CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
October 5, 2020

The meeting was held remotely via Zoom due to the Covid-19 pandemic.

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:02 PM

2. **ROLL CALL** – Present: Chair Kris Kopitzke, Kuchen Hale, Doug Parker, Sally Doherty, Scott Patten & Justin Sykora. Absent were James Langan, Roger Bowman & Christian Dawson. A quorum was present.
ALSO IN ATTENDANCE – Council member Wroblewski, City Administrator Ron Moorse

3. **APPROVAL OF AGENDA** –
Motion/Second Doherty/Hale To approve the agenda for the October 5, 2020 Planning Commission meeting. Roll call: all aye, Passed 6-0.

4. **APPROVAL OF MINUTES** –
A. August 31, 2020
Motion/Second Kopitzke/Hale To approve minutes of the August 31, 2020 Planning Commission meeting as amended. Roll call: all aye, Passed 6-0.
(Line 50 summary should be moved to before meeting closed.)

5. **REPORTS AND PRESENTATIONS** - None

6. **PUBLIC HEARINGS** –
A. Ordinance Amendment Regarding Architectural Standards for Industrial Use Structures Ord 09-2020
Chair Kopitzke opened the public hearing at 7:08 PM
Administrator Moorse provided a summary of the ordinance amendment.
No public comments were received.
Motion/Second Parker/Patten to close public hearing. Roll call: all aye, passed 6-0.
Public Hearing closed at 7:12 PM

Planning Commission discussion
Kopitzke stated his preference to regulate these items through the building permit process rather than an ordinance.
Hale stated the colors should blend in with area rather than strict rules. Also light pollution is an important part.
Doherty stated the framework is good with a few revisions.
Kopitzke stated people should be able to do what they want on their property.

The following are recommended changes to the language:
1. Add text "Institutional structures Meet safety codes and fire requirements". Delete "earthtones" add "colors harmonious with surrounding neighborhood". Made of materials "or other as consistent with buildings in this zone".
delete item b facades
item C delete "same as", add "similar"
delete item d
item f add "whenever possible"
delete item h
item I add "shall be substantially screened"
delete item j
Add item K referring to "lighting that is hooded and downcast, minimum needed for safety".

Motion/second Hale/Parker to recommend approval of the ordinance amendment by city council with changes made. Roll call: 4 aye, 2 nay (Patten & Kopitzke). Passed 4-2

7. NEW BUSINESS –

A. Draft ordinance Amendment Requiring the Lower St. Croix Bluffland and Shoreland Management Overlay District Regulations to be Provided to Buyers of Property in the /District

Administrator Moorse provided a summary of the ordinance amendment.

The Planning Commission members discussed if Realtors were the best way to get the information out and felt it should not be their responsibility. Concerns were raised regarding enforceability and timing – receiving the information at closing may be too late. Also how could we track if the information was provided?

Wykora why just for the river area.

Suggestions included:

- Keep it outside of an ordinance. Directly contact the agents who do the most work in Afton.
- Include the information on the website in a "new residents" section.
- Put the information in the newsletter.
- Post signs along River Road stating permits required.

8. OLD BUSINESS –

A. Update on City Council actions

Council member Wroblewski provided a summary of the September City Council meeting.

9. ADJOURN

Motion/Second Doherty/Hale To adjourn. Roll call: all aye, Passed 6-0.

Meeting adjourned at 9:00pm.

Respectfully submitted by:

_____

Julie Yoho, City Clerk

To be approved on October 5, 2020 as (check one): Presented: _____ or Amended: _____

DRAFT

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: Ordinance Amendment Regarding Architectural Standards for Institutional Use Structures in the Ag, AP and RR Zones – **Ordinance 08-2020**

The zoning code sets out architectural standards for all structures in the Industrial zones. These standards apply to institutional use structures, as well as commercial use structures. Institutional uses include schools and other governmental uses such as city halls and community centers, as well as churches. The zoning code also sets out heritage preservation design guidelines for all structures in the VHS-R and VHS-C zones, which apply to commercial, residential and institutional use structures. The zoning code does not have architectural standards for institutional use structures in the Agricultural (Ag), Agricultural Preserves (AP) or Rural Residential (RR) zones. It is important to have architectural standards for institutional use structures in these zones, because institutional uses are unique in these zones and their structures can impact adjacent single family homes and neighborhoods.

In most cities, the architectural standards for institutional use structures are similar to the architectural standards for commercial use structures. Afton recently updated its architectural standards for structures in the industrial zones. These standards apply to all structures, including commercial and institutional use structures. The architectural standards set out the types of exterior materials allowed to be used and also clarify a number of design elements. Staff has drafted the attached ordinance amendment that applies these standards to institutional use structures in the Ag, AP and RR zones. The Planning Commission, at its October 5, 2020 meeting, held a public hearing regarding the ordinance amendment, and provided a number of comments and recommendations regarding the ordinance amendment.

<u>Planning Commission Comments and Recommendations</u>

The Planning Commission generally questioned the need for specific architectural standards in the Ag, AP and RR zones, and particularly questioned why some exterior materials, such as wood, fiber cement siding, such as Hardieboard, and architectural metal were not allowed by the ordinance. The Commission members cited a historic-looking clapboard church, an attractive County building on Hwy 5 that uses metal siding and a nature center with wood exterior to match its natural setting as examples of buildings that would not be allowed under the proposed ordinance.

The key characteristics of the materials included in the proposed ordinance are fire resistiveness and long term durability with minimal maintenance. The PC recommended that, rather than listing limited types of acceptable exterior materials, the ordinance should include a general statement that exterior materials must meet fire codes and must be long lasting and durable with minimal maintenance, and then list examples of types of materials that meet these standards.

In discussing exterior materials with the City's Planning Consultant, he advised that wood is rarely used as an exterior material on institutional buildings because it requires too much maintenance. Regarding the use of metal, architectural metal panels are being used more often on commercial and institutional buildings, but are generally used in conjunction with other exterior materials. This use of metal should be distinguished from a metal pole building.

The Commission also suggested lighting standards be added to the ordinance to limit light pollution, such as requiring lighting to be hooded and downcast.

The Planning Commission discussed each element of the ordinance and provided comments and recommendations that are reflected in the revised ordinance language shown below.

The Planning Commission's recommended revisions to the ordinance language are shown as follows: adding the bold and underlined language and deleting the ~~strike-through~~ language.

Architectural Standards for Institutional Use Structures

1. Institutional use structures shall be of fire resistive construction, and exterior surfaces of all structures must be faced with materials **that meet fire code requirements and are long lasting and durable and require minimal maintenance,** such as brick, stone, architectural concrete (block), precast concrete, EIFS/stucco panels, glass, **architectural metal panels, wood and fiber cement siding,** of ~~earthtones or other tones or~~ colors in harmony with the natural characteristics of the area in which it is constructed and approved by the Design Review Commission, acting as the architectural standards committee.

a. Building design shall be reviewed and evaluated by the Design Review Commission, City Planner and/or Zoning Administrator.

b. ~~Blank facades without windows and doors are prohibited, with the exception of the side facing away from the public street.~~

c. All sides of structures shall have **similar** ~~the same quality of~~ architectural treatment.

d. ~~Variety and creativity in building facade is required through changes in building materials (but not in quality of materials), placement of doors and windows, height and roof lines. Primary facades shall not present a continuous wall without architectural details that add visual interest through articulation, recession or projection.~~

e. Topographical features shall be incorporated into the form of the structure when possible, utilizing natural grade.

f. The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings constructed shall be screened from the ground level view **whenever possible**. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. The term "ground level view" shall be defined as the view of the building from the property line(s) that abuts a street. A cross sectional drawing shall be provided that illustrates the sight lines from the ground level view.

g. Rooftop ~~solar collectors~~, skylights and other potentially reflective rooftop building elements shall be designed and installed in a manner that prevents reflected glare and obstruction of views from other sites and structures.

h. ~~Roof slopes shall not exceed 1:12 for all principal buildings.~~

i. Delivery, service, storage, maintenance and trash collection areas shall be ~~located out of view from the public right-of-way or~~ substantially screened through landscaping or architectural features that match the primary structure. Service, storage and trash collection areas are not allowed in setback areas.

j. ~~All permanent utilities connecting to a building shall be underground~~.

k. Lighting shall be hooded and downcast, and shall be limited to the minimal amount required for safety to minimize light pollution.

Timing of Adoption of Architectural Standards

The moratorium that was put in place to enable the development of architectural standards for institutional uses will expire on November 17. This provides the time for additional work to address the comments of the Planning Commission, and to determine how best to reflect the Planning Commission's comments in a final ordinance. This could include additional discussion at a work session.

COUNCIL ACTION REQUESTED:

Motion regarding the adoption of an ordinance amendment regarding architectural standards for institutional use structures in the Ag, AP and RR Zones.

ORDINANCE 08-2020

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SECTIONS 12-139, 12-140 AND 12-141 OF CHAPTER 12, LAND USE OF THE CITY CODE REGARDING ARCHITECTURAL STANDARDS FOR INSTITUTIONAL USE STRUCTURES IN THE AGRICULTURAL, AGRICULTURAL PRESERVES AND RURAL RESIDENTIAL ZONING DISTRICTS

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 bold and underlined language and deleting the ~~strike-through~~ language.

Sec. 12-139. Agricultural Preserves (AP) Overlay District

W. Architectural Standards for Institutional Use Structures

1. Institutional use structures shall be of fire resistive construction, and exterior surfaces of all structures must be faced with brick, stone, architectural concrete (block), precast concrete, EIFS/stucco panels, or glass, of earthtones or other tones or colors in harmony with the natural characteristics of the area in which it is constructed and approved by the Design Review Commission, acting as the architectural standards committee.

a. Building design shall be reviewed and evaluated by the Design Review Commission, City Planner and/or Zoning Administrator.

b. Blank facades without windows and doors are prohibited, with the exception of the side facing away from the public street.

c. All sides of structures shall have the same quality of architectural treatment.

d. Variety and creativity in building facade is required through changes in building materials (but not in quality of materials), placement of doors and windows, height and roof lines. Primary facades shall not present a continuous wall without architectural details that add visual interest through articulation, recession or projection.

e. Topographical features shall be incorporated into the form of the structure when possible, utilizing natural grade.

f. The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings constructed shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. The term "ground level view" shall be defined as the view of the building from the property line(s) that abuts a street. A cross sectional drawing shall be provided that illustrates the sight lines from the ground level view.

g. Rooftop solar collectors, skylights and other potentially reflective rooftop building elements shall be designed and installed in a manner that prevents reflected glare and obstruction of views from other sites and structures.

h. Roof slopes shall not exceed 1:12 for all principal buildings.

i. Delivery, service, storage, maintenance and trash collection areas shall be located out of view from the public right-of-way or substantially screened through landscaping or architectural features that match the primary structure. Service, storage and trash collection areas are not allowed in setback areas.

j. All permanent utilities connecting to a building shall be underground.

Sec. 12-140. Agricultural (A) Zoning District

M. Architectural Standards for Institutional Use Structures

1. Institutional use structures shall be of fire resistive construction, and exterior surfaces of all structures must be faced with brick, stone, architectural concrete (block), precast concrete, EIFS/stucco panels, or glass, of earthtones or other tones or colors in harmony with the natural characteristics of the area in which it is constructed and approved by the Design Review Commission, acting as the architectural standards committee.

a. Building design shall be reviewed and evaluated by the Design Review Commission, City Planner and/or Zoning Administrator.

b. Blank facades without windows and doors are prohibited, with the exception of the side facing away from the public street.

c. All sides of structures shall have the same quality of architectural treatment.

d. Variety and creativity in building facade is required through changes in building materials (but not in quality of materials), placement of doors and windows, height and roof lines. Primary facades shall not present a continuous wall without architectural details that add visual interest through articulation, recession or projection.

e. Topographical features shall be incorporated into the form of the structure when possible, utilizing natural grade.

f. The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings constructed shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. The term "ground level view" shall be defined as the view of the building from the property line(s) that abuts a street. A cross sectional drawing shall be provided that illustrates the sight lines from the ground level view.

g. Rooftop solar collectors, skylights and other potentially reflective rooftop building elements shall be designed and installed in a manner that prevents reflected glare and obstruction of views from other sites and structures.

h. Roof slopes shall not exceed 1:12 for all principal buildings.

i. Delivery, service, storage, maintenance and trash collection areas shall be located out of view from the public right-of-way or substantially screened through landscaping or architectural features that match the primary structure. Service, storage and trash collection areas are not allowed in setback areas.

j. All permanent utilities connecting to a building shall be underground.

Sec. 12-141. Rural Residential (RR) Zoning District

E. Architectural Standards for Institutional Use Structures

1. Institutional use structures shall be of fire resistive construction, and exterior surfaces of all structures must be faced with brick, stone, architectural concrete (block), precast concrete, EIFS/stucco panels, or glass, of earthtones or other tones or colors in harmony with the natural characteristics of the area in which it is constructed and approved by the Design Review Commission, acting as the architectural standards committee.

a. Building design shall be reviewed and evaluated by the Design Review Commission, City Planner and/or Zoning Administrator.

b. Blank facades without windows and doors are prohibited, with the exception of the side facing away from the public street.

c. All sides of structures shall have the same quality of architectural treatment.

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e. Topographical features shall be incorporated into the form of the structure when possible, utilizing natural grade.

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h. Roof slopes shall not exceed 1:12 for all principal buildings.

i. Delivery, service, storage, maintenance and trash collection areas shall be located out of view from the public right-of-way or substantially screened through landscaping or architectural features that match the primary structure. Service, storage and trash collection areas are not allowed in setback areas.

j. All permanent utilities connecting to a building shall be underground.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 20TH DAY OF OCTOBER, 2020.

SIGNED:

_____

Bill Palmquist, Mayor

ATTEST:

_____

Ronald J. Moorse, City Administrator

Motion by:
Second by:
Perkins:
Wroblewski:
Ross:
Nelson:
Palmquist:

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: Draft Ordinance Amendment Requiring the Lower St. Croix Bluffland and Shoreland Management Overlay District (Riverway) Regulations to be Provided to Buyers of Property in the Riverway

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Several years ago, the attached Landowners Guide to the Lower St. Croix Riverway was created to inform realtors, current and potential property owners, and contractors in the St. Croix Riverway about the importance of protecting the Riverway and the regulations that are in place to do that. As new realtors begin to work in Afton, and as potential property owners begin to make plans for the use of Riverway property, it is important that they are aware of the Riverway regulations. A relatively simple way of doing this is by realtors being familiar with the Landowners Guide and providing a copy of the guide to potential Riverway landowners before they purchase property in the Riverway.

It is important that expectations regarding the use of Riverway property are in sync with the regulations well before plans are made and particularly before property is purchased. This can prevent unrealistic expectations regarding the size and location of a home and can also prevent illegal activities such as tree removals on the shoreline.

The Council requested staff to draft an ordinance to ensure that potential Riverway property owners are provided with the Riverway regulations prior to the purchase of property. The attached draft ordinance amendment requires that realtors selling Riverway property in Afton provide information regarding the Riverway regulations to potential property owners prior to the transfer of the property.

The Council reviewed the draft ordinance and referred the draft ordinance to the Planning Commission for the Commission's feedback and ideas regarding the best way to ensure Riverway regulations are provided to potential property owners prior to the purchase of property.

Planning Commission Comments and Recommendation

The Planning Commission discussed the drft ordinance at its October 5, 2020 meeting, and had a number of comments and suggestions regarding the draft ordinance. They are summarized below.

- The Landowner's Guide to the Lower St. Croix Riverway contains very good information
- Questioned whether an ordinance requiring realtors to provide the regulations to potential property owners would be enforceable
- Suggested that the onus could be put on the seller to provide the information rather than on realtors. A new owner could then make a claim against the former owner.
- Could the DNR or other agency assist the City in putting a requirement in place, such as through a statute that is designed to protect the St. Croix River as a Wild and Scenic River?
- There are a wide range of other options for getting the regulations to potential buyers.
    - By contacting City Hall
    - By going to the City's website

        - A message such as "Are you planning to buy on the River…? Or "Planning to move to the River in Afton…?
    - Signage on River Road, such as : "You are entering an area with special zoning restrictions to protect the St, Croix River, a Federally Designated Wild and Scenic River"
    - By providing the regulations to realtors and encouraging them to distribute them to potential buyers
- If a buyer receives the information for the first time just before closing, it would be too late.

The Planning Commission's general recommendation was that there are better options for making people aware of the Riverway regulations than the draft ordinance.

COUNCIL ACTION REQUESTED:

Motion regarding the draft ordinance amendment requiring the Lower St. Croix Bluffland and Shoreland Management Overlay District (Riverway) Regulations to be provided to buyers of property in the Riverway

ORDINANCE 09-2020

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SECTION 12-838 OF CHAPTER 12 LAND USE, OF THE CITY CODE T0 ADD LANGUAGE REGARDING NOTIFICATION OF LOWER ST. CROIX BLUFFLAND AND SHORELAND MANAGEMENT DISTRICT REGULATIONS TO BUYERS OF LAND IN THE DISTRICT

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

Section 12-238 of the Afton Code of Ordinances shall be amended to add the following **bold and underlined** language

Sec. 12-838. **Notification of the Lower St. Croix Bluffland and Shoreland District regulations**

A. Purpose
1. To protect the St. Croix River and the natural environment of the Lower St. Croix Bluffland and Shoreland District by ensuring potential buyers of property in the District are provided with the regulations regarding the use of land in the District

B. Notification of Regulations
1. Buyers of property in the Lower St. Croix Bluffland and Shoreland District shall be provided with the regulations regarding the use of land in the District prior to the transfer of the property. The realtor representing the buyer, or other representative of the buyer, shall provide the regulations to the buyer.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS ____ DAY OF ____, 2020.

