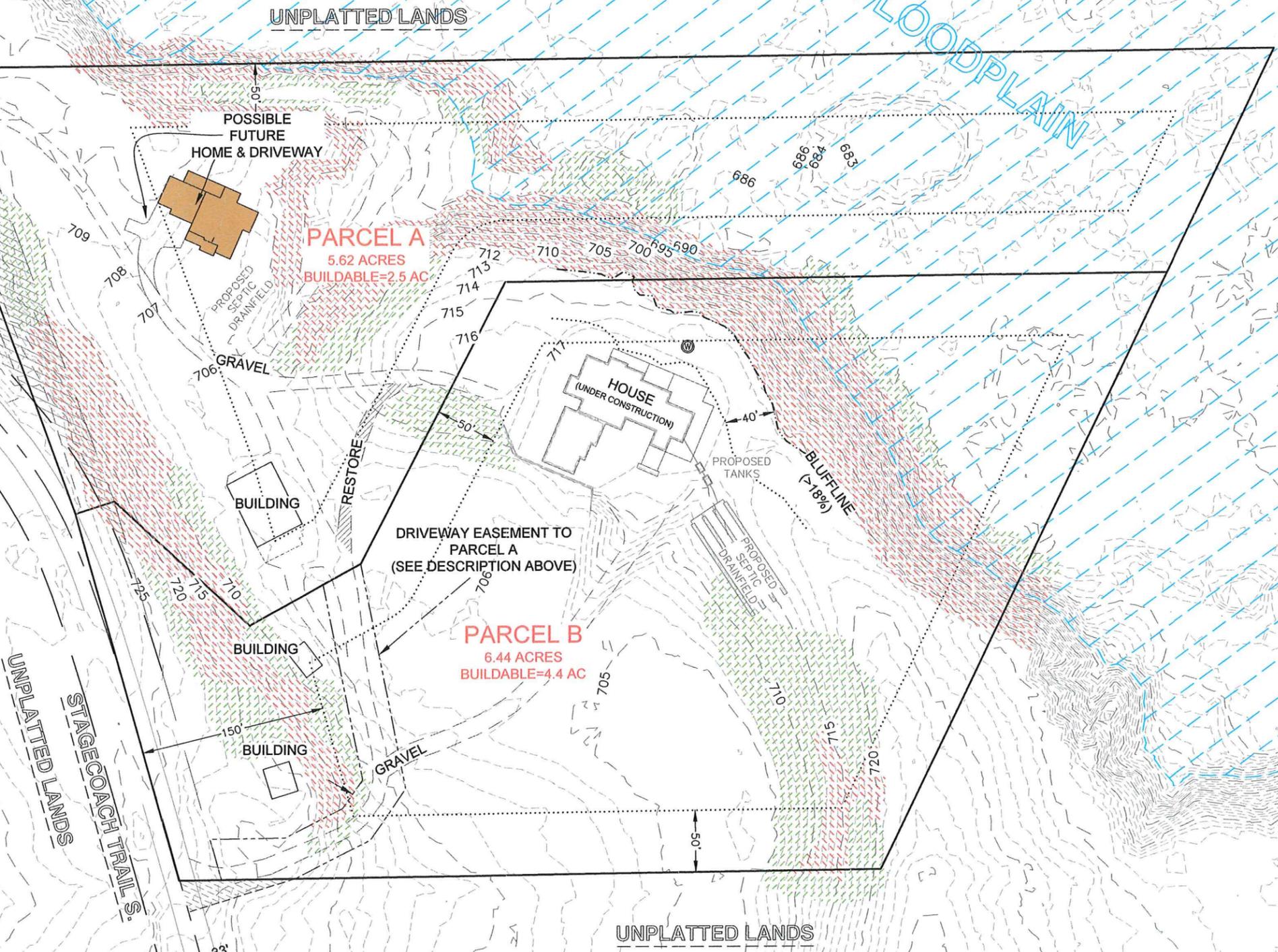
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**IMPERVIOUS AREA - PARCEL A**

EXISTING (SQFT)	
2,340	BUILDING
18,366	EXISTING GRAVEL AREAS
531	EXISTING CONCRETE
<b>21,237</b>	<b>TOTAL</b>
<b>257,222</b>	<b>LOT AREA</b>
<b>8.26%</b>	<b>IMPERVIOUS PERCENT</b>