SIGNED:

_____

Bill Palmquist, Mayor

ATTEST:

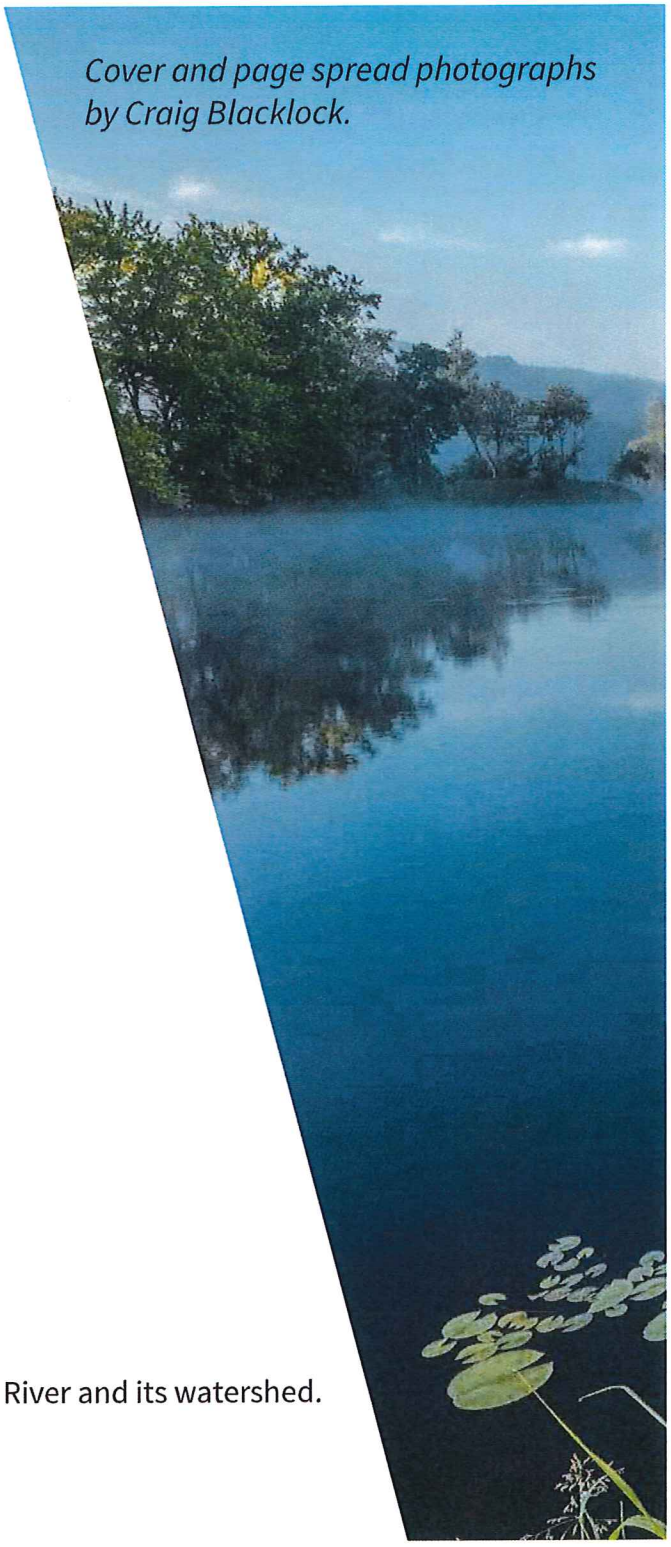
_____

Ronald J. Moorse, City Administrator

Motion by:
Second by:
Perkins:
Wroblewski:
Ross:
Nelson:
Palmquist:

Landowner's Guide to the Lower St. Croix Riverway

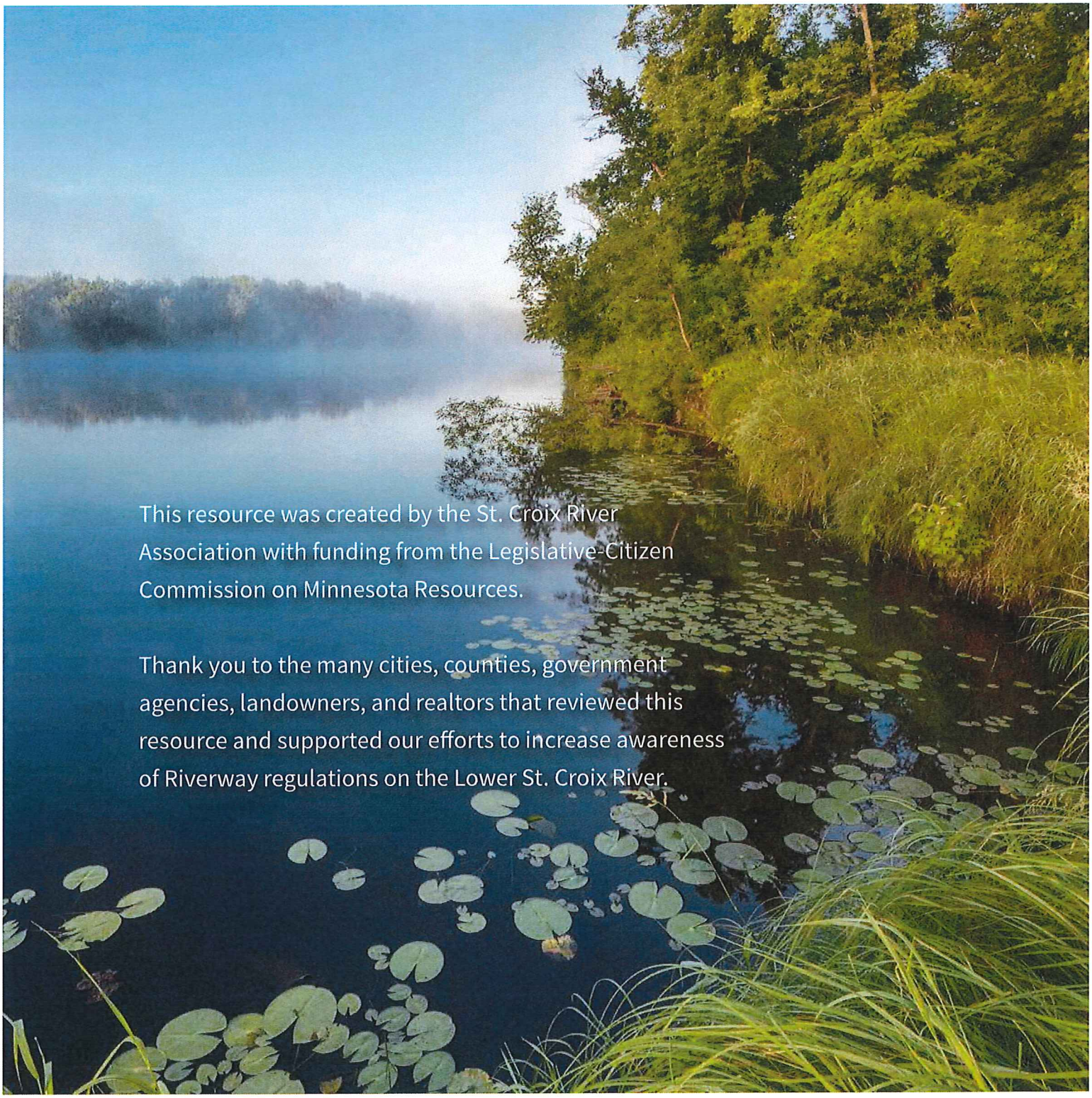
Cover and page spread photographs by Craig Blacklock.



St. Croix River
ASSOCIATION

Our mission: To protect, restore, and celebrate the St. Croix River and its watershed.

715.483.3300 stcroixriverassociation.org



This resource was created by the St. Croix River Association with funding from the Legislative-Citizen Commission on Minnesota Resources.

Thank you to the many cities, counties, government agencies, landowners, and realtors that reviewed this resource and supported our efforts to increase awareness of Riverway regulations on the Lower St. Croix River.

TABLE OF CONTENTS

5 FAQs
6 Contacts
7 Riverway Regulations
9 Ordinary High Water Level
11 Bluffline
13 Minimum Lot Width
14 Minimum Water Frontage
15 Minimum Lot Size
16 Maximum Impervious Surface
17 Height of Structure
18 Water Quality
19 Vegetative Management
20 Habitat
21 Colors

FAQs

Where is the St. Croix Riverway District?

On average, the St. Croix Riverway District extends a quarter-mile out from the river, following the bluffline. In some communities, the Riverway boundary extends well beyond the river and in other places the Riverway boundary is very narrow. Contact your local government to learn if your property is within the St. Croix Riverway District.

Where can I learn about restrictions on my property?

Contact your local government to inquire about zoning and restrictions specific to your property. In many cases, local ordinances may be more restrictive than the Riverway rules outlined in this booklet.

The St. Croix River is one of only 208 Wild and Scenic Rivers in North America. It is the only river in Minnesota listed under the Wild and Scenic Rivers Act. The St. Croix River valley is a beautiful place to live, work, and play thanks to the protections outlined in this guide. Landowners along the river provide the stewardship of the land and water to preserve this natural treasure for future generations.

Can I build, rebuild, or remodel in the St. Croix Riverway District?

Yes, of course! However, there are unique building restrictions within the St. Croix Riverway. Be sure to explore the local ordinances and contact your local government before making any plans for your property.

Who can I contact to learn more about Riverway regulations or scenic easements?

Contact your local government, the Department of Natural Resources (DNR), or the National Park Service (for scenic easements) before undertaking any work on your property to learn about Riverway zoning regulations related to your proposed activity or project.

MN DNR (Properties in Washington County): 888-646-6367
MN DNR (Properties in Chisago County): 763-689-7100
MN DNR Easements: 651-259-5599
National Park Service (for scenic easements): 715-483-2261
Afton: 651-436-5090
Bayport: 651-275-4404
Lakeland: 651-436-4430
Lakeland Shores: 651-436-1789
Lake St. Croix Beach: 651-436-7031
Marine on St. Croix: 651-433-3636
Oak Park Heights: 651-439-4439
Scandia: 651-433-2274
Stillwater: 651-430-8800
St. Mary's Point: 651-436-1099
Taylors Falls: 651-465-5133

For townships, contact your county:
Washington County: 651-430-4300
Chisago County: 651-213-8382

The Riverway Regulations

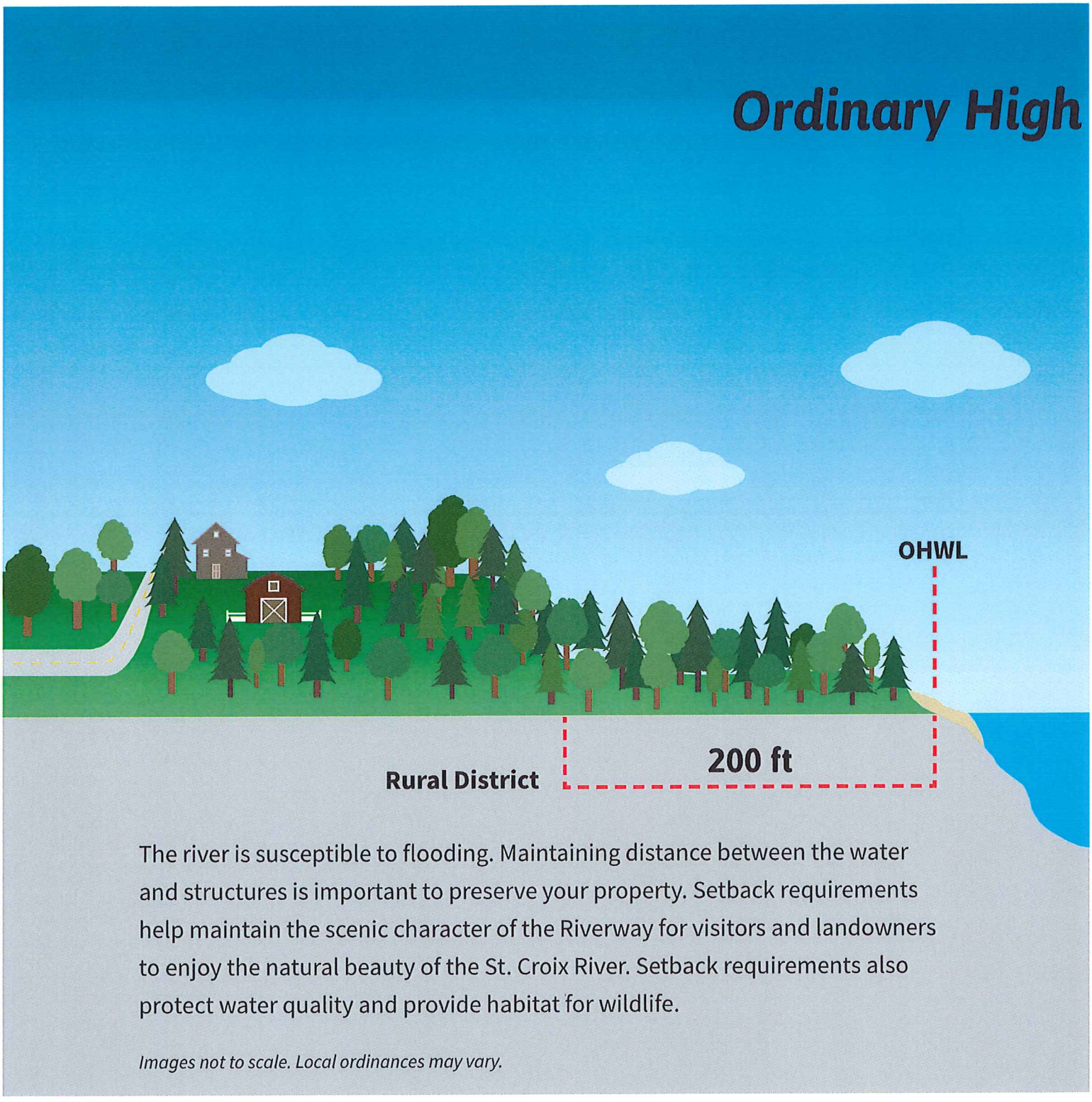
The following pages provide visuals to better understand the building restrictions within the St. Croix Riverway boundary. The images reflect the Minnesota rules and are based on the model ordinance that was adopted by local governments. Depending on how your property is zoned, there may be different factors to take into consideration. Please use this as an introduction to the Riverway ordinances and contact your local government to learn more about restrictions specific to your property.

Many structures were built prior to the adoption of the Riverway regulations. This may limit what you can do on your property. Be sure to work closely with your local government *before* investing in plans.

Overview of Riverway Regulations

Regulation	Rural District	Urban District	Urban District with Public Sewer and Water
Minimum lot size above ordinary high water level	2.5 acres	1 acre	20,000 sq ft
Lot width at building setback line	200 ft	150 ft	100 ft
Lot width at water line	200 ft	150 ft	100 ft
Building setback from ordinary high water level	200 ft	100 ft	100 ft
Building setback from bluffline	100 ft	40 ft	40 ft
Maximum structure height	35 ft	35 ft	35 ft
Maximum total lot area covered by impervious surface	20 % (1/2 acre)	20 % (8,700 sq ft)	20 % (4,000 sq ft)

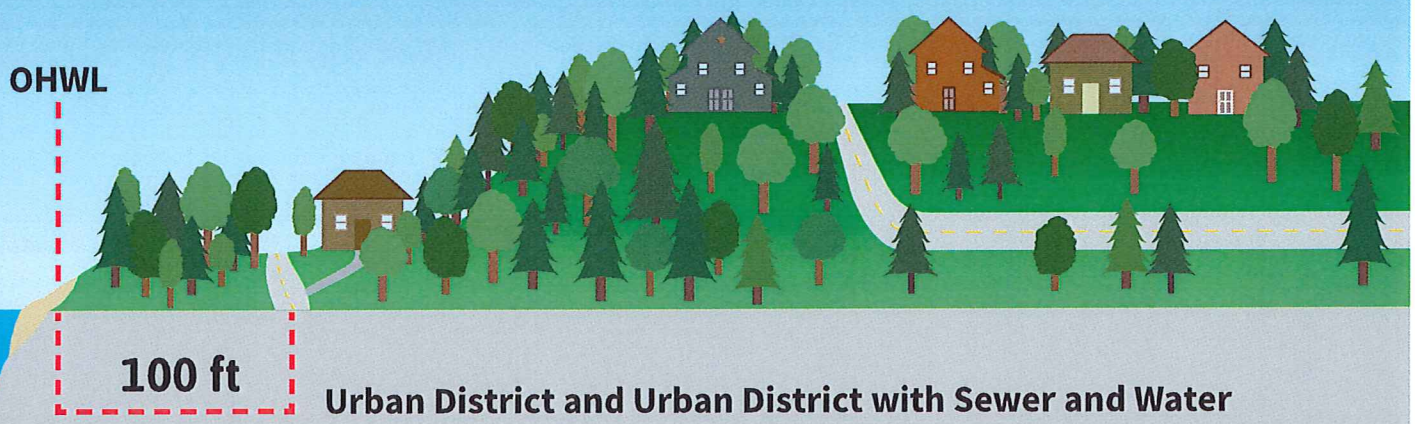
Contact your zoning administrator to learn whether your property is zoned rural, urban, or urban with sewer and water. Local ordinances may be more restrictive than the Riverway regulations outlined in this resource. Please reference your local ordinances and contact your zoning administrator for more information.



The river is susceptible to flooding. Maintaining distance between the water and structures is important to preserve your property. Setback requirements help maintain the scenic character of the Riverway for visitors and landowners to enjoy the natural beauty of the St. Croix River. Setback requirements also protect water quality and provide habitat for wildlife.

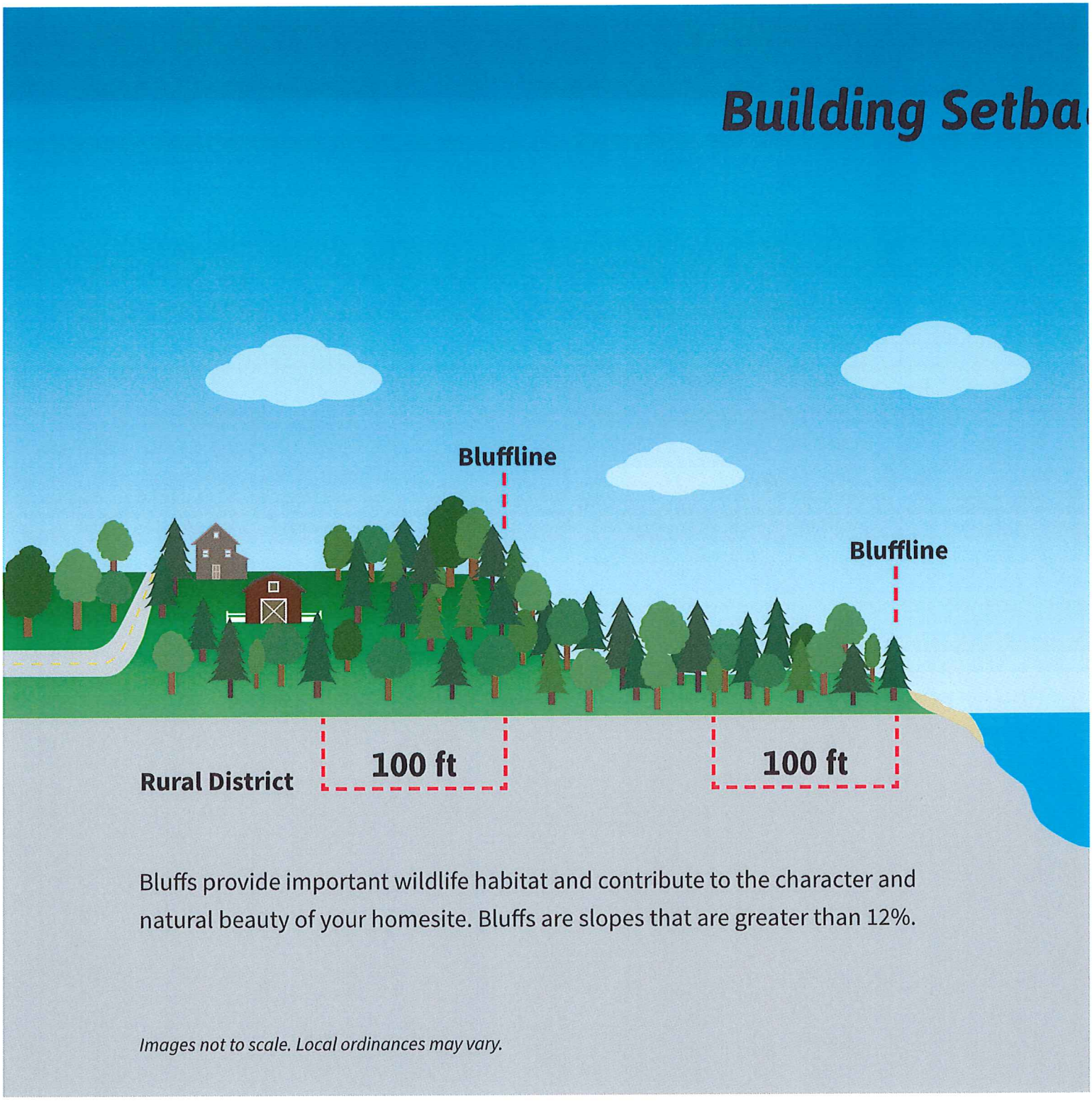
Images not to scale. Local ordinances may vary.