**IMPERVIOUS AREA - PARCEL A**

EXISTING & FUTURE (SQFT)	
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**IMPERVIOUS AREA - PARCEL B**

EXISTING/UNDER CONSTRUCTION (SQFT)	
8,748	BUILDINGS
3,222	STAGECOACH TRAIL
14,093	GRAVEL/DRIVEWAYS
<b>26,063</b>	<b>TOTAL</b>
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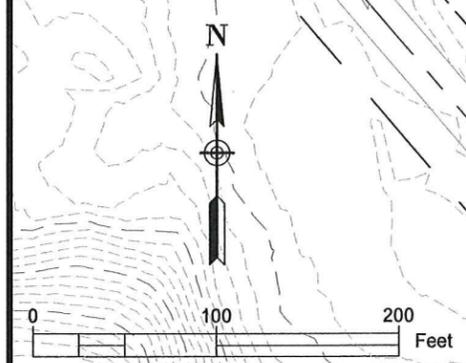
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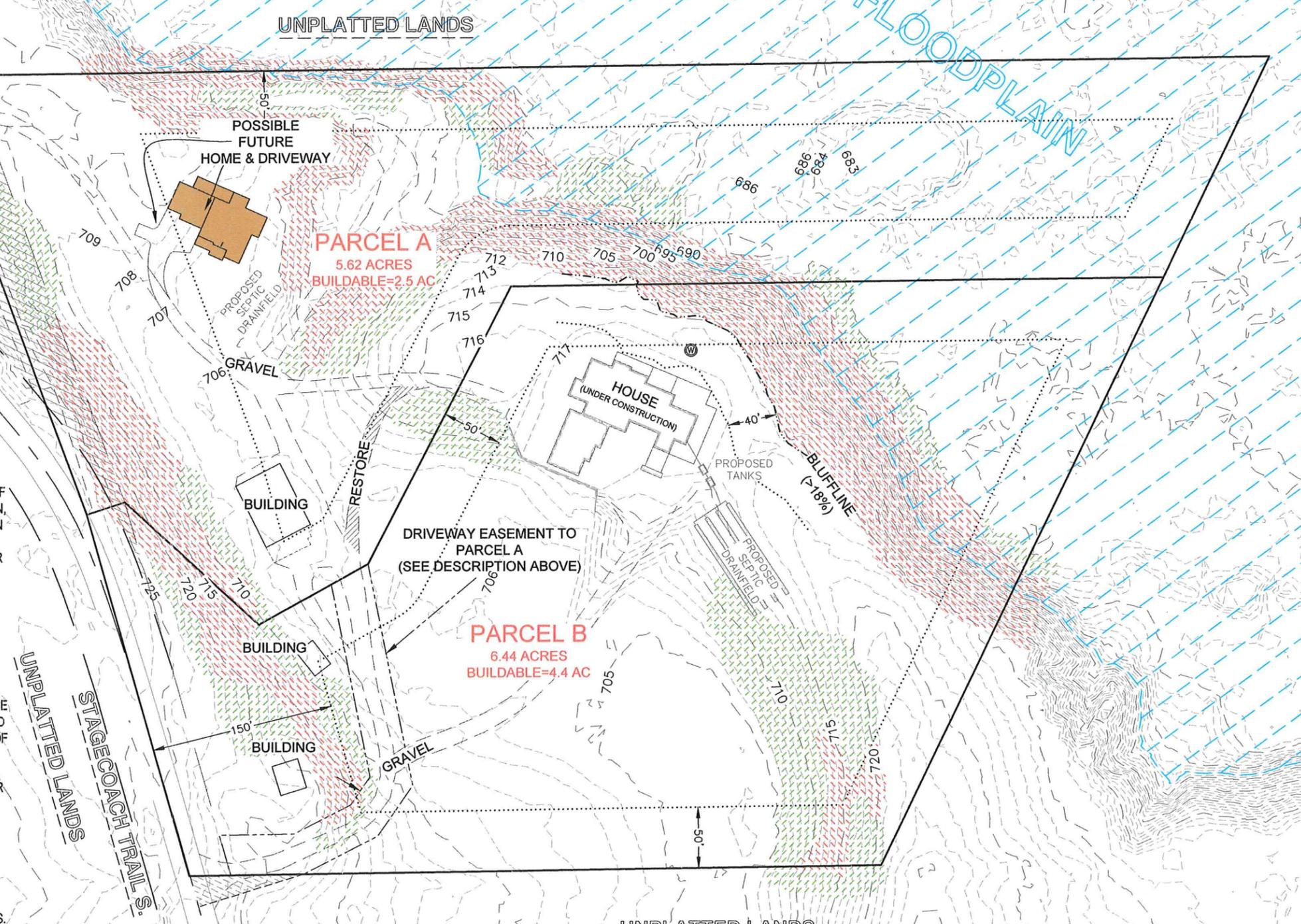
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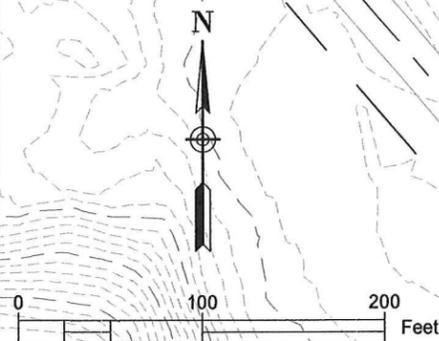
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UNPLATTED LANDS

FLOODPLAIN

**PARCEL A**  
5.62 ACRES  
BUILDABLE=2.5 AC

**PARCEL B**  
6.44 ACRES  
BUILDABLE=4.4 AC

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UNPLATTED LANDS

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STAGECOACH TRAILS S.

PUTNAM BLVD S.

POSSIBLE FUTURE HOME & DRIVEWAY

PROPOSED SEPTIC DRAINFIELD

GRAVEL

BUILDING

RESTORE

DRIVEWAY EASEMENT TO PARCEL A (SEE DESCRIPTION ABOVE)

BUILDING

BUILDING

GRAVEL

HOUSE (UNDER CONSTRUCTION)

PROPOSED TANKS

BLUFFLINE (>18%)

PROPOSED SEPTIC DRAINFIELD

50'

33'

66'

STAGECOACH TRAILS S.

686

684

683

709

708

707

706

713

714

715

716

717

710

705

700

695

690

725

720

715

710

706

705

710

711

710

720

511

720

33'

66'

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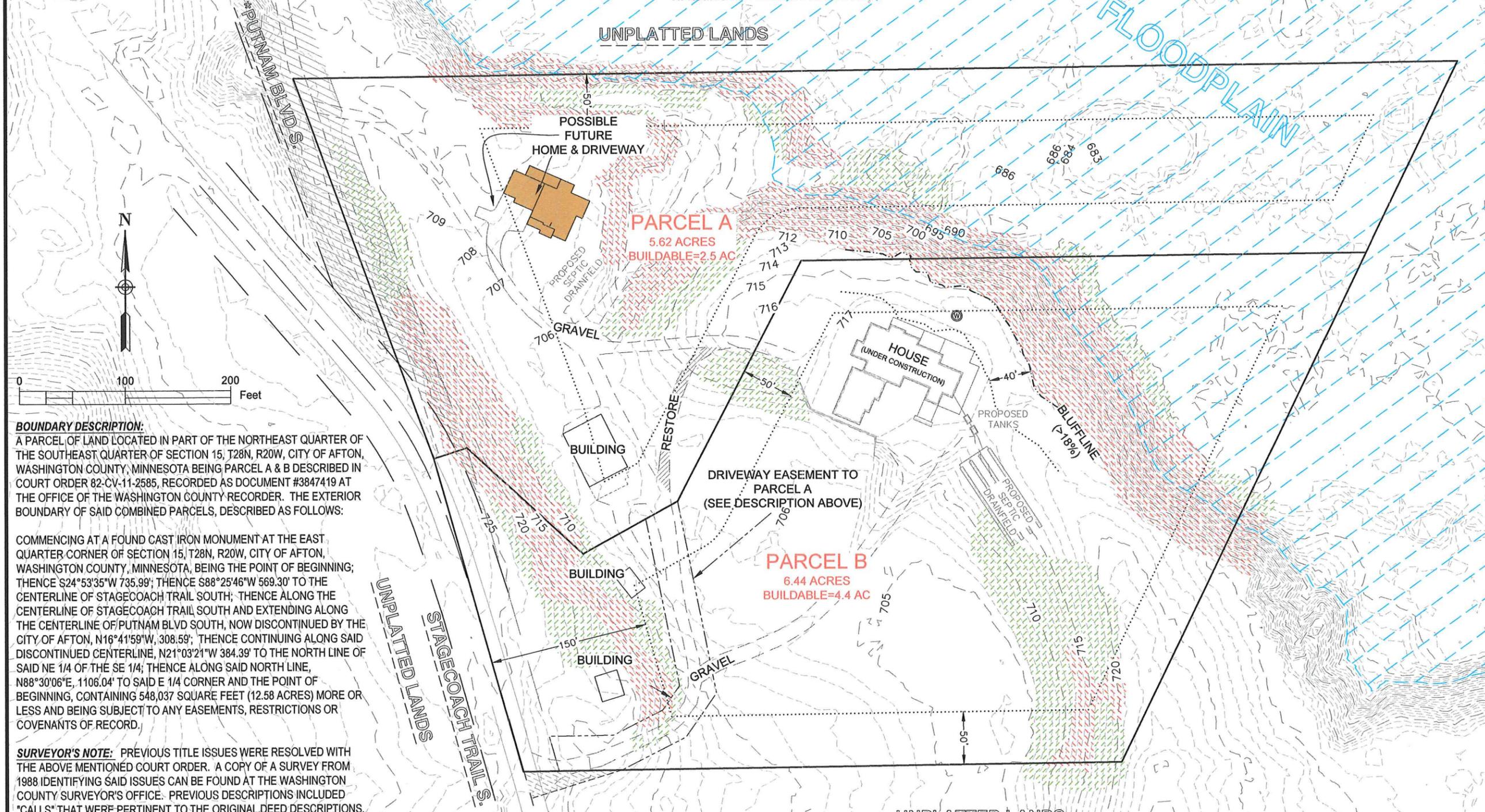
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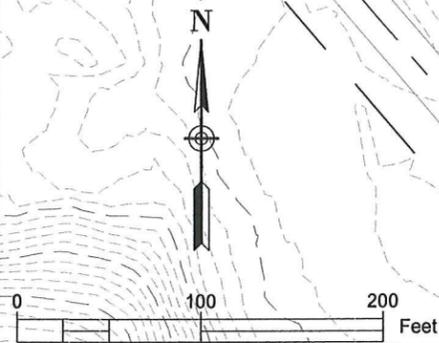
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**SURVEYOR'S NOTE:** PREVIOUS TITLE ISSUES WERE RESOLVED WITH THE ABOVE MENTIONED COURT ORDER. A COPY OF A SURVEY FROM 1988 IDENTIFYING SAID ISSUES CAN BE FOUND AT THE WASHINGTON COUNTY SURVEYOR'S OFFICE. PREVIOUS DESCRIPTIONS INCLUDED "CALLS" THAT WERE PERTINENT TO THE ORIGINAL DEED DESCRIPTIONS. WITH THE ISSUANCE OF THE COURT ORDER, SAID "CALLS" ARE LESS RELEVANT AND ARE HEREIN EXCLUDED FOR EASE OF READING.

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SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ LICENSE # 48650

UNPLATTED LANDS

POSSIBLE FUTURE HOME & DRIVEWAY

**PARCEL A**  
5.62 ACRES  
BUILDABLE=2.5 AC

GRAVEL

BUILDING

RESTORE

DRIVEWAY EASEMENT TO PARCEL A (SEE DESCRIPTION ABOVE)

HOUSE (UNDER CONSTRUCTION)

BLUFFLINE (>18%)

**PARCEL B**  
6.44 ACRES  
BUILDABLE=4.4 AC

GRAVEL

BUILDING

BUILDING

UNPLATTED LANDS

**IMPERVIOUS AREA - PARCEL A**

EXISTING (SQFT)	
2,340	BUILDING
18,366	EXISTING GRAVEL AREAS
531	EXISTING CONCRETE
21,237	TOTAL
257,222	LOT AREA
8.26%	IMPERVIOUS PERCENT

**IMPERVIOUS AREA - PARCEL A**

EXISTING & FUTURE (SQFT)	
5,505	BUILDINGS
17,037	EXISTING GRAVEL AREAS
531	CONCRETE
1,470	NEW DRIVEWAY
24,543	TOTAL
257,222	LOT AREA
9.54%	IMPERVIOUS PERCENT

**IMPERVIOUS AREA - PARCEL B**

EXISTING/UNDER CONSTRUCTION (SQFT)	
8,748	BUILDINGS
3,222	STAGECOACH TRAIL GRAVEL/DRIVEWAYS
14,093	
26,063	TOTAL
290,815	LOT AREA
8.96%	IMPERVIOUS PERCENT

# EXISTING SLOPES AND BUILDABLE AREA

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**SONNENTAG CONSULTING, LLC.**

616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-334-3332



PH. 715-246-7529

**PROJECT:**

BROWN TROUT LLC  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

**LEGEND:**

SLOPES 12-18%



SLOPES > 18%



**NOTE:**  
BUILDABLE AREA = LOT ACREAGE,  
EXCEPT THE FOLLOWING AREAS:

- FLOODPLAIN
- SLOPES > 18%
- RIGHT OF WAY
- DRIVEWAY EASEMENT

THE ELEVATIONS SHOWN ARE ON NAVD 1988 DATUM DERIVED FROM LIDAR DATA AVAILABLE THROUGH THE MN GEOSPATIAL INFORMATION OFFICE. APPROXIMATE SLOPE CATEGORIES WERE GENERATED FROM THE LIDAR SURFACE MODEL.

DRAWN BY: JMS

CHECKED BY:

DATE: 04/01/16

DWG FILE: 115-LENZEN (RIVAS)

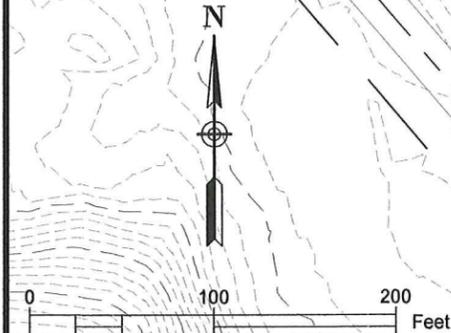
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REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16
IMPERVIOUS AREAS	JMS	04/27/16
REVISED LOT LAYOUT	JMS	05/25/16
REVISED PER ATTORNEY LETTER	JMS	11/30/16

**SLOPES & BUILDABLE AREA**

SHEET NO.  
1 OF 1



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FLOODPLAIN

0.5'