Water Level (OHWL)



Urban District and Urban District with Sewer and Water

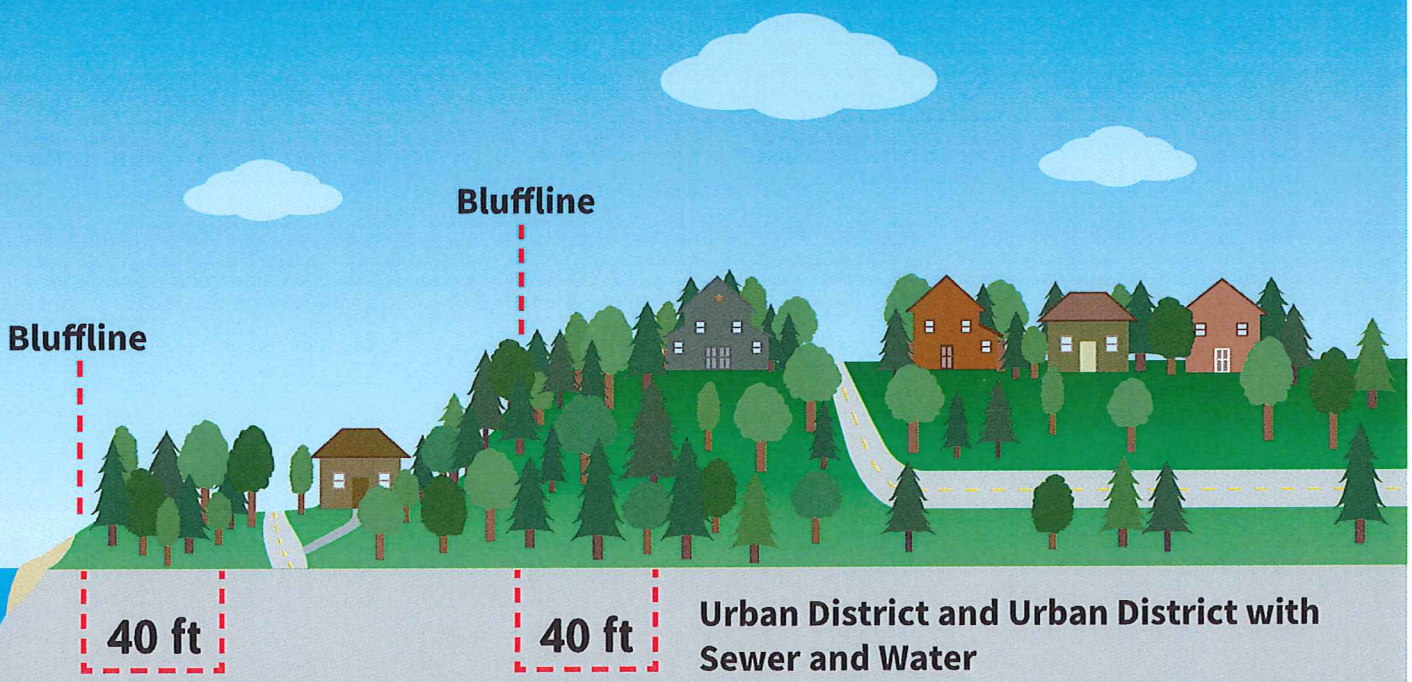
The ordinary high water level is commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. Contact the Minnesota DNR for a correct OHWL determination before making plans for your property.



Bluffs provide important wildlife habitat and contribute to the character and natural beauty of your homesite. Bluffs are slopes that are greater than 12%.

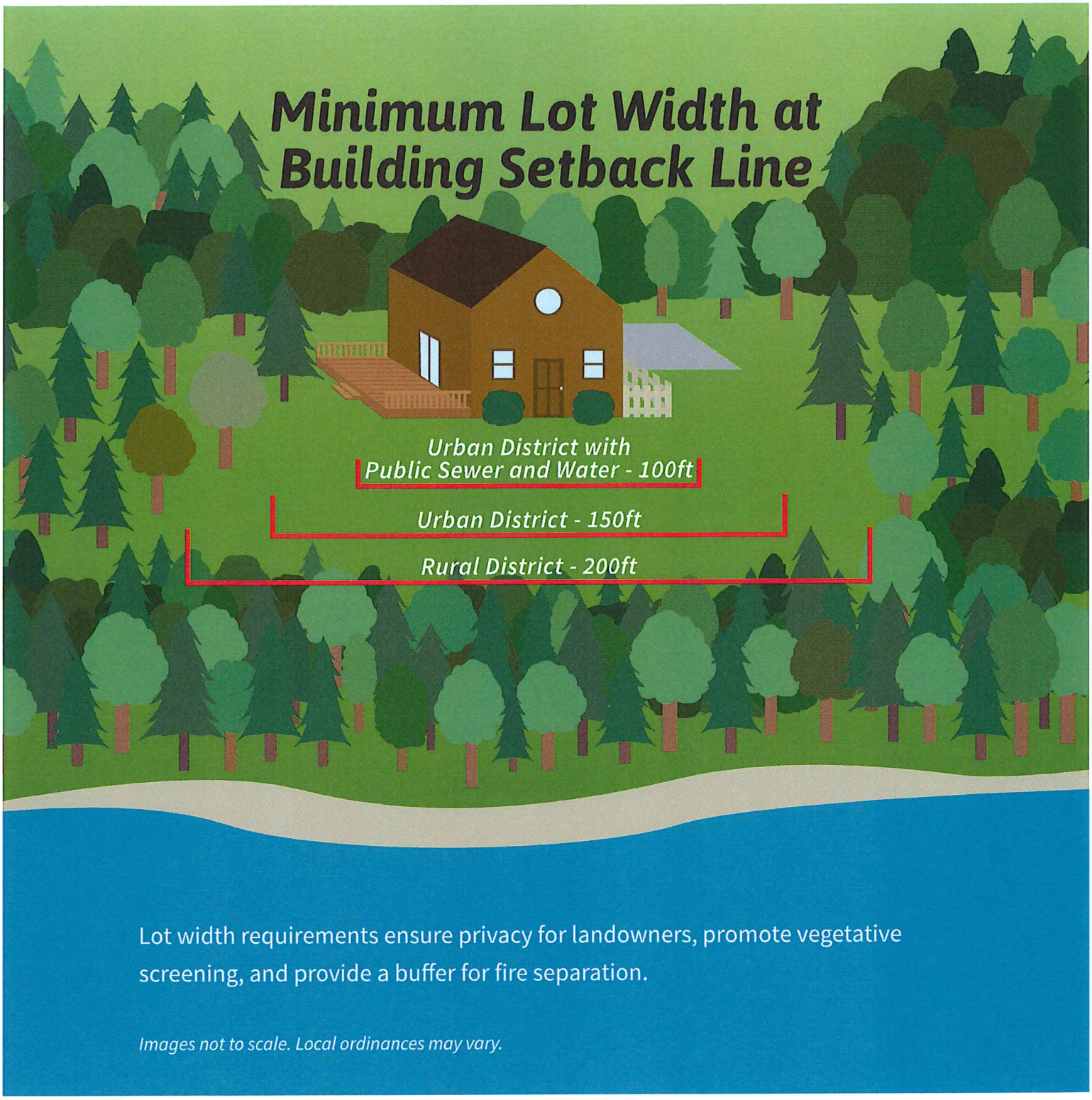
Images not to scale. Local ordinances may vary.

ck from Bluffline



Urban District and Urban District with Sewer and Water

Steep slopes and land adjacent to them are subject to earth movement and can be easily disturbed by excavation, ground cover removal, and tree/shrub cutting. Although the amount of movement may be slight, it can result in cracked foundations, tilted basement walls, soil erosion, and damaged utility lines.



Lot width requirements ensure privacy for landowners, promote vegetative screening, and provide a buffer for fire separation.

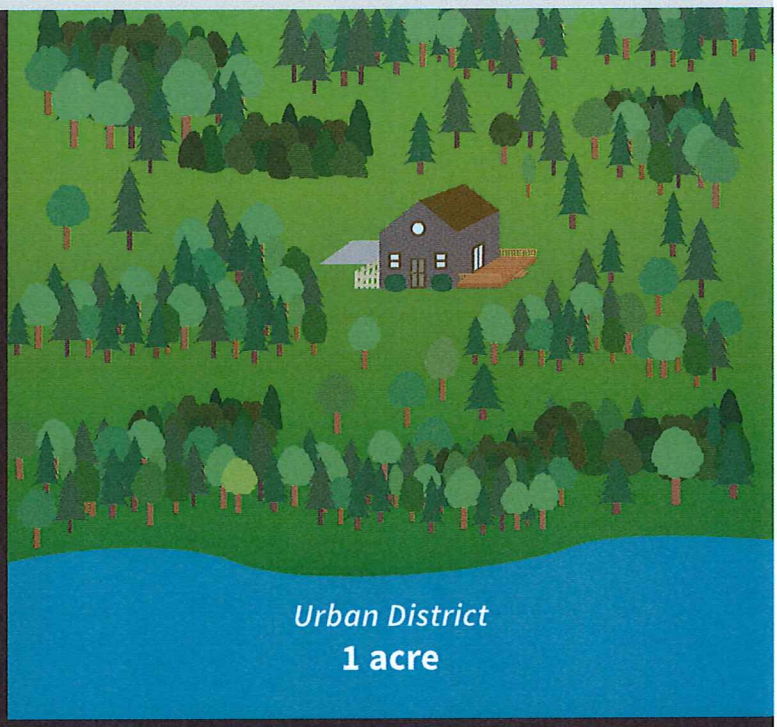
Images not to scale. Local ordinances may vary.

Minimum Lot Width at Water Line
Urban District with
Public Sewer and Water - 100ft
Urban District - 150ft
Rural District - 200ft

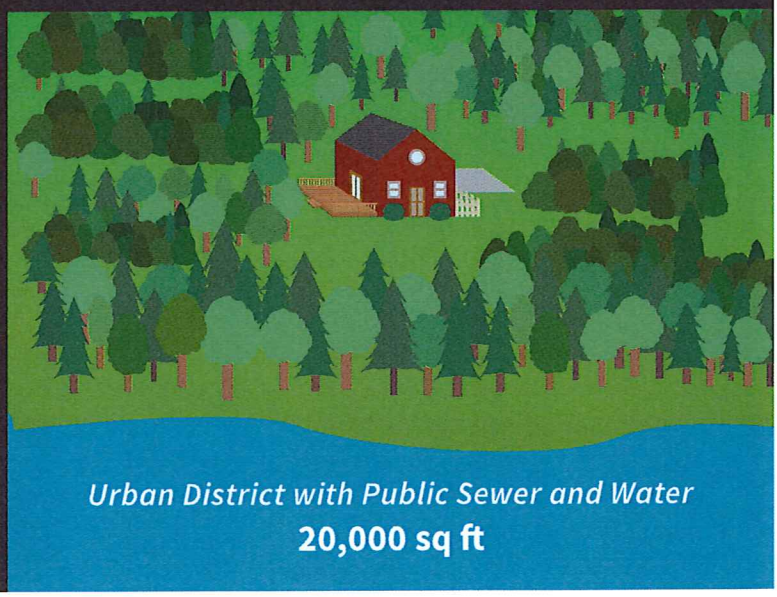
Minimum Lot Size

Rural District
2.5 acres

Images not to scale. Local ordinances may vary.



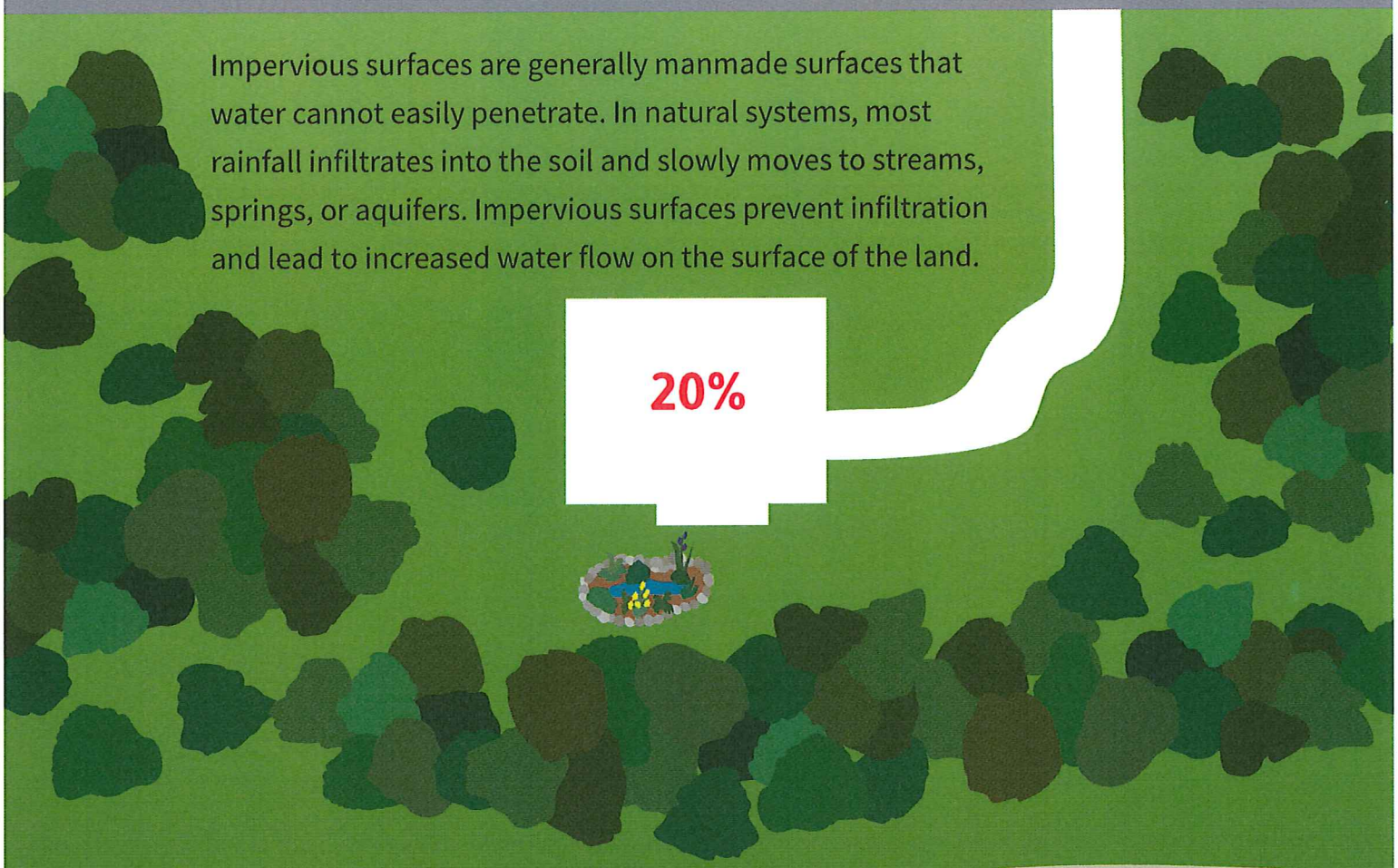
Urban District
1 acre



Urban District with Public Sewer and Water
20,000 sq ft

Maximum Impervious Surface

Impervious surfaces are generally manmade surfaces that water cannot easily penetrate. In natural systems, most rainfall infiltrates into the soil and slowly moves to streams, springs, or aquifers. Impervious surfaces prevent infiltration and lead to increased water flow on the surface of the land.



Examples of impervious surfaces:

- Patios
- Roofs
- Decks
- Gravel/paved roads
- Driveways
- Structures

Height of Structure

Height regulations help ensure that all new structures and additions to existing structures, to the extent possible, are not seen from the river. If you have a structure that was built before the adoption of the Riverway regulations, different height restrictions may apply.

Images not to scale. Local ordinances may vary.

Water Quality

Using water-friendly landscaping, like native plants and raingardens, helps minimize runoff and helps keep our water clean.

A raingarden is a bowl shaped garden that is built where it will capture rain and snowmelt (stormwater runoff) before it reaches a storm sewer or nearby stream, lake, or river.

You can plant a raingarden at home to catch runoff from your rooftop, driveway, or street. Contact your local watershed management organization for more information!

Properly designed raingardens:

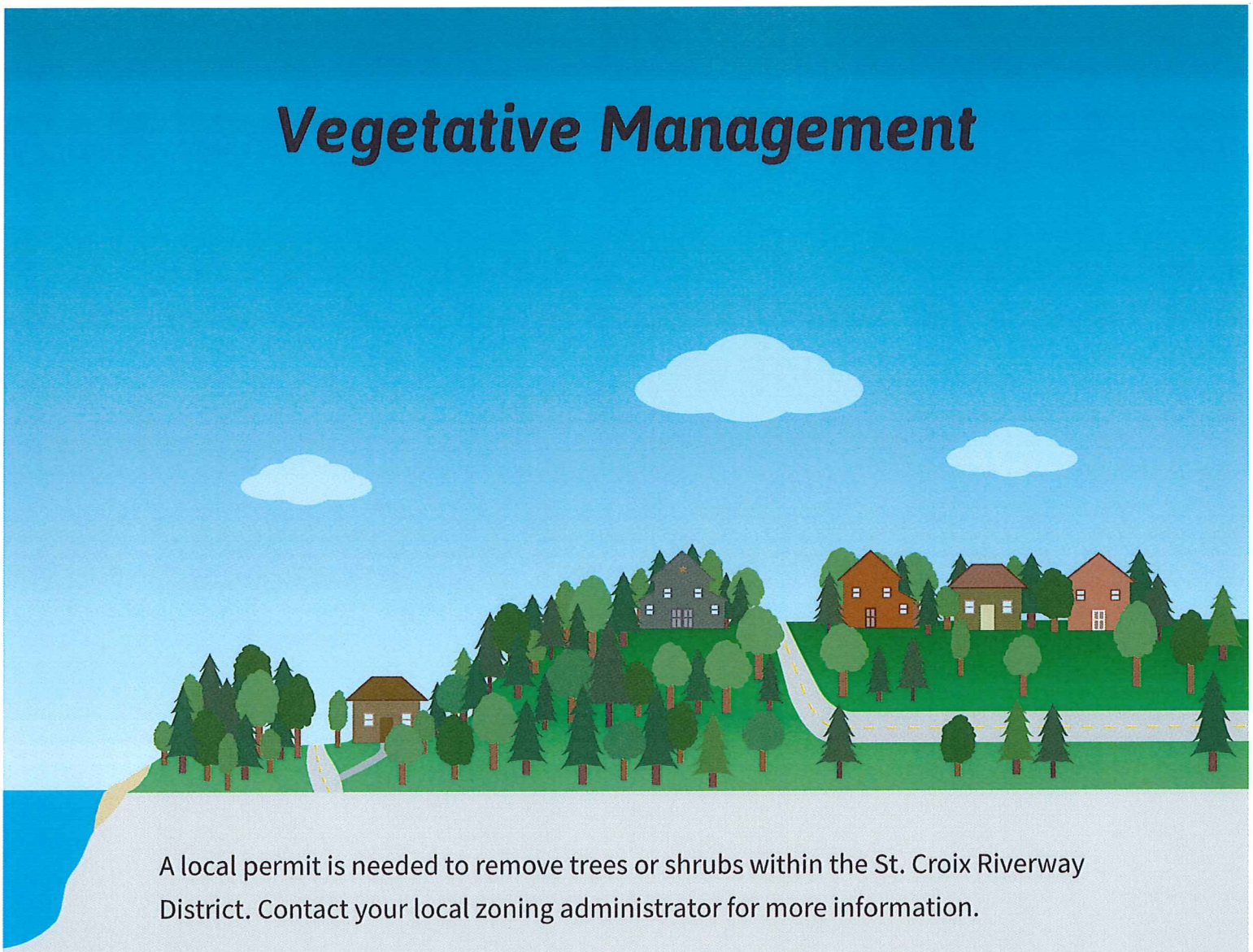
- Beautify your landscape
- Reduce pollution to lakes, rivers, and streams
- Reduce flooding and erosion
- Attract birds and butterflies
- Protect fish and other aquatic animals

Raingardens DO NOT:

- Attract mosquitoes
- Hold water more than 2 days
- Require more maintenance than other gardens
- Cost lots of money

Information provided by
Blue Thumb: bluethumb.org

Vegetative Management



A local permit is needed to remove trees or shrubs within the St. Croix Riverway District. Contact your local zoning administrator for more information.

A buffer of trees along the bank can provide privacy, enhance property values, and protect the shoreline. Vegetation protects buildings from wind in winter and strong sunlight in summer. The roots of native plants stabilize soil, prevent erosion, and improve water quality.