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BUILDABLE=2.5 AC

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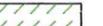
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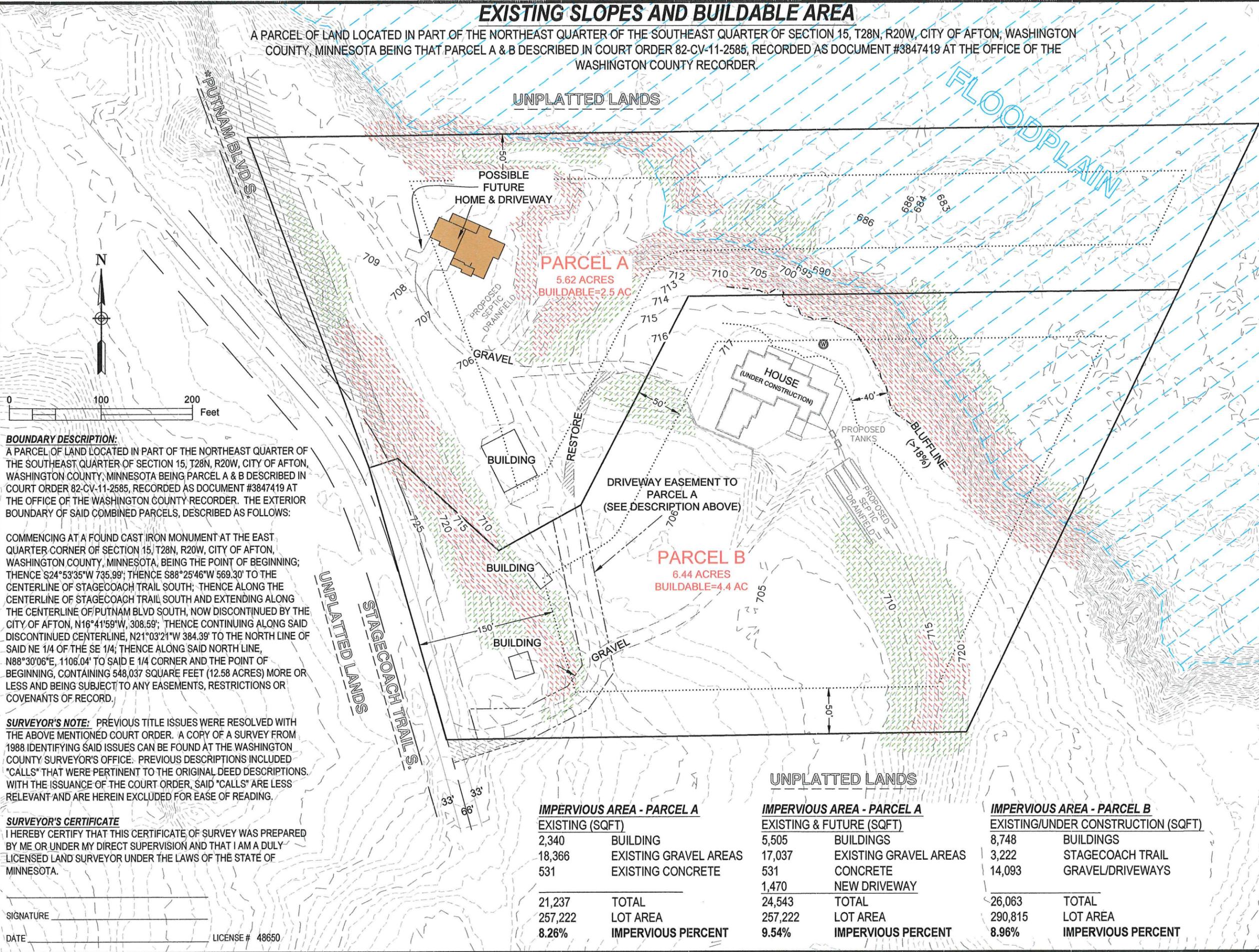
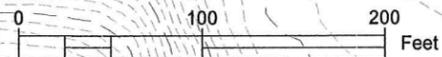
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616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-334-3332

**LAND SOLUTIONS**  
GRANBERG & SONNENTAG  
PH. 715-246-7529

**PROJECT:**  
BROWN TROUT LLC  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

**LEGEND:**

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**SLOPES & BUILDABLE AREA**

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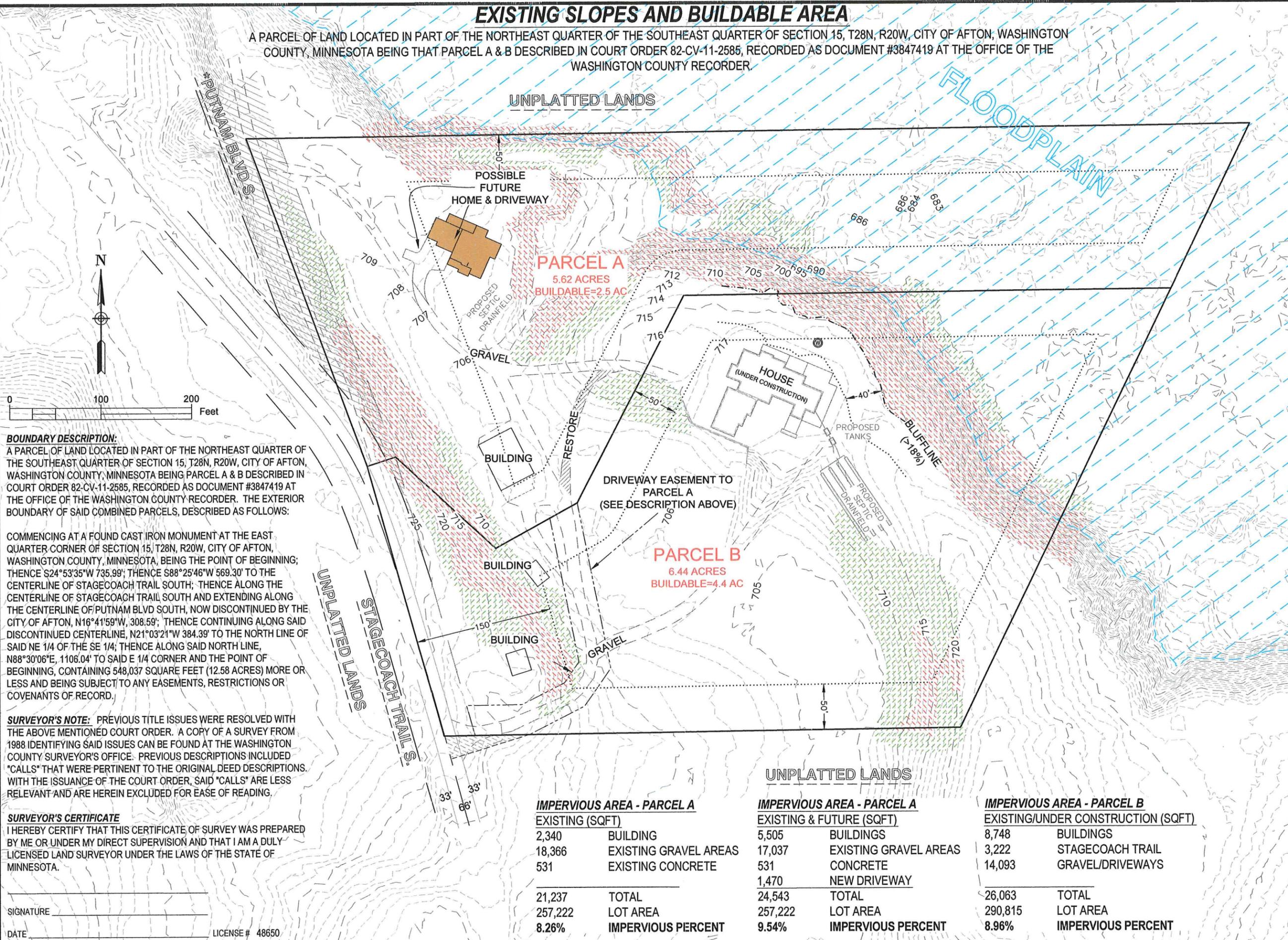
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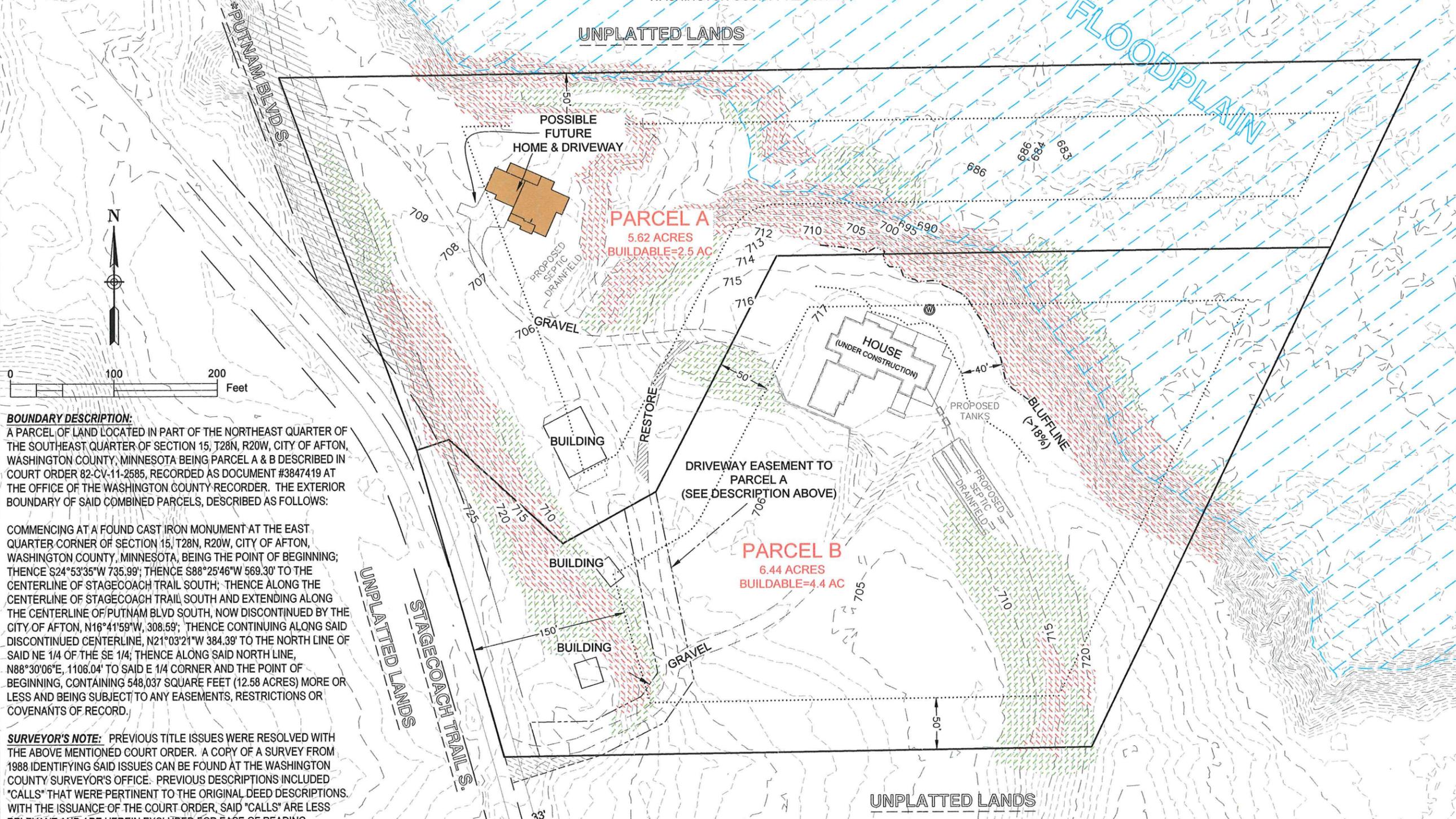
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<hr/>	
24,543	TOTAL
257,222	LOT AREA
9.54%	IMPERVIOUS PERCENT