Images not to scale. Local ordinances may vary.

Habitat

Native plants have deep roots which absorb excess rainfall and prevent water from running directly into our rivers and streams. Native plants, instead of turf lawns, help reduce your carbon footprint, and provide clean water for everyone. They also provide food and habitat for pollinators! Contact your local watershed management organization for more information.

Information and photo provided by Blue Thumb: bluethumb.org

The exterior colors of new or renovated structures are required to be earth or summer vegetation tones. Building in harmony with the environment includes building with materials in tones that blend with the natural settings such as using dark roof areas and earth-tone paints.

Images not to scale. Local ordinances may vary.

For more information on how to
be a river steward visit
stcroixriverassociation.org

St. Croix River
ASSOCIATION
Protect. Restore. Celebrate.
stcroixriverassociation.org

InSite Contracting, Inc.
24060 Greenway Rd
Unit A
Forest Lake, MN 55025

Invoice

Date	Invoice #
9/22/2020	2470

Bill To
WSB Project No. 014673-000 City of Afton

Terms
Due on Receipt

P.O. No.	Project
Bridge 82505	PR206- Bridge Improvements

Line Item	Quantity	Rate	Description	Current Amount
Mobilization	1	12,000.00		12,000.00
Mobilization	1	3,000.00	Bridge	3,000.00
Removal	77	55.00	Timber Barrier Rail	4,235.00
Removal	1	1,000.00	Regulated Waste Material	1,000.00
Guardrail	34	31.00	Excavation Embankment	1,054.00
Guardrail	0	102.00	Common Embankment	0.00
Removal	0	2,000.00	Concrete End Post	0.00
Guardrail	64	46.00	Anch Type Threaded Rods	2,944.00
Anchorage Assembly Type 31	2	1,400.00		2,800.00
End Treatment Tangent Terminal	2	3,000.00		6,000.00
Traffic Barrier Design Type 31	225	61.00		13,725.00
Traffic Control	1	1,100.00		1,100.00
Guardrail	0	5.00	Silt Fence Type MS	0.00
Guardrail	0	7.00	Sediment Control Log Type Compost	0.00
Guardrail	0	81.00	Common Topsoil Borrow	0.00
Guardrail	0	10.00	Fertilizer Type 1	0.00
Guardrail	0	5,000.00	Seeding	0.00
Guardrail	0	250.00	Seed Mixture 35-241	0.00
Guardrail	0	4.00	Rolled Erosion Prevention Category 25	0.00

Thank you for choosing InSite Contracting for your Guardrail needs! We look forward to working with you again soon!

Subtotal	$47,858.00
Sales Tax (6.875%)	$0.00
Balance Due	$47,858.00

Phone #	Fax #	Web Site
651-968-4554	651-968-4466	www.insitemn.com

ALLIED BLACKTOP COMPANY
10503 89th Avenue North
Maple Grove, MN 55369

Phone: (763) 425-0575
Fax: (763) 425-1046

INVOICE

Invoice: 5801
Invoice Date: 9/30/2020

Bill To:	Project Details:
CITY OF AFTON 3033 ST. CROIX TRAIL SOUTH P.O. BOX 219 AFTON, MN 55001-0219	CITY OF AFTON 20386 AFT004

Payment Terms	Contract Number	Invoice Due Date
NET 30		10/30/2020

Description

2020 CRACK FILL PROJECT WSB NO. 015364-000

MOBILIZATION: 1 LS @ $5,000.00 = $5,000.00

CRACK SEALING: 588 RS @ $38.00/RS = $22,344.00

EXTRA RS: 15 RS @ $38.00/RS = $570.00

Description	Invoice Amount	Retainage	Current Due
	27,914.00	0.00	27,914.00
Subtotal Amount	**27,914.00**	**0.00**	**27,914.00**
Tax Amount ('T' Indicates a taxable line)			**0.00**
Total Invoice Amount Due			**27,914.00**

DEPARTMENT OF REVENUE

Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	1-437-799-712
Submitted Date and Time:	30-Sep-2020 3:53:09 PM
Legal Name:	ALLIED BLACKTOP COMPANY
Federal Employer ID:	41-0827871
User Who Submitted:	N10503
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	**1618632704**
Minnesota ID:	8606387
Project Owner:	CITY OF AFTON
Project Number:	2020 CRACK FILL PROJECT WSB 015364-000
Project Begin Date:	21-Sep-2020
Project End Date:	25-Sep-2020
Project Location:	VARIOUS ROADS AND STREETS
Project Amount:	$27,914.00
Subcontractors:	No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

If you need further assistance, contact our Withholding Tax Division at 651-282-9999, (toll-free) 800-657-3594, or (email) withholding.tax@state.mn.us. Business hours are 8:00 a.m. - 4:30 p.m. Monday - Friday.

Please print this page for your records using the print or save functionality built into your browser.

wsb

Memorandum

To: Honorable Mayor and City Council, City of Afton

From: Nick Guilliams, City Engineer
Klay Eckles, Senior Project Manager

Date: October 20, 2020

Re: October Engineering Staff Report

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1. Invoice (final) – Valley Creek Bridge (82505) Guard Rail Improvements

InSite Contracting Inc. has completed all work on this project and the final invoice for the guard rail improvements is being presented for Council approval. Note that the original bid was $67,966, but the final payment is for a total project amount of $47,858.00. The significant reduction is due to some value engineering undertaken in partnership with the contractor. This effort identified several alternative construction techniques to build the guardrail for less cost. The final project management engineering efforts associated with this project will also be less than the original expectation.

Action: Recommend approval of Invoice 2470 (final payment) from InSite Contracting Inc. for completion of the Valley Creek Bridge (82505) Guard Rail Improvement Project in the amount of $47,858.00

2. Pay Application 1 (final)—2020 Crack Filling Project

Allied Blacktop has completed the 2020 Crack Filling Project, completing almost 11 miles of roadway crack filling. The final amount due is $27,914. This is $570 more than the original contract price, as an additional section of roadway increased the mileage ultimately maintained.

Action: Recommend approval of payment of the invoice from Allied Blacktop in the amount of $27,914.

178 E 9TH STREET | SUITE 200 | SAINT PAUL, MN | 55101 | 651.286.8450 | WSBENG.COM

3. FEMA Flood Certification Process

The certification process for flood elevations after construction of the Levee is underway and all submittals have been provided to FEMA officials. WSB staff have been in contact with FEMA officials and have been told "the review process is underway and active". The initial 90-day review period ends 11/12. Officials indicated a better idea of the timing can be provided in the next month.

Officials reminded us that the process can take 6 months to a year. FEMA is facing many disasters that have occurred in the last 12 months, which could impact processing time.

4. Afton Creek Preserve and 60th St. Update

Work continues on the encroachment settlement issue. The impacted property owner has been slow to respond to the settlement process—but progress is steady, and no major impediments appear in the way of an ultimate settlement. Survey data has been provided by the Developer for inclusion in an Easement Agreement. WSB will prepare the draft Easement for review by the city attorney. Then a meeting will be held with the property owner in attempt to bring closure.

Paving of 60th and final corrective actions is scheduled to take place in the Spring of 2021.

5. City Engineer Transition

As discussed at the October 12th City Council Work Session, Jeff Pearson from WSB is the new City Engineer effective immediately. Jeff has served in progressively responsible engineering roles in both public and private sectors for nearly 20 years and was previously the City Engineer for the City of Richfield.

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: Minnesota Department of Transportation (Mn/DOT) Manning Avenue (Highway 95) Project – Waiver of Municipal Consent – **Resolution 2020-49**

Mn/DOT is planning a mill and overlay project on Manning Avenue (Highway 95) in 2021. The following is a brief outline of the project:

Project Purpose
Pavement and drainage are in need of rehabilitation. Improve the pavement and drainage condition.

Project Description
Bituminous Mill and Overlay on thru lanes and shoulder, drainage improvements, and roadside safety improvements. The roadway will not be changed on this project, and the roadway will not be widened. It is common for rural trunk highways to have a right of way line that does not contain all of the existing road ditches and culverts. There will be minor right-of-way acquisition for improvements related to the ditches and culverts. The project area extends from 115 feet South of Hudson Blvd to 1300 feet north of Valley Creek Road and from 1200 feet south of Valley Creek Road to the Junction of 40th St/Bailey Rd.

Planned Project Schedule
Letting is May 21, 2021. Construction will occur June to November 2021.

Waiver of Municipal Consent
Mn/DOT projects generally require municipal consent through a public hearing process. However, for projects such as the proposed mill and overlay project, in which the roadway will not be changed or widened and right-of-way acquisition is minimal, cities may waive Municipal Consent. The Council, at its September 28, 2020 work session, reviewed the project and determined a public hearing for municipal consent was not needed and municipal consent could be waived. A resolution waiving municipal consent for the project is attached.

COUNCIL ACTION REQUESTED:
Motion regarding the adoption of resolution 2020-49 waiving Municipal Consent for the project.

RESOLUTION 2020-49

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION FOR WAIVER OF MUNICIPAL CONSENT

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project 8208-42 on Trunk Highway 95, from 115 feet South of Hudson Blvd to 1300 feet north of Valley Creek Road and from 1200 feet south of Valley Creek Road to the Junction of 40th St/Bailey Rd. within the City of Afton for Bituminous Mill and Overlay on thru lanes and shoulder, drainage improvements, and roadside safety improvements; and seeks the approval thereof, as described in Minnesota Statutes 161.162 to 161.167; and

WHEREAS, said final layout is on file in the Metro District Minnesota Department of Transportation office, Roseville, Minnesota, being marked as Layout S.P. 8208-42.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Afton waives the municipal consent approval action, described in Minnesota Statutes 161.162 to 161.167, of the final layout for SP 8208-42 for the improvement of said Trunk Highway 95 within the corporate limits.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 20TH DAY OF OCTOBER, 2020.

SIGNED:

_____

Bill Palmquist, Mayor

ATTEST:

(Seal) _____
Ronald J. Moorse, City Administrator

Motion by:
Second by:
Ross:
Nelson:
Wroblewski:
Palmquist:
Perkins:

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: Jay and Korina Osborne Application for Simple Subdivision at 3850 Oakgreen Avenue, 13804 40th Street and 13962 40th Street – **Resolution 2020-50**

Jay and Korina Osborne own the parcels at 3850 Oakgreen Avenue, 13804 40th Street and 13962 40th Street. They have applied for a simple subdivision for a lot line rearrangement, which would reduce the size of the parcel at 13804 40th Street from 20 acres to 5 acres, and would increase the size of the parcel at 3850 Oakgreen Avenue from 20 acres to 34.98 acres. This would result in two 5-acre lots on 40th Street and one 34.98-acre lot on Oakgreen Avenue, which also has 320 feet of frontage on 40th Street to enable the potential for the creation of an additional lot, if possible in the future. Because the subdivision does not result in the creation of an additional lot, and all parcels are conforming both before and after the subdivision, the proposal requires a simple subdivision. A simple subdivision does not require a public hearing, only action by the City Council. Attached is the simple subdivision application and a survey showing the simple subdivision.

Findings
The following is a set of recommended findings. The Council may revise the findings as desired.

1. The proposed subdivision includes three parcels, one of which is zoned Agricultural and two of which are zoned Agricultural and Ag Preserve.
2. The land to the north is zoned Rural Residential, the land to the east is zoned Agricultural and the land to the south is zoned Ag Preserve.
3. The proposed simple subdivision does not create any additional lots.
4. All parcels involved in the subdivision are conforming both before and after the subdivision.

Resolutions
Attached are resolutions of approval and denial for the Council's consideration.

COUNCIL ACTION REQUESTED:
Motion regarding the adoption of a resolution regarding the Jay and Korina Osborne simple subdivision at 3850 Oakgreen Avenue, 13804 40th Street and 13962 40th Street.

RESOLUTION 2020-50

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION APPROVING THE JAY AND KORINA OSBORNE APPLICATION FOR SIMPLE SUBDIVISION AT 3850 OAKGREEN AVENUE, 13804 40TH STREET AND 13962 40TH STREET

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, Jay and Korina Osborne have applied for a simple subdivision for a lot line rearrangement at 3850 Oakgreen Avenue, 13804 40th Street and 13962 40th Street to reduce the size of one lot from 20 acres to 5 acres, and to increase the size of one lot from 20 acres to 34.98 acres; and

WHEREAS, City staff reviewed the request and drafted a report for consideration; and

WHEREAS, the legal description of the property is attached as Exhibit A, and

WHEREAS, the City Council heard the request at its regular meeting on October 20, 2020, at which it considered all of the comments, concerns and recommendations of the Zoning Administrator and the applicant;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Afton does hereby APPROVE the Jay and Korina Osborne application for a simple subdivision at 3850 Oakgreen Avenue, 13804 40th Street and 13962 40th Street, based on the findings listed below.

Findings

1. The proposed subdivision includes three parcels, one of which is zoned Agricultural and two of which are zoned Agricultural and Ag Preserve.
2. The land to the north is zoned Rural Residential, the land to the east is zoned Agricultural and the land to the south is zoned Ag Preserve.
3. The proposed simple subdivision does not create any additional lots.
4. All parcels involved in the subdivision are conforming both before and after the subdivision.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 20TH DAY OF OCTOBER, 2020.

SIGNED:

_____
Bill Palmquist, Mayor

ATTEST:

_____

Ronald J. Moorse, City Administrator

Motion by:
Second by:
Nelson:
Ross:
Wroblewski:
Perkins:
Palmquist:

RESOLUTION 2020-50XX

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION DENYING THE JAY AND KORINA OSBORNE APPLICATION FOR SIMPLE SUBDIVISION AT 3850 OAKGREEN AVENUE, 13804 40TH STREET AND 13962 40TH STREET

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, Jay and Korina Osborne have applied for a simple subdivision for a lot line rearrangement at 3850 Oakgreen Avenue, 13804 40th Street and 13962 40th Street to reduce the size of one lot from 20 acres to 5 acres, and to increase the size of one lot from 20 acres to 34.98 acres; and

WHEREAS, City staff reviewed the request and drafted a report for consideration; and

WHEREAS, the legal description of the property is attached as Exhibit A, and

WHEREAS, the City Council heard the request at its regular meeting on October 20, 2020, at which it considered all of the comments, concerns and recommendations of the Zoning Administrator and the applicant;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Afton does hereby DENY the Jay and Korina Osborne application for a simple subdivision at 3850 Oakgreen Avenue, 13804 40th Street and 13962 40th Street, based on the findings listed below.

Findings

1. The proposed subdivision includes three parcels, one of which is zoned Agricultural and two of which are zoned Agricultural and Ag Preserve.
2. The proposed subdivision enables the potential for the creation of an additional lot, if possible in the future, with access from 40th Street.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 20TH DAY OF OCTOBER, 2020.

SIGNED:

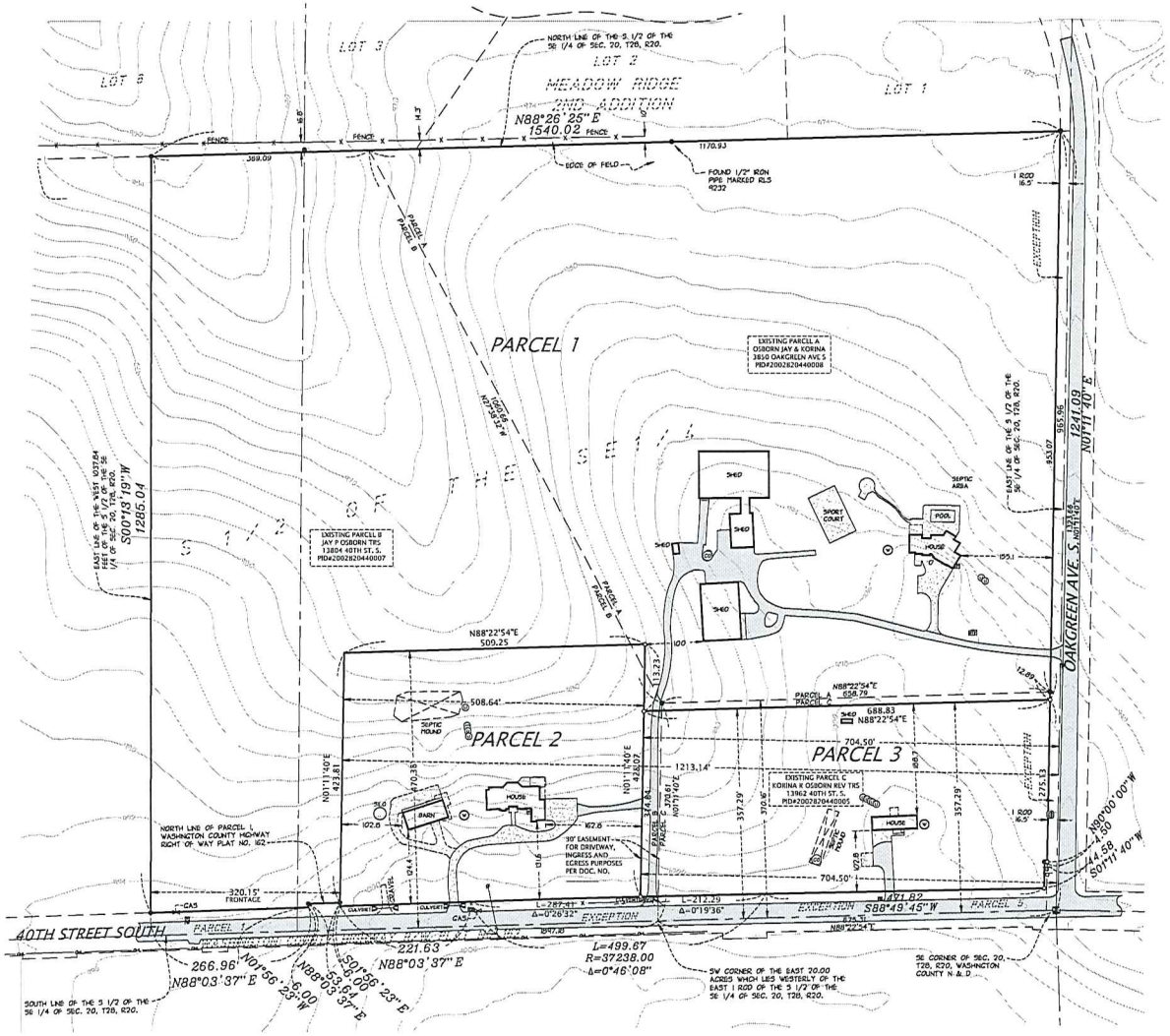
_____
Bill Palmquist, Mayor

ATTEST:

_____

Ronald J. Moorse, City Administrator

Motion by:
Second by:
Nelson:
Ross:
Wroblewski:
Perkins:
Palmquist:



SURVEY NOTES:

1. BEARINGS ARE BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM NAD 1983.
2. UNDERGROUND UTILITIES NOT SHOWN
3. CONTOURS SHOWN PER LIDAR DATA OBTAINED FROM THE DNR MNTOPO WEBSITE. NOT FIELD VERIFIED.

CALL BEFORE YOU DIG!
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

EASEMENT NOTES:

1. EASEMENTS SHOWN ARE LIMITED TO THOSE SHOWN ON AVAILABLE HALF SECTION MAPPING. EASEMENTS MAY EXIST THAT ARE NOT SHOWN.

EXISTING LEGAL DESCRIPTIONS:

PARCEL A
(PER QUIT CLAIM DEED DOC. NO. 3924117)
That part of the South Half of the Southeast Quarter of Section 20, Township 28, Range 20, Washington County, Minnesota described as follows:

COMMENCING at the southwest corner of the East 20.00 acres of that part of the South Half of the Southeast Quarter lying westerly of the East 16.50 feet thereof; thence on an assumed bearing of North 01 degrees 11 minutes 40 seconds East parallel with the east line of said Southeast Quarter a distance of 370.61 feet to a point distant 370.16 feet northerly of, as measured perpendicular to, the south line of said Southeast Quarter and the point of BEGINNING; thence North 27 degrees 38 minutes 32 seconds West a distance of 1,060.66 feet to the north line of said South Half; thence North 88 degrees 26 minutes 25 seconds East along said north line a distance of 1,170.93 feet to the west line of the east 16.50 of said Southeast Quarter; thence South 01 degrees 11 minutes 40 seconds West along said west line of the east 16.50 feet a distance of 953.07 feet to a point distant 370.16 feet northerly of, as measured perpendicular to, the south line of said Southeast Quarter; thence South 88 degrees 22 minutes 54 seconds West along the north line of the south 370.16 feet thereof a distance of 658.79 feet to the point of BEGINNING.