**IMPERVIOUS AREA - PARCEL B**

EXISTING/UNDER CONSTRUCTION (SQFT)	
8,748	BUILDINGS
3,222	STAGECOACH TRAIL
14,093	GRAVEL/DRIVEWAYS
<hr/>	
26,063	TOTAL
290,815	LOT AREA
8.96%	IMPERVIOUS PERCENT

# EXISTING SLOPES AND BUILDABLE AREA

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

**SONNENTAG CONSULTING, LLC.**

616 TOWER RD.  
HUDSON, WI 54016  
PH. 651-334-3332



PH. 715-246-7529

**PROJECT:**

BROWN TROUT LLC  
15311 PUTNAM BLVD S  
AFTON, MN  
PART OF NE-SE, SECTION 15,  
T28N, R20W, WASHINGTON  
COUNTY, MN

**LEGEND:**

- SLOPES 12-18%
- SLOPES > 18%

**NOTE:**  
BUILDABLE AREA = LOT ACREAGE, EXCEPT THE FOLLOWING AREAS:

- FLOODPLAIN
- SLOPES > 18%
- RIGHT OF WAY
- DRIVEWAY EASEMENT

THE ELEVATIONS SHOWN ARE ON NAVD 1988 DATUM DERIVED FROM LIDAR DATA AVAILABLE THROUGH THE MN GEOSPATIAL INFORMATION OFFICE. APPROXIMATE SLOPE CATEGORIES WERE GENERATED FROM THE LIDAR SURFACE MODEL.

DRAWN BY: JMS

CHECKED BY:

DATE: 04/01/16

DWG FILE: 113-LENZEN (RIVAS)

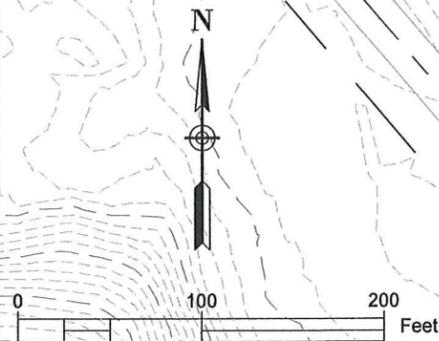
REF FILE:

JOB NUMBER: 113-LEZEN(RIVAS)

REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16
IMPERVIOUS AREAS	JMS	04/27/16
REVISED LOT LAYOUT	JMS	05/25/16
REVISED PER ATTORNEY LETTER	JMS	11/30/16

**SLOPES & BUILDABLE AREA**

SHEET NO.  
1 OF 1



**BOUNDARY DESCRIPTION:**

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER. THE EXTERIOR BOUNDARY OF SAID COMBINED PARCELS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35"W 735.99'; THENCE S88°25'46"W 569.30' TO THE CENTERLINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG THE CENTERLINE OF STAGECOACH TRAIL SOUTH AND EXTENDING ALONG THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON, N16°41'59"W, 308.59'; THENCE CONTINUING ALONG SAID DISCONTINUED CENTERLINE, N21°03'21"W 384.39' TO THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, N88°30'06"E, 1106.04' TO SAID E 1/4 CORNER AND THE POINT OF BEGINNING, CONTAINING 548,037 SQUARE FEET (12.58 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.