EXISTING PARCEL B
(PER LIMITED WARRANTY DEED DOC. NO. 4016119)

That part of the South Half of the Southeast Quarter lying easterly of the west 1037.84 feet and which lies westerly of the following described line:

BEGINNING at the southwest corner of the East 20.00 acres of that part of the South Half of the Southeast Quarter lying westerly of the East 16.50 feet thereof; thence on an assumed bearing of North 01 degrees 11 minutes 40 seconds East parallel with the east line of said Southeast Quarter a distance of 370.61 feet to a point distant 370.16 feet northerly of, as measured perpendicular to, the south line of said Southeast Quarter; thence North 27 degrees 38 minutes 32 seconds West a distance of 1,060.66 feet to the north line of said South Half and said line there terminating. EXCEPTING therefrom Parcel 1 of Washington County Highway Right of Way Plat No. 162-CSAH 18, all in Section 20, Township 28, Range 20, Washington County, Minnesota.

EXISTING PARCEL C
(PER WARRANTY DEED DOC. NO. 4077581)
The South 370.16 feet of the East 20.00 acres of that part of the South Half of the Southeast Quarter of Section 20, Township 28 North, Range 20 West, Washington County, Minnesota, lying westerly of the East 1.00 rod (16.50 feet) of said South Half of the Southeast Quarter, EXCEPTING THEREFROM Parcel 5 of Washington County Highway Right of Way Plat No. 162-CSAH 18.

PROPOSED LEGAL DESCRIPTIONS:

PARCEL 1
That part of the South Half of the Southeast Quarter of Section 20, Township 28 North, Range 20 West, Washington County, Minnesota lying easterly of the west 1037.84 feet and lying westerly of the east 16.50 feet thereof, EXCEPT the south 357.29 feet of the east 704.50 feet of the said South Half of the Southeast Quarter and the south 470.38 feet of the west 508.64 feet of the east 1213.14 feet of said South Half of the Southeast Quarter and FURTHER EXCEPTING THEREFROM Parcel 1 of Washington County Highway Right of Way Plat No. 162-CSAH 18.

PARCEL 2
The south 470.38 feet of the west 508.64 feet of the east 1213.14 feet of the South Half of the Southeast Quarter of Section 20, Township 28 North, Range 20 West, Washington County, Minnesota, EXCEPTING THEREFROM Parcel 1 of Washington County Highway Right of Way Plat No. 162-CSAH 18.

PARCEL 3
The south 357.29 feet of the east 704.50 feet of the South Half of the Southeast Quarter of Section 20, Township 28 North, Range 20 West, Washington County, Minnesota, EXCEPT the east 1.00 rod (16.50 feet) of said South Half of the Southeast Quarter, EXCEPTING THEREFROM Parcels 1 and 5 of Washington County Highway Right of Way Plat No. 162-CSAH 18.

DRIVEWAY EASEMENT
An easement for Driveway, Ingress and Egress purposes over and across the South 357.29 feet of the west 30.00 feet of the east 704.50 feet of the South Half of the Southeast Quarter of Section 20, Township 28 North, Range 20 West, Washington County, Minnesota, EXCEPTING THEREFROM Parcel 1 of Washington County Highway Right of Way Plat No. 162-CSAH 18.

DEVELOPMENT DATA:

EXISTING PARCEL A
OSBORN JAY & KORINA
3850 OAKGREEN AVE S
PID#2002820440008
TOTAL AREA = 871,300 SQ.FT. / 20.00 ACRES
NO SLOPES OVER 18%

EXISTING PARCEL B
JAY P OSBORN TRS
13804 40TH ST. S.
PID#2002820440007
TOTAL AREA = 871,300 SQ.FT. / 20.00 ACRES
NO SLOPES OVER 18%

EXISTING PARCEL C
KORINA R OSBORN REV TRS
13962 40TH ST. S.
PID#2002820440005
TOTAL AREA = 216,920 SQ.FT. / 4.98 ACRES
NO SLOPES OVER 18%

PROPOSED PARCEL 1
TOTAL AREA = 1,523,634 SQ.FT. / 34.98 ACRES
NO SLOPES OVER 18%
TOTAL IMPROVEMENT AREA = 56,864 SQ.FT./ 3.7%
NO SLOPES OVER 18%

PROPOSED PARCEL 2
TOTAL AREA = 218,000 SQ.FT. / 5.00 ACRES
NO SLOPES OVER 18%
TOTAL IMPROVEMENT AREA = 20,327 SQ.FT./ 9.3%
NO SLOPES OVER 18%

PROPOSED PARCEL 3
TOTAL AREA = 217,887 SQ.FT. / 5.00 ACRES
TOTAL IMPROVEMENT AREA = 9,900 SQ.FT./ 4.5%
NO SLOPES OVER 18%

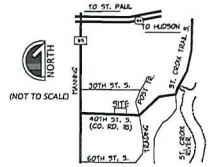
NORTH
0 100 200

MIINOR SUBDIVISON LOT LINE ADJUSTMENT

CONTACT:
Jay Osborn
3850 Oakgreen Ave. S.
Afton, MN 55001
612-803-9748

COUNTY/CITY:
WASHINGTON COUNTY
CITY OF AFTON

VICINITY MAP



REVISIONS:

DATE	REVISION
10-2-20	PRELIMINARY ISSUE

CERTIFICATION:

I hereby certify that this plan 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.

Daniel L. Thurnes Registration Number: 25718

Date: 10-2-20

PROJECT LOCATION:
3850
OAKGREEN AVE. S.
PID#2002820440008
13804
40TH ST. S.
PID#2002820440007
13962
40TH ST. S.
PID#2002820440005

Suite #200
1970 Northwestern Ave.
Stillwater, MN 55082
Phone 651.275.8969
dan@cssurvey.net

CORNERSTONE
LAND SURVEYING, INC.

FILE NAME SURVJC06
PROJECT NO. JG1206A

MINOR SUBDIVISION
LOT LINE ADJUSTMENT

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: Final Payments to Executive Contractors, Inc. for the 30th Street Improvement Project

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There are two final payments remaining for Executive Contractors, Inc. for the 30th Street Improvement Project. One is the payout of the retainage of $12,999.00 as the final payment for the original scope of the project. The second is the payment for an extension of the project 219 feet beyond the large culvert that was replaced, to enable the pavement to be matched to the new pavement over the culvert. This work avoided having a dip in the road that would not have been addressed until 2021, when this area was planned to be included in a project to complete 30th Street to Neal Avenue. The cost of the extended length, which is significantly less than the cost for the remainder of the project on a linear foot basis, is $10,258.00.

COUNCIL ACTION REQUESTED:

Motion regarding the final payments to Executive Contractors, Inc. in the amount of $12,999.00 for the original project and $10,258.00 for the extension of the project.

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 15, 2020

Re: Uses of CARES Funding

CARES-Eligible Costs Incurred and Planned

As of August 31, $121,907 of CARES-eligible costs have been incurred. The City's total CARES funds allocation is $227,829. This leaves $105,921.03 to be used. Eligible expenditures yet to be used are approximately $64,000 for public safety payroll costs through December; approximately $7,000 for additional speed patrols in September and October; $2,000 for air purification modules for the City Hall furnaces; $8,700 for the website upgrade, including electronic payments capability, approximately $8,000 for Council Chambers A/V technology upgrades and approximately $30,000 for the new Council dais, which includes the costs of extending electrical service to the dais, carpeting of the new platform for the dais, and plexiglass barriers for the dais. These costs exceed the amount of CARES funds available by approximately $14,000.

Replacement of Council Dais

Staff previously provided to the Council the attached drawings for a new Council dais. Since that time, staff has met with a second contractor regarding a proposal for a new dais. The cost of the second proposal was approximately $6,000 more than the first proposal, and did not include the construction of the platform for the dais, which has a cost of about $6,000 in the first proposal. Based on the large cost difference, staff is recommending moving forward with the first contractor, with revisions to the design to meet codes and to meet the Council's needs.

Based on feedback from the Council, the height of the platform for the dais is being reduced from the current 14 inches to approximately 7 inches. This will enable the elimination of an extra step to get up or down from the dais. It will also significantly shorten the length of the ramp up to the dais. It will also significantly reduce the height difference between the dais and the proposed side tables, which will be helpful when the Planning Commission meets and two or three members are seated at a side table. Staff has provided the drawings to the Fire Chief and the City's Building inspector for review to ensure the layout meets relevant code requirements. Responses are expected to be received prior to the Council meeting.

Council Direction Requested

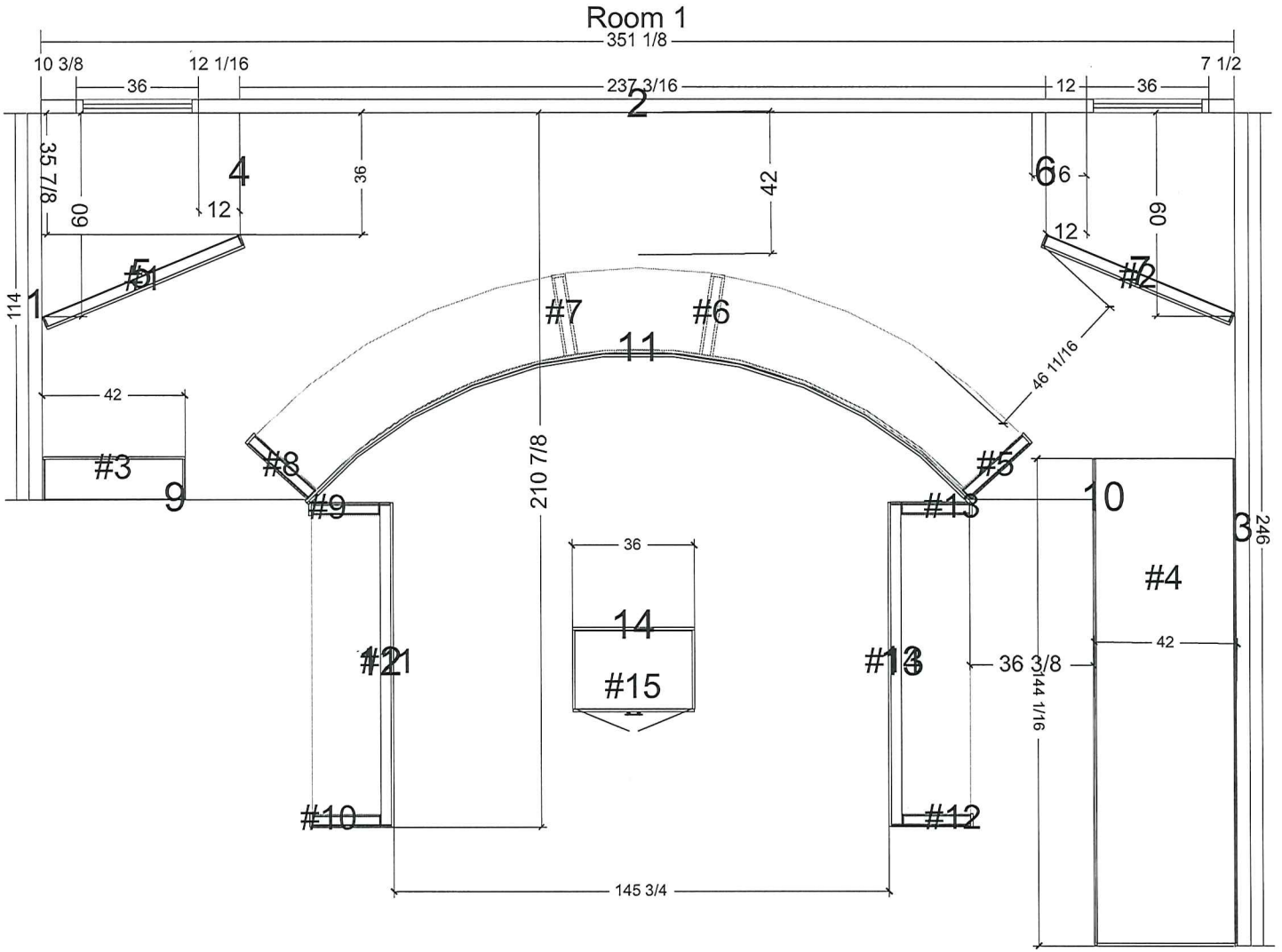
There are a number of elements of the dais project about which staff is requesting direction or feedback.

- Color of woodwork. The contractor is recommending a lighter wood color, which is common in Council Chambers and similar governmental buildings and also can provide a more modern look. Another option would be a darker wood color, for a more traditional look. A sample of the lighter color will be provided during the meeting. A darker color would be similar to the window frames in the Council Chambers.
- New lectern. The proposed new lectern would match the dais and would be built to accommodate technology for presentations. Is this a priority for the Council?

- The countertop for both the dais and the side tables is a manufactured stone that is very durable. There are lower cost countertop options.
- Does the Council have other feedback regarding the dais?

COUNCIL ACTION REQUESTED:

- **Motion regarding feedback concerning the design elements of the dais and side tables.**
- **Motion regarding moving forward with the proposal from Countryside Wood Products LLC, based on the estimated cost of $25,200 for replacing the Council dais, the two side tables and the lectern.**



COUNTRYSIDE
Est 1966
WOOD PRODUCTS LLC

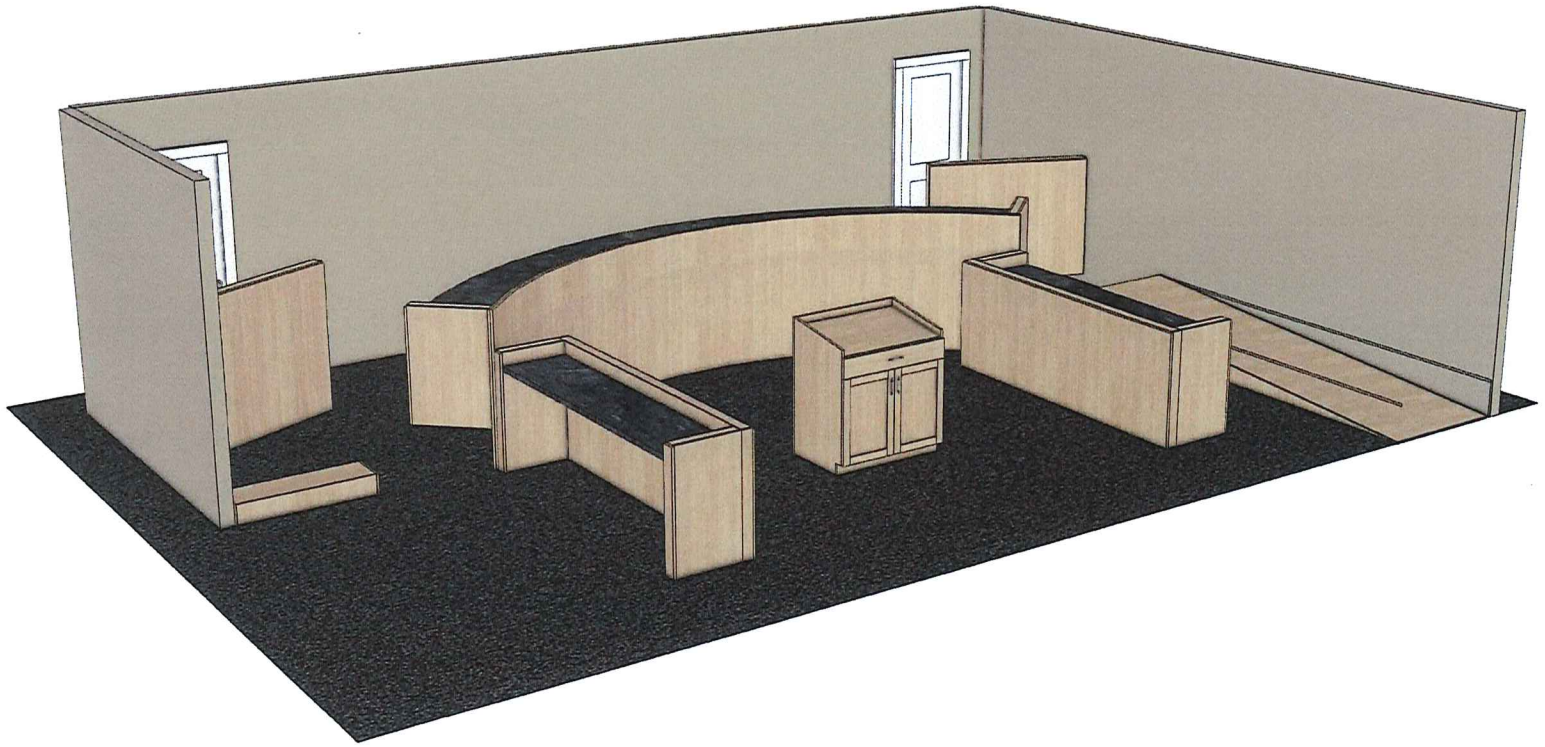
Countryside Wood Products, LLC
8603 34th Street North
Lake Elmo, MN 55042
www.countrysidewp.com
info@countrysidewp.com

Project Name:
20-09-024

Client Name:
City of Afton

Drawing Title:
Floor Plan

Scale:	Revision:	Date:
1/4" = 1'	1.0	10/12/2020



COUNTRYSIDE
Est 1996
WOOD PRODUCTS LLC

Countryside Wood Products, LLC

8603 34th Street North
Lake Elmo, MN 55042
www.countrysidewp.com
info@countrysidewp.com

Project Name:

20-09-024

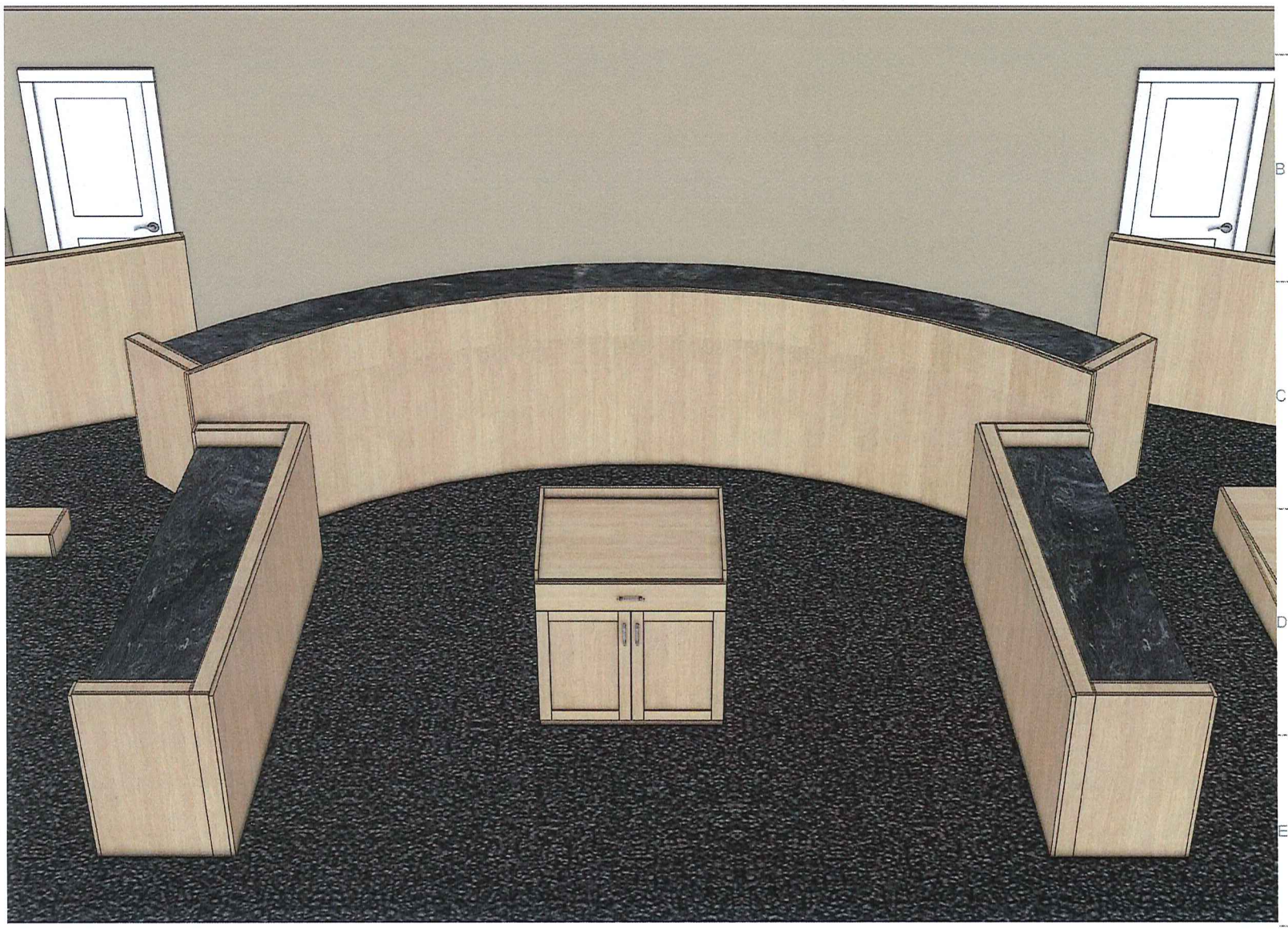
Client Name:

City of Afton

Drawing Title:

3D

Scale:	*Revision:*	*Date:*
1/4" = 1'	1.0	10/12/2020



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WOOD PRODUCTS LLC

Countryside Wood Products, LLC

8603 34th Street North
Lake Elmo, MN 55042
www.countrysidewp.com
info@countrysidewp.com

UPDATE NOTES

Project Name:

20-09-024

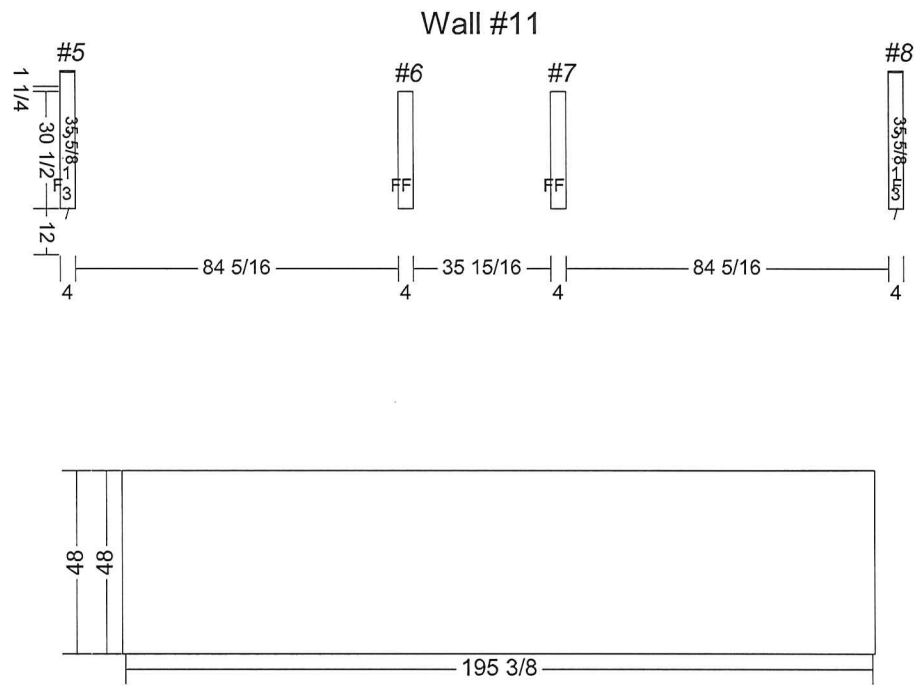
Client Name:

City of Afton

Drawing Title:

3D2

Scale:	*Revision:*	*Date:*
1/4" = 1'	1.0	10/12/2020



COUNTRYSIDE
EST 1966
WOOD PRODUCTS LLC

Countryside Wood Products, LLC

8603 34th Street North
Lake Elmo, MN 55042
www.countrysidewp.com
info@countrysidewp.com

JOBSITE NOTES

Project Name:

20-09-024

Client Name:

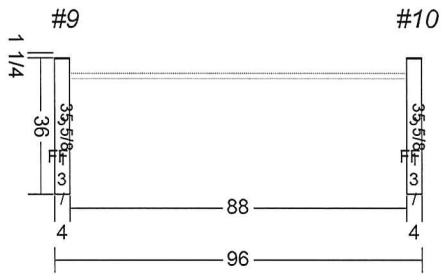
City of Afton

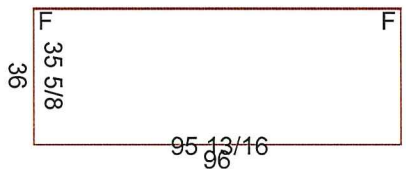
Drawing Title:

Council Desk Elevation

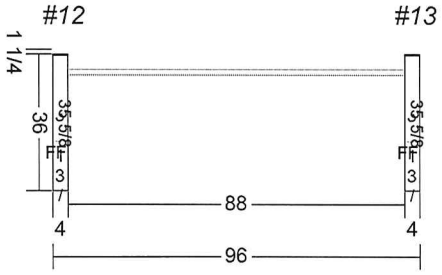
Scale:	Revision:	Date:
1/4" = 1'	1.0	10/12/2020

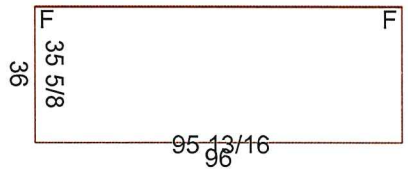
Wall #12





Wall #13





COUNTRYSIDE
Est 1966
WOOD PRODUCTS LLC

Countryside Wood Products, LLC

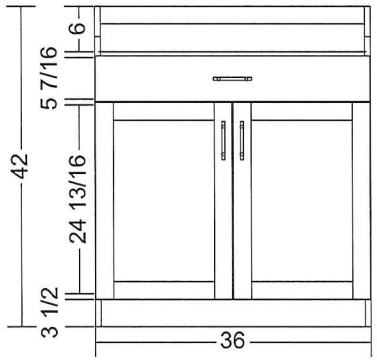
8603 34th Street North
Lake Elmo, MN 55042
www.countrysidewp.com
info@countrysidewp.com

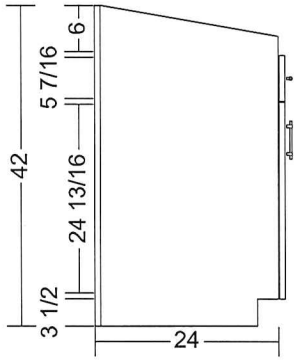
Project Name:
20-09-024

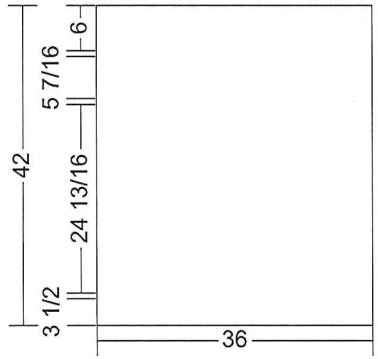
Client Name:
City of Afton

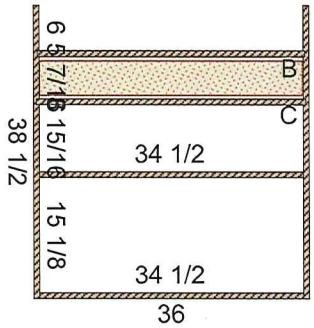
Drawing Title:
Lower Desks

Scale:	Revision:	Date:
1/4" = 1'	1.0	10/12/2020









COUNTRYSIDE
Est 1066
WOOD PRODUCTS LLC

Countryside Wood Products, LLC

8603 34th Street North
Lake Elmo, MN 55042
www.countrysidewp.com
info@countrysidewp.com

INSTRUCTIONS

Project Name:

20-09-024

Client Name:

City of Afton

Drawing Title:

Podium

Scale:	*Revision:*	*Date:*
1/2" = 1'	1.0	10/12/2020

COUNTRYSIDE
EST 1966
WOOD PRODUCTS LLC

ESTIMATE

10/12/2020
File# 20-09-024

Client:

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

Contractor:

Cabinet Basic Specs

- **Frameless Construction**
- **White Melamine Case Construction**
- **Wood and Panel Door Construction**
- **White Oak – Clear/Stained (Unless otherwise noted)**
- **Flat Panel – 5 Pieces (Soft-Close)**
- **Drawer - Baltic Birch Plywood and Melamine B230M slides**
- **Wilsonart Solid Surface – Night Star 9105CS**

Council Dais

Quantity	Description	
195"	Desk	
99.4 SQFT	Finished Ends	
10.13 BF	Cap	
102 SQFT	Countertop	
5	Power Outs with Cat 5e	
5	Black Grommets	
4	Countertop Support Brackets	
	Desk	$7369.67
	Finishing	$832.97
	Total	$8,202.64

COUNTRYSIDE
EST 1966
WOOD PRODUCTS LLC

ESTIMATE

10/12/2020

File# 20-09-024

Lower Desks

Quantity	Description	
192"	Desk	
242 SQFT	Finished Ends	
12 BF	Cap	
4	Power Outs with Cat 5e	
2	Under Track Cable System	
	Desks	$6,284.16
	Finishing	$840.16
	Total	$7,124.32

Platform and Wall System

Quantity	Description	
128"	Wall	
31.5 SQFT	Finished ends	
5.6 BF	Cap	
8	Platform Sections	
3	Stairs	
1	Ramp	
	No Carpet included in this estimate	
4	Access Doors	
	Items	$5,473.06
	Finishing	$499.12
	Total	$5,972.18

COUNTRYSIDE
EST 1966
WOOD PRODUCTS LLC

ESTIMATE

10/12/2020

File# 20-09-024

Podium

Quantity	Description	
36"	Base Cabinet	
2	Doors (Non glass)	
1	Drawer	
1	Drawer Front – Slab Wood	
24.5 SQFT	Finished Ends	
1	Power Out with Cat 5e	
1	Black Gromit	
1	Laminate Black Top	
	Cabinets	$947.54
	Finishing	$236.89
	Total	$1,184.43

Delivery and Install

Quantity	Description	
	Delivery	$250.00
	Install	$2,720.00

Notes:

- **No counters included other than listed**
- **No knobs or pulls included**
- **All Plumbing, HVAC, Electrical and Appliance install/removal by others**

Terms:

- **Price Expires 30 days from date of Estimate**
- **Contract and 50% deposit required before project can be started**

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 15, 2020

Re: Shared Driveway Subdivision Concept

The Council, at its September 28, 2020 work session, reviewed and discussed the attached subdivision concept involving shared driveways and the preservation of large lots. The use of shared driveways would require amending the zoning code in relation to current subdivision requirements, such as frontage on a public road, as well as the use of a driveway to serve more than one lot. The attached email from Kris Kopitzke, Planning Commission Chair, identifies issues in the zoning code related to shared driveways. While the Council acknowledged a number of benefits of the shared driveway subdivision concept, the Council agreed the concept should be referred to the Planning Commission for its review and feedback.

COUNCIL ACTION REQUESTED:

Motion regarding referring the shared driveway subdivision concept to the Planning Commission for its review and feedback.

From: Kopitzke, Kris <kris.kopitzke@abbott.com>
Sent: Tuesday, May 19, 2020 20:24
To: Stan Ross <stan@aftonhistoricalmuseum.com>; ward 3 <ward3@ci.afton.mn.us>
Cc: Ron Moorse <rmoorse@ci.afton.mn.us>
Subject: Driveway

Stan,
Technically a shared driveway is a public street. Our definitions says:
"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"

Check my work on this next part.
Under "ARTICLE VI. SUBDIVISIONS
DIVISION 3. MINIMUM DESIGN STANDARDS
Sec. 12-1381. Private streets.

" Private streets are not permitted. See Section 12-1378(A) and Section 12-1256"
12-1378(A) is about roads. Section 12-1256 is definitions.

That seems fairly clear – took me a while to find it though....

Potentially relevant:
"Sec. 12-84. Driveway access permits and standards

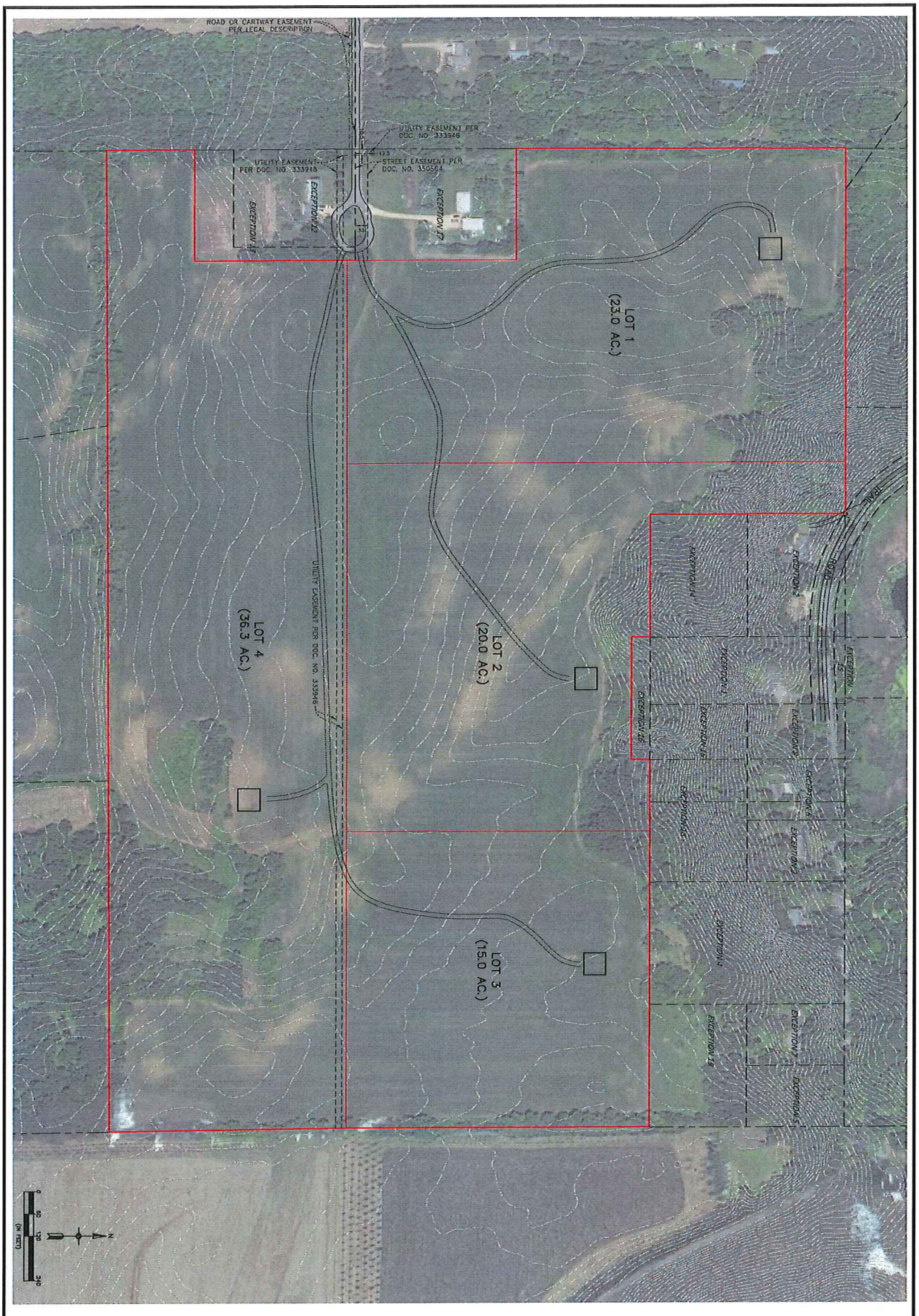
A. Access required. All lots or parcels shall have direct adequate physical access for emergency or public safety vehicles along the frontage of the lot or parcel from either an existing improved city street or an existing private road approved by the City. In addition to the required direct physical access, a lot or parcel may have a private easement access driveway to the lot over adjacent lots or parcels."

A strict reading of this would be that each lot or parcel shall have a direct access. The "in addition" clause seems to indicate that you can ALSO have an easement driveway.

Also:
In the AG Zone (similar language is in AP, but nowhere else):
"Sec. 12-140. Agricultural (A) zoning district.
K. Subdivision. Subdivision of property within the A zoning district shall be subject to the following regulations in addition to the regulations of the subdivision ordinance, article VI of this chapter:
3. No lot shall be created that results in a need for the construction of any public or private street or access easement"

So... not so clear as to say "No Shared Driveways," but I think that's what it means legally.

Kris Kopitzke



1 of 1	NOTES	REVISIONS 1. 06/20/20 South Driveway DRAWN BY: JTR DESIGNED BY: JTR ISSUE DATE: 06/22/20	**LUKE APPERT** 4558 Trading Post Trail South Afton, MN 55001	**CONCEPT PLAN F** **RICHERT TRUST PROPERTY** Afton, Minnesota

Carlson McCain
ENVIRONMENTAL · ENGINEERING · SURVEYING
3890 Pheasant Ridge Dr. NE #100, Blaine, MN
Phone: 763-489-7900 Fax: 763-489-7959

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: City Council Compensation

Council member Ross requested that Council compensation be discussed at the October 12 Council work session. The pay for the City Council was last increased in 2006, effective 2007, when the Mayor's pay was increased from $150/month to $300/month and the Council members' pay was increased from $100/month to $200/month. Staff surveyed a number of similar cities in Washington County regarding Council compensation and found that Afton's Council compensation is the lowest of those surveyed and significantly lower than most. The survey also includes information regarding the methods used to make adjustments to Council compensation. A summary of the results of the survey is attached. In order to implement an increase in Council pay, an increase must be approved prior to an election and does not become effective until after the election.

There is currently no mechanism in place to regularly review Council compensation or to provide annual economic adjustments similar to what is done for City staff. At the work session, the following options were discussed for addressing Council compensation:

1. Take no action at this time and discuss in spring of 2022
2. Make a series of small adjustments over three years (10% in 2021, 10% in 2022, 5% in 2023) to bring the compensation in line with the average of similar cities, and then apply the same economic adjustment as approved for staff in year 4 and beyond
3. Make an initial adjustment of $50 per month in 2021, then apply the same economic adjustment as approved for staff beginning in 2022
4. Immediately increase Council compensation to a level commensurate with similar communities.

Option 4 was not supported by a majority of the Council, but there was support for consideration of other options, and the Council directed staff to include Council compensation on the October 20 Council meeting agenda for further consideration.

COUNCIL ACTION REQUESTED:
Motion regarding Council compensation.