**SURVEYOR'S NOTE:** PREVIOUS TITLE ISSUES WERE RESOLVED WITH THE ABOVE MENTIONED COURT ORDER. A COPY OF A SURVEY FROM 1988 IDENTIFYING SAID ISSUES CAN BE FOUND AT THE WASHINGTON COUNTY SURVEYOR'S OFFICE. PREVIOUS DESCRIPTIONS INCLUDED "CALLS" THAT WERE PERTINENT TO THE ORIGINAL DEED DESCRIPTIONS. WITH THE ISSUANCE OF THE COURT ORDER, SAID "CALLS" ARE LESS RELEVANT AND ARE HEREIN EXCLUDED FOR EASE OF READING.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ LICENSE # 48650

UNPLATTED LANDS

FLOODPLAIN

POSSIBLE FUTURE HOME & DRIVEWAY

**PARCEL A**  
5.62 ACRES  
BUILDABLE=2.5 AC

GRAVEL

BUILDING

RESTORE

DRIVEWAY EASEMENT TO PARCEL A (SEE DESCRIPTION ABOVE)

HOUSE (UNDER CONSTRUCTION)

BLUFFLINE (>18%)

**PARCEL B**  
6.44 ACRES  
BUILDABLE=4.4 AC

GRAVEL

BUILDING

BUILDING

UNPLATTED LANDS  
STAGECOACH TRAIL S.

PUTNAM BLVD S.

**IMPERVIOUS AREA - PARCEL A**

EXISTING (SQFT)	
2,340	BUILDING
18,366	EXISTING GRAVEL AREAS
531	EXISTING CONCRETE
21,237	TOTAL
257,222	LOT AREA
8.26%	IMPERVIOUS PERCENT

**IMPERVIOUS AREA - PARCEL A**

EXISTING & FUTURE (SQFT)	
5,505	BUILDINGS
17,037	EXISTING GRAVEL AREAS
531	CONCRETE
1,470	NEW DRIVEWAY
24,543	TOTAL
257,222	LOT AREA
9.54%	IMPERVIOUS PERCENT

**IMPERVIOUS AREA - PARCEL B**

EXISTING/UNDER CONSTRUCTION (SQFT)	
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616 TOWER RD.  
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**G/S LAND SOLUTIONS**  
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**PROJECT:**  
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REVISION DESC.	STAFF	DATE
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**SLOPES & BUILDABLE AREA**

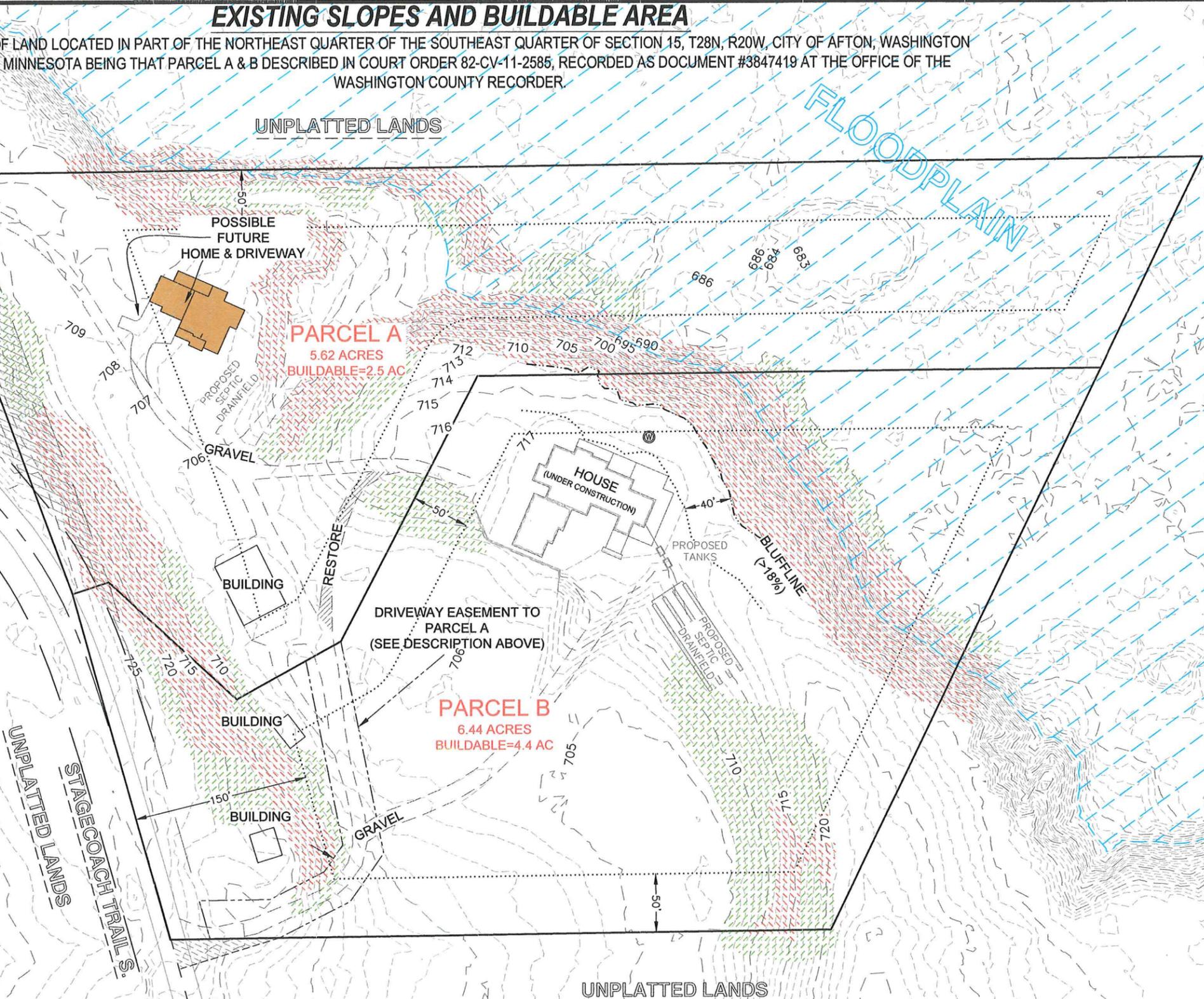
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SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_ LICENSE # 48650



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City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

# Meeting Date Jan. 17, 2017

## Council Action Memo

To: Honorable Mayor Bend and Members of the City Council

From: Ron Moorse, City Administrator

Date: January 12, 2017

Re: Refinancing of Temporary Improvement Bonds Through a Competitive Negotiated Sale of \$2 million General Obligation Temporary Improvement Bonds, Series 2017A – **Resolution 2017-09**

---

On March 25, 2015, the City issued \$3,755,000 of temporary bonds to provide interim cash flow for the Downtown Village Improvements Project until construction began and other funding sources became available. The temporary bonds are due in full on April 1, 2017. Because construction has been delayed, and will not begin earlier than April of 2017, grant funding and low interest loan funding will not be available to pay off the bonds. The Council, at its January 12 Special Meeting, reviewed information from Doug Green, Bond Consultant, regarding options for refinancing the bonds. Based on the option with the lowest overall cost, the Council selected the use of General obligation Temporary Improvement Bonds. The attached resolution authorizes the competitive negotiated sale of \$2 million General Obligation Temporary Improvement Bonds.

### Council Action Requested

**Motion regarding the adoption of resolution 2017-09 providing for the competitive negotiated sale of \$2 million General Obligation Temporary Improvement Bonds, Series 2017A.**

EXTRACT OF MINUTES OF A MEETING  
OF THE CITY COUNCIL  
CITY OF AFTON, MINNESOTA

HELD: January 17, 2017

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Afton, Washington County, Minnesota, was duly held at the City Hall in said City on January 17, 2017, at 7:00 P.M. for the purpose in part of authorizing the competitive negotiated sale of the \$2,000,000 General Obligation Temporary Improvement Bonds, Series 2017A.

The following members were present:

and the following were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2017-09

RESOLUTION PROVIDING FOR THE COMPETITIVE  
NEGOTIATED SALE OF \$2,000,000 GENERAL OBLIGATION  
TEMPORARY IMPROVEMENT BONDS, SERIES 2017A

A. WHEREAS, the City Council of the City of Afton, Minnesota (the "City"), has heretofore determined that it is necessary and expedient to issue its \$2,000,000 General Obligation Temporary Improvement Bonds, Series 2017A (the "Bonds") to provide funds to pay the City's outstanding General Obligation Temporary Improvement Bonds, Series 2015A, dated March 30, 2015; and

B. WHEREAS, the City has retained Springsted Incorporated, in Saint Paul, Minnesota ("Springsted"), as its independent municipal advisor and is therefore authorized to sell these obligations by a competitive negotiated sale in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Afton, Minnesota, as follows:

1. Authorization. The City Council hereby authorizes Springsted to solicit proposals for the competitive negotiated sale of the Bonds.

2. Meeting; Proposal Opening. This City Council shall meet at the time and place specified in the Terms of Proposal attached hereto as Exhibit A for the purpose of considering sealed proposals for, and awarding the sale of, the Bonds. The proposals shall be received at the offices of Springsted and shall be opened at the time specified in such Terms of Proposal.

3. Terms of Proposal. The terms and conditions of the Bonds and the negotiation thereof are fully set forth in the "Terms of Proposal" attached hereto as Exhibit A and hereby approved and made a part hereof.

4. Official Statement. In connection with said competitive negotiated sale, the Administrator and other officers or employees of the City are hereby authorized to cooperate with Springsted and participate in the preparation of an official statement for the Bonds, and to execute and deliver it on behalf of the City upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by member \_\_\_\_\_ and, after full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF AFTON

I, the undersigned, being the duly qualified and acting City Administrator of the City of Afton, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City, duly called and held on the date therein indicated, insofar as such minutes relate to the City's \$2,000,000 General Obligation Temporary Improvement Bonds, Series 2017A.

WITNESS my hand on January \_\_\_\_, 2017.

---

City Administrator

**EXHIBIT A**

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

**Meeting Date Jan. 17, 2017**

**Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: January 11, 2017  
Re: Designation of City Attorney and Prosecuting Attorney – **Resolution 2017-10**

---

Attached for Council consideration is a resolution designating the firm of Holstad and Knaak as the City Attorney and Prosecuting Attorney.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the adoption of Resolution 2017-10 designating the firm of Holstad and Knaak as the City Attorney and Prosecuting Attorney.**

## RESOLUTION 2017-10

### CITY OF AFTON WASHINGTON COUNTY, MINNESOTA

#### DESIGNATING CITY ATTORNEY AND PROSECUTION ATTORNEY

**WHEREAS**, the City seeks legal advice and services related to municipal civil and prosecution matters; and

**WHEREAS**, after careful review and consideration the City Council has chosen to appoint the firm of Holstad and Knaak, PLC to provide both civil and prosecution services; and

**WHEREAS**, the City Council desires to establish the terms and conditions of the City Attorney appointments; and

**WHEREAS**, the City Council desires that Fritz Knaak serve as the lead City Attorney.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Afton that the firm of Holstad and Knaak, PLC is hereby appointed City Attorney and Prosecution Attorney, for a term expiring January 31, 2018 according to the terms, conditions and responsibilities below and as accepted in the April 21, 2009 contract between Frederic W. Knaak and the City of Afton:

#### 1. City Attorney

- a. **Duties.** The duties of the City Attorney shall be to act as the legal advisor, attorney and counsel for the City and for all officers, departments, and agencies thereof, on City business; defend all suits, actions and proceedings against the City unless a special attorney is assigned.

To prepare all contracts and other legal instruments, in writing, in which the City is interested or concerned, and endorse upon each an approval form; however, an approval of bonds to be issued by the City may be covered by separate certificate which is to be filed with the records of the City Council.

To perform such other duties as may be required by ordinance or resolution and to maintain a legal library and support services necessary to fulfill these functions.

To keep the City Council and the City Administrator apprised of legal issues and responsibilities through issuance of written opinions and advisory memoranda.

- b. **Compensation.** The City Attorney shall be compensated for up to 10 hours on a monthly retainer amount of \$2,000.00 for legal services of civil matters.

#### 2. Prosecution –

- a. **Duties.** The duties of the Prosecution Attorney shall be to act as the legal advisor and prosecutor for all municipal criminal matters.

- b. **Compensation.** The Prosecution Attorney shall be compensated on a “fixed” monthly fee of \$2,000.00, in addition to the fixed amount for civil matters.

Payment shall be made by the City to the Attorney following receipt of a monthly invoice or statement which itemizes each project or suit, providing the date, activity and length of time applied.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17TH DAY OF JANUARY, 2017.**

**SIGNED:**

---

Richard Bend, Mayor

**ATTEST:**

---

Ronald J. Moore, City Administrator

Motion by:

Second by:

Palmquist:

Richter:

Ross:

Nelson:

Bend:

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

**Meeting Date Jan. 17, 2017**

**Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moorese, City Administrator  
Date: January 11, 2017  
Re: Designation of City Engineer – **Resolution 2017-11**

---

Attached for Council consideration is a resolution designating the firm of WSB as the City Engineer.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the adoption of Resolution 2017-11 designating the firm of WSB as the City Engineer.**

**RESOLUTION 2017-11**

CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA

**RESOLUTION DESIGNATING THE CITY ENGINEER**

**WHEREAS**, the City seeks engineering advice and services; and

**WHEREAS**, after careful review and consideration the City Council has chosen to appoint the firm of WSB & Associates to provide the services; and

**WHEREAS**, the city entered into a contract with WSB & Associates on November 17, 2009 with a 2017 Rate Schedule which was updated and approved by City Council at their January 17, 2017 meeting; and

**BE IT RESOLVED** by the City Council of the City of Afton that the firm of WSB & Associates is hereby appointed City Engineer, for a term expiring January 31, 2018.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17th DAY OF JANUARY, 2017.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Palmquist:  
Richter:  
Ross:  
Nelson:  
Bend:

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

**Meeting Date Jan. 17, 2017**

## **Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moore, City Administrator  
Date: January 10, 2017  
Re: Designation of Official 2017 City Signatories for Payroll and Checks – **Resolution 2017-12**