SURVEY OF CITIES RE: SALARY AMOUNTS FOR MAYOR AND CITY COUNCIL

CITY	SALARY AMOUNT PER MONTH	SALARY AMOUNT PER YEAR	PAY INCREASE AUTOMATIC OR INITIATED BY COUNCIL
Bayport	*Waiting for a call back*		
Forest Lake	Mayor: $541.67 City Council: $458.33	Mayor: $6,500.00 City Council: $5,500.00	No increase for 16 yrs. Council would have to initiate and would not take effect until after new council so they aren't voting on their own increase
Hastings	Mayor: $800.00 City Council: $600.00	Mayor: $9,600.00 City Council: $7,200.00	Initiated by Council, same since 2015
Lake Elmo	Mayor: $520.83 City Council: $405.00	Mayor: $6,250.00 City Council: $4,860.00	*Waiting for a call back for this information*
Newport	Mayor: $420.00 City Council: $365.00	Mayor: $5,040.00 City Council: $4,380.00	Cannot have automatic reoccurring increases, council has to approve an ordinance that takes effect in January
Oakdale	Mayor: $700.00 City Council: $585.00	Mayor: $8,400.00 City Council: $7,020.00	Not automatic, has been the same since 2007, planning on doing an increase in the next few years
Oak Park Heights	Mayor: $648.33 City Council: $563.33	Mayor: $7,780.00 City Council: $6,760.00	Initiated by Council prior to election
Scandia	Mayor: $345.35 City Council: $280.02	Mayor: $4,144.19 City Council: $3,360.14	Automatic annual increase percentage based on US Department of Labor and Industry November report, can be stopped by resolution to hold if they do not want to have an increase.
Stillwater	Mayor: $750.00 City Council: $583.33	Mayor: $9,000.00 City Council: $7,000.00	Initiated by Council prior to election, requires an ordinance change

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Afton, MN 55001

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 15, 2020

Re: Valley Branch Watershed District Board Vacancy

There will be an upcoming vacancy on the Valley Branch Watershed District (VBWD) Board of Managers due to the retirement of Jill Lucas from the Board. Vacancies on the Board of Managers are filled by the Washington County Board of Commissioners. Cities can submit the names of residents with knowledge and interest in water resources to the County Board for its consideration for appointment to fill the vacancies. It is important that an Afton resident be appointed to the fill the vacancy. If Council members know of residents who would be interested in serving on the VBWD Board of Managers please bring those names to the work session. While a number of residents have expressed an initial interest in serving, no one has, as yet, made a commitment to be nominated to serve.

COUNCIL ACTION REQUESTED:

Motion regarding the nomination of candidate(s) for appointment to the VBWD Board of Managers.

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Afton, MN 55001

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: Accessory Buildings on Lakefront Lots

The Council, at its September 28, 2020 work session, discussed the topic of the required screening of accessory buildings located between the house and the public road. While the zoning code specifically allows accessory buildings on lakefront lots to be located between the house and the public road, it also requires the same rigorous screening standards as are required for an accessory building located between the house and the public road on non-lakefront lots. An accessory building on a non-lakefront lot is required to be "screened from the public street and neighboring parcels by existing vegetation that provides year-round screening and exceeds the height of the accessory building, unless the accessory building is of the same design and material as the principal building and is located 25 feet or less from the principal building, provided all other required setbacks are met."

The Council, in its work session discussion, generally agreed that an accessory building on a lakefront lot requires significant screening. However, the screening may not need to be currently existing or exceeding the height of the accessory building. Rather, a screening plan could be provided that would provide substantial screening over a period of time. It was also discussed that, depending on the design and materials of the accessory building, long prairie grass may provide a more suitable setting for the building than two rows of pine trees.

If the Council determines that a screening plan could be an acceptable alternative to the current screening requirements, staff could develop revised requirements based on additional direction from the Council regarding the standards for a screening plan. Staff also recommends that a method of ensuring the screening plan is implemented and maintained should be included in the standards. This could involve an escrow deposit or a letter of credit.

COUNCIL ACTION REQUESTED:

Motion regarding direction concerning screening requirements for accessory buildings on lakefront lots located between the house and the public road.

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Afton, MN 55001

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: Prevention of Damage to City Streets by Private Contractors

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In recent months, there have been several instances of private contractors damaging City streets with heavy equipment. We have been fortunate that we became aware of the damage and the responsible contractor, so that we were able to get the contractor to make repairs. Going forward, we need a process to know when there is a project on private property that will involve heavy equipment, and to communicate with the contractor regarding the responsibility to repair any damage done to a City street. This could be the installation of a septic system, the paving of a driveway, or the construction of a building.

The Public Works Committee recently met with Gary Bruns, a supervisor in the Washington County Public Health and Environment Department, to discuss how the City can be made aware of septic system installations, so that a meeting can be held with the contractor to discuss the project and how it can be done without damaging the public street. Mr. Bruns indicated that the County could place a condition on a septic permit that requires the contractor to obtain a permit from the City for the septic installation. This would require the contractor to contact the City prior to the installation, so that the project can be discussed including avoiding damage to the City street and the contractor's responsibility to repair any damage. A building permit could also include a condition regarding repairing any damage to a City street.

Based on direction from the Council, staff can move forward to put in place a process and new permit requirements to prevent damage to City streets.

COUNCIL ACTION REQUESTED:

Motion regarding direction to staff regarding developing a process and permit requirements to prevent damage to City streets.

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 15, 2020

Re: Preservation/Acquisition of Property at 14020 Valley Creek Trail

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The property at 14020 Valley Creek Trail has a substantial length of Valley Creek running through it. The owners of the property want to sell the property, but would like to preserve it by selling it to a public entity that would protect and preserve the property, particularly the trout stream. The property owners have contacted the Washington County Land and Water Legacy Program regarding the acquisition of the land. The property meets the high priority criteria for the Land and Water Legacy program. The County has asked whether the protection of this property is a high priority for Afton, and whether the City would be interested in owning the land if sufficient funding sources were available. The City has indicated the protection of the property is a high priority and the City would be interested in owning the land if the City could assure that Valley Creek could be adequately protected under public ownership. Staff has contacted the DNR for advice about protecting Valley Creek, and expects to have information from the DNR for the Council meeting.

COUNCIL ACTION REQUESTED:

Motion regarding the preservation/acquisition of the property at 14020 Valley Creek Trail.

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 15, 2020

Re: Schedule Date for Canvass of Election

The County has indicated it will have the election result abstracts prepared for cities the morning of November 12. The County recommends that the canvass of the election be scheduled after noon on November 12 or on November13. A special Council meeting could be scheduled the evening of the 12th, or any time on the 13th.

COUNCIL ACTION REQUESTED:

Motion regarding scheduling a special Council meeting for the canvass of the election.

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: Emergency Operations Update

City Hall Remains Closed to the Public

With the Governor's extension of the Shelter In Place order, the City Hall will remain closed to the public. With the exception of the Office Assistant, staff will continue to work from home, with the exception of essential tasks that require work at City Hall. In these instances, staff will coordinate so that they are not in City Hall at the same time or they maintain social distancing and wear masks. The Office Assistant is in the office during regular office hours, but the customer service window is not open. However, the Office Assistant is able to arrange for the drop-off of materials at City Hall by appointment and by meeting outside with masks.

Continuation of Virtual City Council Meetings

The Council, at its July 21, 2020 meeting, discussed their ideal preference to hold in-person meetings, but understood the difficulties of doing so while meeting Covid-19 safety guidelines. The Council discussed livestreaming Council meetings with remote participation by the public as a possible way to enable the Council members to meet in-person, while enabling easy and safe public participation. The technology for livestreaming with remote participation is being installed beginning on October 19. Also, a new dais that will be able to accommodate the new technology and will include plexiglass barriers between the seats at the dais is being planned.

Planning Commission Public Hearings on Zoning Applications

As authorized by the Council at its May 19, 2020 meeting, the Planning Commission is meeting remotely to hold public hearings regarding zoning applications. The Planning Commission has indicated it is ready and able to function effectively via remote meetings.

Necessary Volunteer Commission/Committee Meetings

The Council has authorized all volunteer commissions and committees to meet remotely as necessary.

COUNCIL ACTION REQUESTED:

No Action Required.

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: 3M Settlement Update

The east metro area cities have been working through a process with the Trustees of the $720 million of 3M Settlement funds to develop a conceptual drinking water supply plan to provide safe drinking water to the east metro area for the long term. The trustees of the 3M settlement funds are the Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency. Based on the work of a consultant team and input from the east metro cities regarding preferred drinking water supply plan scenarios, the Trustees have presented three recommended conceptual drinking water supply plan draft options for public input over the next month. The Council previously received the PowerPoint slides of the presentation and additional information is also available online at https://3msettlement.state.mn.us/DrinkingWaterSupply

Comment Period Extended

While the Trustees have recommended the three draft options, no final decisions have been made. There was initially is a 45 day comment period, ending on October 26, during which the Trustees will obtain feedback from local governments, business groups and the general public. Due to a number of cities requesting an extension of the comment period, the comment period has been extended to December 10.

While the overall options were not a surprise (groundwater-based systems with filtration systems for municipal water systems) the amount of funding provided for private wells was substantially lower than expected. The preferred option allocates $19 million to addressing contamination of private wells. While the Trustee's consultant does not expect the PFAS plume that is affecting private wells in northern Afton to move significantly to the south; if the plume was to move to the south, the cost to provide and maintain filtration systems for the private wells in Afton could exceed the amount of funding allocated.

Staff has talked about this with Greg Johnson, the WSB engineer who has been representing Afton in the 3M Settlement process on the technical subgroup. He agrees the amount allocated to private wells is too low. Staff and Greg talked with the Trustees' consultants regarding this concern. The consultants explained that the plume is not expected to move to the south in Afton; and over the long term, Afton is expected to have approximately 18 wells that require filtration systems. However, the consultants used a particle tracking process to identify an area in which additional wells could be affected. This area is shown on the attached map as the light brown shaded area. This area includes 75 wells in Afton vs. the 18 wells projected to be affected. The consultants indicated there is $30+million in a contingency fund that can be used for the costs of treating additional affected wells, as well as covering cost-overruns.

City Comments

It is important that Afton provide feedback to the Trustees that sufficient funding must be allocated to ensure that all wells in Afton that exceed the agreed upon threshold of PFAS will be provided with a filtration system and the required annual maintenance of the system. The City's comments should also indicate that substantially more clarity is needed regarding the overall number of private wells that are projected to need treatment over the next 40+ years, and the number of wells in Afton that are projected to need treatment. Specifically for Afton, more clarity is needed regarding why only a small number of Afton wells are projected to need treatment, while 75 wells are in the area that the

MPCA's consultant has identified as an area where PFAS contamination could occur. Staff recommends the City provide its comments well prior to the new deadline, with a request to meet to discuss the City's comments. If the City has continuing questions or concerns or new questions or concerns regarding the response to the initial questions, they can be submitted prior to the extended deadline.

COUNCIL ACTION REQUESTED:

Motion regarding the City's comments regarding the three recommended conceptual drinking water supply plan draft options presented by the Trustees.

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 15, 2020

Re: Payment to Afton Marina for City Dock Rehabilitation/Upgrade Project

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Attached is the invoice from Afton Marina for the City Dock Rehabilitation/Upgrade Project, in the amount of $30,200. This is the amount approved for the project. After inspections of the work both above water and underwater, the project has been accepted as complete and meeting all requirements. Afton Marina has also indicated they incurred additional expenses of $2,100 for additional work not included in their price quote. Staff is in the process of reviewing this additional work in relation to the work described in the price quote.

COUNCIL ACTION REQUESTED:

Motion regarding the payment of $30,200 to Afton Marina for the City Dock Rehabilitation/Upgrade Project.

AFTON MARINA & YACHT CLUB INC.
Established 1960

16071 31st Street S
P.O.Box 67
Afton, MN 55001

W/O Number : 535321 Retail
Invoice No.: 991475
Start Date : 01/02/20
Complete : 10/15/20
Written by : Brandi Hook

Boat ID/Name : City Dock
Boat Make :
Boat Model :
Boat Hull # :
Registration :
Location :
Engine 1 :
Engine 2 :
Engine 3 :
Trailer :

01966 CITY OF AFTON
PO BOX 219
3033 ST CROIX TRAIL S
Afton, MN 55001

INVOICE

Email:
H (651) 436-5090 W ( ) - C ( ) -

[Work Performed]

Operation	Type	Date	Quantity	Each	Price
DOCKS	RETAIL REPAIR CITY DOCK				

Labor Total :	26,072.10
Parts Total :	691.90
Sublet Total :	3,436.00

CHARGE CUSTOMER SUMMARY

Amount Previously Billed	:	0.00
Payments Received	:	0.00
Current Balance	:	30,200.00
Total Balance Due	:	30,200.00

WORK ORDER PRICE SUMMARY

Total Parts	:	691.90
Total Labor	:	26,072.10
Miscellaneous Supplies	:	0.00
Equipment Charges	:	0.00
Sublet Charges	:	3,436.00
Total Labor Discounts	:	0.00
Total Parts Discounts	:	0.00
Total Sublet Discounts	:	0.00
DM Sales Tax Rate	:	0.00
Total Work Order	:	30,200.00

Payment due on receipt, then $45.00 Late Fee and 1.5% monthly Finance Charge after 30 days

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: Use of 5-Acre Parcel at Wastewater Treatment Site

Use of 5-Acre Parcel

The Council had approved the exchange of the 5-acre parcel in the southeast corner of the wastewater treatment system site for a parcel owned by the Gehrkes in the downtown village area adjacent to the levee. The Gehrkes recently decided that they want to retain the parcel in the downtown village area, rather than moving forward with the land exchange. This has raised the question of how the 5-acre parcel is going to be used. The answer to this question could have an impact on the trail system that is being planned by Belwin for the southern portion of the treatment site property and the Stanton property to the south. The trail system was initially planned to be substantially west of the existing house on the 5-acre parcel. If the Council would like to continue to use the 5-acre parcel as a residential lot, the trail system would need to be substantially west of the house. If the parcel was not going to be used as a residential lot, the trail location could be moved substantially to the east, so that it runs through or adjacent to the area of large oak trees surrounding the existing house.

Proposal to Extend Trail to the Northwest Portion of the Treatment System Site

In addition to the trail in the southern portion of the treatment site, Belwin has requested the City to consider allowing a trail to extend into the northwest portion of the treatment site. This would require approval by the Department of Natural Resources and the Public Facilities Authority because they provided funding for the property to be used for a wastewater treatment system. It would need to be demonstrated that a trail system would not have an impact on the ability of the property to be used as a wastewater treatment system.

Conservation Easement

As part of the grant funding process for the Stanton property, a conservation easement is to be placed on the 5-acre parcel and also on the City property directly to the west of the 5-acre parcel. The purpose of the conservation easement is to protect the natural features of the property. The proposed conservation easement is attached. Staff has reviewed the conservation easement and has questions about two items in the easement. One is language that allows trails to be located within 50 feet of the eastern and northeastern boundaries of the conservation easement area. If the 5-acre parcel is to be use as a residential lot, the 50 foot setback would probably not be sufficient. The second is indemnification language, which staff will review with the City Attorney prior to the Council meeting. Staff does recommend one change to the conservation easement when it is placed on the City property to the west of the 5-acre lot. The easement should allow the installation of a drainfield to serve the wastewater treatment system, if it is necessary in the future.

COUNCIL ACTION REQUESTED:

- **Motion regarding the use of the 5-acre parcel on the wastewater treatment site.**
- **Motion regarding the extension of a trail into the northwest portion of the wastewater treatment site.**
- **Motion regarding the conservation easement to be placed on the 5-acre parcel.**

CONSERVATION EASEMENT

This is a CONSERVATION EASEMENT granted by the City of Afton, (the "Owner") to the Belwin Conservancy, a non-profit corporation organized and existing under the laws of the State of Minnesota (the "Conservancy".)

RECITALS:

A. OWNER. The Owner is the current Owner of approximately 4 acres of real property located at _____, Afton, MN 55001, in Washington County, Minnesota. That real property is more fully described below as the "Protected Property."

B. PROTECTED PROPERTY. The Protected Property is that real property legally described in Exhibit A and generally depicted on the "Property Map" in Exhibit B. Both exhibits are attached to this conservation easement and incorporated by this reference.

The Protected Property consists of approximately 4 acres of degraded oak savanna adjacent to a wetland and located in the St. Croix River watershed.

The Protected Property lies adjacent other property owned by the City of Afton and near property owned by the Belwin Conservancy. The Protected Property has no structures on it.

C. BELWIN CONSERVANCY. Belwin Conservancy is a non-profit corporation organized and operated exclusively for charitable and educational purposes including the preservation and protection of land in its natural, scenic or other open space condition. The Belwin Conservancy is a public charity as defined in Sections 501(c)(3) and 509(a) of the Internal Revenue Code and an organization qualified to hold conservation easements under Minnesota law and Section 170(h) of the Internal Revenue Code and related regulations.

D. CONSERVATION VALUES. The Protected Property has the following natural, scenic and open space qualities of significant importance:

- The Protected Property includes oak savanna which provides habitat for a variety of wildlife species.

- The Protected Property is near other protected open space and conservation property, and as such enhances the habitat and open space value of an extended complex of open space. The Protected Property is also a component of a regionally significant wildlife corridor identified by the Minnesota Department of Natural Resources and the Metropolitan Conservation Corridors Partnership, a collaboration of public and private conservation entities funded in part by Minnesota Laws 2009, Chapter 143,

Section 2, Subdivision 4(f).

- The Protected Property drains into St. Croix River, a federally designated Wild & Scenic River.

- The forested portions of the Protected Property provide scenic views visible to the public. Development of the Protected Property beyond what is permitted by this Easement would impair the scenic and rural character of the surrounding local landscape.

Collectively, these natural, scenic and open space qualities of the Protected Property comprise its "Conservation Values."

These Conservation Values have not been and are not likely to be adversely affected to any substantial extent by the continued use of the Protected Property as described above or as authorized below or by the use, maintenance, or construction of those structures and improvements that presently exist on the Protected Property or that are authorized below.

E. CONSERVATION POLICY. Preservation of the Protected Property will further those governmental policies established by the following:

- Minnesota Statutes Chapter 103A, which promotes protection of Minnesota's waters and their adjacent lands and Minnesota Statutes Section 103A.206 in particular, which recognizes the economic and environmental importance of maintaining and enhancing the soil and water resources of this state and role of private lands in these conservation efforts.

- Minnesota Statutes Section 103A.201, which specifically promotes the protection of wetlands and Minnesota Statutes Section 103A.202, which specifically declares that it is in the public interest to preserve the wetlands of this state to conserve surface waters, maintain and improve water quality, preserve wildlife habitat, reduce runoff, provide for floodwater retention, reduce stream sedimentation, contribute to improved subsurface moisture, and enhance the natural beauty of the landscape.

- Minnesota Statutes Chapter 84C, which recognizes the importance of private conservation efforts by authorizing conservation easements for the protection of natural, scenic, or open space values of real property, assuring its availability for agriculture, forest, recreational, or open space use, protecting natural resources, and maintaining or enhancing air or water quality.

- City of Afton 1998 Comprehensive Plan, which provides as some of its goals: (1) the preservation of open space and wildlife habitat and protection of natural resources; (2) the retention of existing productive agricultural lands; and (3) the protection of steep slopes, tree cover, wetlands and other fragile lands through easements, ordinances, or other available means.

F. CONSERVATION INTENT. The Owner and the Conservancy are committed to protecting and preserving the Conservation Values of the Protected Property in perpetuity. Accordingly, it is their intent to create and implement a conservation easement that is binding upon the current Owner and all future Owner of the Protected Property and that conveys to the Conservancy the right to protect and preserve the Conservation Values of the Protected Property for the benefit of this generation and generations to come.

CONVEYANCE OF CONSERVATION EASEMENT:

Pursuant to the laws of the State of Minnesota, and in particular Minnesota Statutes Chapter 84C, and in consideration of the facts recited above and the mutual covenants contained herein and as an absolute and unconditional gift, the Owner hereby convey and warrants to the Conservancy and its successors and assigns a perpetual conservation easement over the Protected Property. This conservation easement creates a property right immediately vested in the Conservancy and consists of the following rights, terms, and restrictions (the "Easement"):

1. CONSERVATION PURPOSE. The conservation purpose of this Easement is to preserve and protect in perpetuity the Conservation Values of the Protected Property identified above by confining the development, management and use of the Protected Property to activities that are consistent with the preservation of these Conservation Values, by prohibiting activities that significantly impair or interfere with these Conservation Values, and by providing for remedies in the event of any violation of this Easement.