---

Attached for Council consideration is a resolution designating the official signatories for payroll and checks.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the adoption of Resolution 2017-12 designating the official signatories for payroll and checks.**



City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

**Meeting Date Jan. 17, 2017**

**Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: January 12, 2017  
Re: Grants Committee Formation

---

The Council has authorized the formation of a Grants Committee to identify and pursue grant funding opportunities. Mayor Bend has developed an outline of the purpose, structure and functioning of the Grants Committee and will provide it at the January 17 Council meeting for the Council's consideration.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the outline for the Grants Committee.**

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

## Meeting Date Jan. 17, 2017

### Council Action Memo

To: Mayor Bend and Members of the City Council  
From: Ron Moorese, City Administrator  
Date: January 11, 2017  
Re: Kim Swanson Linner Resignation

---

Attached is a copy of Kim Swanson Linner's letter of resignation from the City Clerk position. Kim's last day of work was January 5, 2017. Kim has 32 hours of unused accrued sick leave. She has requested that these hours be paid out similar to the payout of unused vacation leave. Also, Kim has offered to work as an independent contractor on a temporary basis to prepare the monthly newsletter and possibly to prepare meeting minutes. Both of these would be accomplished remotely. Staff will review each of these items with the Personnel Committee on Monday, January 16, and will provide recommendations regarding each of them at the January 17 Council meeting.

**COUNCIL ACTION REQUESTED:**

**Motion regarding the requests by Kim Swanson Linner regarding the payout of unused sick leave and regarding temporary work as an independent contractor.**

***KIM SWANSON LINNER***

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---

**9810 83rd Street North  
Stillwater, Minnesota 55082**

**[kimlinner@gmail.com](mailto:kimlinner@gmail.com)**

**(home) 651-429-9631  
(cell) 651-472-1540**

January 3, 2017

Ron Moorse, City Administrator  
City of Afton  
3033 St. Croix Trail South  
Afton, MN 55001

Dear Ron,

I am resigning my position with the City of Afton in order to pursue other interests.

I feel extremely blessed to have had the opportunity to provide exemplary service to the residents of Afton for the past seven years. I will cherish making the acquaintance of the many residents, committee and commission members and have enjoyed working with you and Afton City Council members. I have especially enjoyed the past several months working with Deb. I wish you all the best.

Sincerely,



Kim Swanson Linner

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

## Meeting Date Jan. 17, 2017

### Council Action Memo

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: January 11, 2017  
Re: Temporary Staffing during City Clerk Position Vacancy

---

During the process of hiring a new City Clerk, temporary staffing is needed to handle the office workload. At a minimum, staffing is needed on agenda packet days, which are the Tuesday and Wednesday before each Planning Commission meeting and the Wednesday and Thursday before each Council meeting. In addition, additional staffing will be needed to assist Deb Meade, Office Assistant, as she takes on additional tasks on a temporary basis. It is recommended that an average of 20 hours per week of temporary staffing be provided. Staffing through a temporary staffing service will cost approximately \$20 per hour.

**COUNCIL ACTION REQUESTED:**

**Motion regarding providing an average of 20 hours per week of temporary staffing during the vacancy in the City Clerk position.**

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

# Meeting Date Jan. 17, 2017

## Council Memo

To: Honorable Mayor Bend and Members of the City Council  
From: Ron Moorese, City Administrator  
Date: January 10, 2017  
Re: Periodic Review of Contracted Service Provision

---

It is common for cities to review and conduct requests for proposals for contracted services on a periodic basis. Requests for Proposals provide an opportunity to evaluate and compare service quality and cost. At its November 15, 2016 meeting, the Council directed staff to fine tune the list of services that should have periodic RFP's and to provide recommendations regarding periodic service reviews.

### Periodic Service Review/Evaluation

Staff recommends that each contracted service be evaluated on an annual basis. This could involve a meeting with the service provider to review service level, quality and expectations; service concerns; complaints received; areas for improvement; goals/projects for the coming year; etc.

### Requests for Proposals

Services for which periodic RFP processes should occur are as indicated below. If annual service evaluations identify continuing service concerns, the RFP timing could be accelerated.

- Snow and Ice Control on City Streets: The contract term is five years. An RFP process should be considered every five years and conducted at least every ten years.
- Solid Waste and Recycling: The contract term is five years. An RFP process should be considered every five years and conducted at least every ten years.
- Animal control: The contract term is two years. An RFP process should be considered every four years and conducted at least every eight years
- Annual Audit: an RFP process should be conducted every three to five years
- Legal services: An RFP process should be conducted every five years
- Engineering services: An RFP process should be conducted every five years
- Information Technology services: An RFP process should be conducted every three to five years
- Building Inspection Services: An RFP process should be conducted every five years

### Council Action Requested

**Motion regarding periodic review of contracted services.**

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

# Meeting Date Jan. 17, 2017

## Council Memo

To: Honorable Mayor Bend and Members of the City Council

From: Ron Moorse, City Administrator

Date: January 12, 2017

Re: Authorize Expenditures to Update the Downtown Village Improvements Project Cash Flow Spreadsheet and Schedule a Work Session to Review it.

---

This item was continued from the December 20, 2016 Council meeting. At its November 30 work session, the Council agreed that costs should be authorized for Tom Niedzwiecki to work with the City Engineer and the bond consultant to update the cash flow analysis for the Downtown Village Improvements Project. The Council also agreed that the City Engineer should provide an executive summary explaining the cost increases and how the increases affect the City's bottom line costs for the Project. Staff has discussed this with Todd Hubmer of WSB. Todd indicated that it was straightforward to update the costs to reflect the award of the bid for the Downtown Village Improvement Project. However the revenues have not been updated because the process of updating revenues is substantially more complicated and time-consuming (expensive) due to how the various grants work in relation to cost shares among the grant programs. Todd Hubmer or Diane Hankee will provide additional information regarding the update of the project revenues at the Council meeting.

### Council Action Requested

- **Motion regarding authorizing the update of the Downtown Village Improvements Project revenue information for a work session in February.**
- **Motion regarding scheduling a work session in February**

Frederic W. Knaak\*  
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**HOLSTAD & KNAAK PLC**

"Local in character, national in reputation, international in reach"

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**MEMORANDUM: MONTHLY AFTON PROSECUTION REPORT**

TO: MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: FRITZ KNAAK, AFTON CITY ATTORNEY

DATE: December 7, 2016

This past month, our office has represented the City in a total of 13 prosecutions that were followed through to conviction or alternative disposition. They break down as follows:

Arraignments & Rule 8 Hearings:	6
Pretrials:	6
Omnibus Hearings/Motions:	0
Court Trials:	0
Jury Trials:	0
Revocation/Plea/Sentencing:	1

The report from the court Hearing Officer regarding Afton tickets for the month of December is summarized as follows: **60% Resolved**

**Afton**

Customers	6
Citations	6
Charges	6
Disposed	0
CFD/DUP	3
Contest/NG	0
DNQ	1
Extension	1
No Guidelines	1
Parking	0
Petty Misdemeanor	5
Misdemeanor	1