   The terms of this Easement are specifically intended to provide a significant public benefit by:

   - Protecting the water quality of the St. Croix River by restricting development on the Protected Property.
   - Protecting natural habitat that contributes to a larger complex of protected forest and savanna that support a variety of wildlife and plants, both terrestrial and aquatic.
   - Preserving the open, forested, and natural character of the Protected Property for scenic enjoyment and hiking by the general public.

2. LAND USE RESTRICTIONS. Any activity on or use of the Protected Property that is inconsistent with the conservation purposes of this Easement is prohibited.

   This prohibition specifically includes any intrusion or future development that would interfere with the essential scenic quality of the Protected Property or the visual enjoyment of the open and natural character of the Protected Property by the general public.

   Except as specifically permitted in section 3 below and without limiting the general prohibition above, restrictions imposed upon the Protected Property expressly include the following:

2.1. Development Rights and Land Use. No industrial or, commercial or ~~residential~~ use of the Protected Property is allowed. No residential buildings, outbuildings or related landscaping on the Protected Property is allowed.

2.2. Agricultural Use. No agricultural use of the Protected Property is allowed. This includes no tilling, plowing, commercially cultivating row crops, haying, feedlots, tree farms, orchards, nurseries or grazing livestock except for habitat management purposes as allowed in section 3.3 below as part of an approved habitat management plan.

2.3. Right of Way. No new right of way shall be granted across the Protected Property by the Owner.

2.4. Division of the Protected Property. The Protected Property may not be divided, subdivided, or except as specifically set out below.

a. To correct or adjust a boundary line to resolve an Ownership dispute.

b. To convey land to the Belwin Conservancy, its successors or assigns.

2.5. Development Rights. No portion of the Protected Property may be used to satisfy land area requirements for other property not subject to this Easement for purposes of calculating building density, lot coverage, open space, or natural resource use or extraction under otherwise applicable laws, regulations, or ordinances controlling land use. The development rights that have been encumbered or extinguished by this Easement may not be transferred to any other property or used to obtain any regulatory mitigation credits.

2.6. Structures and Improvements. No temporary or permanent buildings, structures, utilities, roads or other improvements of any kind may be placed or constructed on the Protected Property except as set forth below:

a. Signs. No billboards or other signs may be placed or erected on the Protected Property except for small, unlighted signs for informational or interpretive purposes. The Conservancy may place signs on the Protected Property identifying the land as protected.

b. Trails. Unpaved paths or foot trails may be established and maintained by the Belwin Conservancy for non-motorized public use, excepting maintenance vehicles. Trails shall be established, maintained and used in a manner that does not result in significant erosion or have an adverse impact on the natural and scenic quality of the Protected Property. Trails will be set back at least 50' from the eastern and northeastern edge of the property. The creation of wooden stairs, steps or platforms as part of the trail systems are allowed.

c. Fences. Fences may be constructed, maintained, improved, replaced or removed to secure the Protected Property, or as needed in carrying out activities permitted by this Easement.

Fences may not be located or constructed in a manner that has an adverse impact on the natural and scenic quality of the Protected Property or interferes with established wildlife corridors.

2.7. Dumping. No trash, non-compostable garbage, debris, unserviceable vehicles or equipment, junk, other unsightly material or hazardous or toxic substances may be dumped or accumulated on the Protected Property. This does not prohibit burning or composting of excess brush or other plant material resulting from activities permitted by this Easement.

2.8. Mining. No mining, drilling, exploring for, or removing any minerals, sand, gravel, rock, or fossil fuels from the Protected Property is allowed.

2.9. Topography and Surface Alteration. No alteration or change in the topography or the surface of the Protected Property is allowed. This includes no ditching, draining or filling and no excavation or removal of soil or other material, except as incidental to activities or uses specifically permitted by this Easement.

Any permitted alteration shall be undertaken with minimal grading and disturbance to vegetation and with the surface restored in a timely manner to a condition consistent with the conservation purposes of this Easement.

2.10. Water. No alteration or manipulation of natural watercourses, lakes, shorelines, wetlands or other surface or subsurface bodies of water or creation of new wetlands or water bodies is allowed except to restore or enhance wildlife habitat or native biological communities or to improve or enhance the function and quality of existing wetlands or water bodies. Any alteration or creation of wetlands or water bodies must be undertaken in accordance with a habitat management plan approved by the Conservancy under section 3 below.

No activities on or uses of the Protected Property that cause significant erosion or are seriously detrimental to water quality or purity are allowed.

2.11. Vegetation Management. No removal, cutting, pruning, trimming or mowing of any trees or other vegetation, living or dead, and no introduction of non-native species is allowed except as follows:

a. In conjunction with forest or habitat management, or as specifically permitted in section 3 and 4 below.

b. As reasonably required to construct and maintain permitted, structures, roads, trails and other improvements and provided that vegetation shall be restored

following any construction to a condition consistent with the conservation purpose of this Easement.

c. As reasonably required to prevent or control non-native invasive insects, noxious weeds, invasive vegetation, disease, fire, personal injury, or property damage.

2.12. Vehicles. No motorized vehicles are allowed on the Protected Property. This provision is not intended to otherwise limit the use of motorized vehicles to enhance or maintain wildlife habitat as per the forest or habitat management plan or maintain trails. Motorized vehicles may be used only in a manner that does not result in significant erosion or have an adverse impact on the natural habitat, water quality or scenic character of the Protected Property.

3. RESERVED RIGHTS. The Owner retain all rights associated with Ownership and use of the Protected Property that are not expressly restricted or prohibited by this Easement. The Owner may not, however, exercise these rights in a manner that would adversely impact the Conservation Values of the Protected Property. Additionally, the Owner must give notice to the Conservancy before exercising any reserved right that might have an adverse impact on the Conservation Values of the Protected Property.

Without limiting the generality of the above, the following rights are expressly reserved and the Owner may use and allow others to use the Protected Property as follows:

3.1. Right to Convey. The Owner may sell, give, lease, bequeath, devise, mortgage or otherwise encumber or convey the Protected Property. This right to convey the Protected Property is subject to the following:

a. Any conveyance or encumbrance of the Protected Property is subject to this Easement.

b. The Owner will reference or insert the terms of this Easement in any deed or other document by which the Owner convey title to the Protected Property. The Owner will also specify to what extent reserved rights have been exercised, if at all, and are no longer available for use by the new Owner and which reserved rights are specifically allocated to the property being conveyed in accordance with other provisions of this Easement.

c. The Owner will notify the Conservancy of any conveyance within fifteen (15) days after closing and will provide the Conservancy with the name and address of the new Owner and a copy of the deed transferring title.

d. If the Protected Property is owned by a trust, business entity or any common or jointly held Ownership, the Owner shall designate a representative authorized to receive notice on behalf of the Owner and provide the Conservancy with the name and address of the designated representative. The Owner shall notify the

Conservancy of any change in the designated representative and provide the Conservancy with the new name, address and other contact information.

The enforceability or validity of this Easement will not be impaired or limited by any failure of the Owner to comply with this section 3.1.

3.2. Forest and Habitat Management. The Protected Property may be used to create, maintain, restore, or enhance habitat for wildlife and native biological communities in accordance with a management plan approved by the Conservancy. The Owner may remove timber and other wood products and otherwise manage the vegetation on the Protected Property in accordance with this approved management plan. The Owner may also implement a limited use of grazing animals for habitat management purposes.

4. CONSERVANCY'S RIGHTS AND REMEDIES. In order to accomplish the conservation purposes of this Easement to preserve and protect the Conservation Values of the Protected Property, the Conservancy has the following rights and remedies:

4.1. Right to Enter. The Conservancy has the right to enter the Protected Property at reasonable times and in a reasonable manner for the following purposes:

a. To inspect the Protected Property and to monitor compliance with the terms of this Easement.

b. To perform vegetative restoration tasks in accordance with the management plan prepared by the Conservancy.

c. The Conservancy or its partners and assigns shall have the right to construct, maintain, mark and use trails including the construction of bridges, boardwalks, culverts and fences where necessary to facilitate pedestrian passage or to minimize conflicts, subject to the following conditions:

i The Conservancy or its partners and assigns shall have the right to permit the public to use said trail on foot (including skis and snowshoes) and wheelchairs subject to such rules and regulations as the Conservancy shall deem appropriate and necessary. The Conservancy and its partners and assigns may post trail signs as needed to identify the area for use by the public.

ii Owner shall have the right to use the Easement Area in the same manner as the general public.

iii Owner may, with the permission of the Conservancy and consistent with a habitat management plan approved by the Conservancy, do restoration and enhancement of the natural habitat.

d. Use of off-road motorized vehicles in conjunction with the agricultural or forest management operations or for habitat management, trail maintenance, restoration or enhancement and environmental education but only in a manner that does not result in significant erosion or is consistent with the terms of other legal encumbrances over the Property.

e. To survey or otherwise mark the boundaries of all or part of the Protected Property if necessary, to determine whether there has been or may be a violation of this Easement. Any survey completed under this provision will be at the Owner' expense.

f. To otherwise exercise its rights under this Easement.

4.2. Right of Enforcement. The Conservancy has the right to prevent or remedy violations of this Easement, including prohibiting the construction of buildings or improvements, through appropriate judicial action brought in any court of competent jurisdiction against the Owner or other responsible party.

a. Notice. The Conservancy may not initiate judicial action until the Owner have been given notice of the violation, or threatened violation, of this Easement and a reasonable opportunity to correct the situation. This provision shall not apply if, in the sole discretion of the Conservancy, immediate judicial action is necessary to prevent or mitigate significant damage to the Conservation Values of the Protected Property or if reasonable, good faith efforts to notify the Owner are unsuccessful.

b. Remedies. In enforcing this Easement, the Conservancy has the right to:

- Temporary or permanent injunctive relief for any violation or threatened violation of this Easement.

- Require restoration of the Protected Property to its condition at the time of this conveyance or as otherwise necessitated by a violation of this Easement.

- Specific performance or declaratory relief.

- Recover damages resulting from a violation of this Easement or injury to any Conservation Values associated with the Protected Property.

These remedies are cumulative and are available without requiring the Conservancy to prove actual damage to the Conservation Values of the Protected Property.

The Conservancy and the Owner agree that the damages created by a violation of this Easement may be determined by calculating the cost of acquiring a conservation easement over similar property. The Conservancy and the Owner

also recognize that restoration, regardless of cost, may be the only adequate remedy for certain violations of this Easement.

The Conservancy is entitled to seek expedited relief, ex parte if necessary, and shall not be required to post any bond applicable to a petition for such relief.

c. Costs of Enforcement. The Owner shall be responsible for all reasonable costs incurred by the Conservancy in enforcing this Easement, including without limitation costs of suit, attorneys' fees, and expenses related to restoration of the Protected Property. If, however, the Owner ultimately prevail in a judicial enforcement action, each party shall be responsible for its own costs and attorneys' fees.

d. Discretionary Enforcement. Enforcement of the terms of this Easement is solely at the discretion of the Conservancy. The Conservancy does not waive or forfeit the right to take any action necessary to assure compliance with the terms of this Easement by any delay or prior failure of the Conservancy in discovering a violation or initiating enforcement proceedings. The Conservancy shall not be barred by any applicable statute of limitations in bringing any action to enforce the term of this Easement.

e. Acts Beyond Owner' Control. The Conservancy may not bring an action against the Owner for any change to the Protected Property resulting from:

- causes beyond the Owner' control such as changes caused by fire, flood, storm, natural deterioration or the unauthorized acts of third parties, or

- reasonable actions taken in good faith under emergency conditions to prevent or mitigate damage resulting from such causes.

Actions by the Owner' lessees, agents, employees or contractors are not considered unauthorized acts of third parties.

This section does not preclude the Owner or the Conservancy from recovering damages or bringing an action against any third party for trespass or other violation of their respective rights in this Easement or in the Protected Property.

f. Right to Report. In addition to other remedies, the Conservancy has the right to report any environmental concerns or conditions or any actual or potential violations of any environmental laws to appropriate regulatory agencies.

g. Enforcement Rights of Others. Nothing in this Easement is intended to create any right to enforce this Easement in any third party where no such right otherwise exists under this Easement or under law.

4.3. Limitation on Rights. Nothing in this Easement gives the Conservancy the right or responsibility to exercise physical control over day-to-day operations on the Protected

Property or to become involved in management decisions involving the use or disposal of hazardous substances or to otherwise become an operator of the Protected Property within the meaning of the Comprehensive Environmental Response, Compensation and Liability Act, the Minnesota Environmental Response and Liability Act, or other similar successor federal, state or local statutes or laws regarding responsibility for environmental conditions associated with contamination.

5. DOCUMENTATION. The current uses of the Protected Property, the state of any existing improvements, and the specific Conservation Values of the Protected Property that are briefly described in this Easement are more fully described in a property report on file at the office of the Conservancy. The Owner and the Conservancy acknowledge that this property report does accurately represent the condition of the Protected Property at the time of this conveyance and may be used by the Conservancy in monitoring future uses of the Protected Property, in documenting compliance with the terms of this Easement and in any enforcement proceeding. This property report, however, is not intended to preclude the use of other information and evidence to document the present condition of the Protected Property in the event of a future controversy.

6. GENERAL PROVISIONS.

6.1. Assignment. This Easement may be assigned or transferred by the Conservancy only to a conservation organization defined as a qualified organization under Section 170(h) of the Internal Revenue Code and related regulations and as an authorized conservation easement holder under Minnesota law. Any future holder of this Easement shall have all of the rights conveyed to the Conservancy by this Easement.

As a condition of any assignment or transfer, the Conservancy will require any future holder of this Easement to continue to carry out the conservation purpose of this Easement in perpetuity.

The Conservancy will notify the Owner of any assignment within thirty (30) days before any assignment of this Easement. Whenever reasonably practical, the Conservancy will honor the Owner' preferences regarding any proposed assignment.

6.2. Amendment. Under appropriate circumstances, this Easement may be modified or amended. However, no amendment or modification will be allowed if, in the sole and exclusive judgment of the Conservancy any of the following apply:

- The amendment does not further the conservation purposes of this Easement.
- The amendment will adversely impact the Conservation Values of the Protected Property.

- The amendment affects the perpetual duration of this Easement.

- The amendment affects the validity of this Easement under Minnesota law or the status of the Conservancy under Sections 501(c)(3) and 170(h) of the Internal Revenue Code or successor or related law.

Any amendment or modification must be in writing and recorded in the same manner as this Easement.

6.3. Termination. This Easement may be terminated or extinguished only as follows:

- The Owner and the Conservancy recognize that circumstances may arise that make continued use of the Protected Property in a manner consistent with the conservation purpose of this Easement impossible or impractical. In this event, this Easement may be extinguished through judicial proceedings.

- This Easement may be extinguished pursuant to the proper exercise of the power of eminent domain.

6.4. Proceeds. Following any extinguishment or termination of this Easement in whole or in part, the Conservancy shall be entitled to a portion of the proceeds from any sale, exchange or involuntary conversion of the Protected Property.

The Conservancy's share of the proceeds shall be an amount equal to the fair market value of this Easement at the time of the extinguishment but not less than an amount equal to the proportionate value that this Easement bears to the value of the Protected Property as a whole at the time of this conveyance (excluding the value of any permitted improvements made after the conveyance of this Easement.)

The value of this Easement shall be calculated by the method required by the Internal Revenue Service for calculating an income tax deduction for the charitable donation of a conservation easement.

The Conservancy will use its share of any proceeds in a manner consistent with the conservation purpose of this Easement.

6.5. Warranties. The current Owner represents and warrants as follows:

a. The Owner are the sole Owner of the Protected Property in fee simple and have the right and ability to convey this Easement to the Conservancy.

b. The Protected Property is free and clear of all rights, restrictions and encumbrances other than those subordinated to this Easement or otherwise specifically agreed to by the Conservancy.

c. The Owner has no actual knowledge of any use or release of hazardous waste or toxic substances on the Protected Property that is in violation of a federal, state, or

local environmental law and will defend, indemnify and hold the Conservancy harmless against any claims of contamination from such substances.

6.6. Ownerhip Responsibilities, Costs and Liabilities. The Owner retains all responsibilities and shall bear all costs and liabilities of any kind related to the use, Ownerhip, and maintenance of the Protected Property.

a. Taxes. The Owner shall pay all real estate taxes and assessments levied against the Protected Property, including any levied against the interest of the Conservancy created by this Easement. The Conservancy may, at its discretion, pay any outstanding taxes or assessments and shall then be entitled to reimbursement from the Owner.

b. Regulatory Compliance. All activities or construction permitted by this Easement shall be undertaken in accordance with applicable federal, state and local laws, regulations and ordinances and nothing in this Easement shall be construed to exempt the Protected Property or the Owner from otherwise applicable laws or regulations.

The Owner are solely responsible for obtaining any required governmental permits.

c. Indemnity. The Owner shall defend, indemnify, and hold the Conservancy harmless from any and all costs or liability for any loss, damage, or personal injury occurring on or related to the Protected Property or the existence of this Easement, except to the extent attributable to the negligence of the Conservancy.

d. Insurance. The Owner will name the Conservancy as an additional insured on any general liability insurance policy carried by the Owner with respect to the Protected Property.

e. Future Environmental Condition. The Owner are solely responsible for Owner' use or release on the Protected Property of any hazardous or toxic substances as defined by the Comprehensive Environmental Response, Compensation and Liability Act, the Minnesota Environmental Response and Liability Act, or other similar successor federal, state or local law or regulation regarding responsibility for environmental conditions associated with contamination. The Owner shall take all steps necessary to assure any needed containment or remediation resulting from any release of such substance.

6.7. Notice and Approval. Any notice or request for approval required by this Easement must be in writing and is subject to the following:

a. Delivery. Any required notice or request for approval must be delivered personally or sent by first class mail or other nationally recognized delivery service to the appropriate party at the following addresses (or other address specified in writing):

To the Owner:
City of Afton

_____
Afton, MN 55001

To the Conservancy:
Belwin Conservancy
15533 Stagecoach Trail South
Afton, MN 55001

b. Timing. Unless otherwise specified in this Easement, any required notice or request for approval must be delivered at least 30 days prior to the date proposed for initiating the activity in question.

c. Content. The notice or request for approval must include sufficient information to allow the Trust to make an informed decision on whether any proposed activity is consistent with the terms and conservation purposes of this Easement. At a minimum, this should include:

- The location, nature, and scope of the proposed activity.
- The proposed use, design, and location of any building, structure or improvement.
- The potential impact on the Conservation Values of the Protected Property.

d. Approval. The Conservancy may withhold its approval if it determines that the proposal is inconsistent with the terms or conservation purposes of this Easement or lacks sufficient information to allow the Conservancy to reach an informed decision. The Conservancy may condition its approval on the Owner' acceptance of modifications, which would, in the Conservancy's judgment, make the proposed activity consistent with the Easement or otherwise meet any concerns.

Approval of the Conservancy must be in writing to be effective.

6.8. Binding Effect. This Easement creates a property right immediately vested in the Conservancy and its successors and assigns that cannot be terminated or extinguished except as set out herein.

This Easement shall run with and burden the Protected Property in perpetuity. The terms of this Easement are binding and enforceable against the current Owner of the Protected Property, all successors in title to the Protected Property and all other parties entitled to possess or use the Protected Property.

If at any time the Conservancy or other holder of this Easement becomes the Owner of all or a portion of the fee interest in the Protected Property, this Easement shall not

be deemed to merge with the underlying fee interest but shall remain in force and effect unless otherwise terminated or extinguished as set out herein.

6.9. Definitions. Unless the context requires otherwise, the term "Owner" includes, jointly and severally, the current Owner of the Protected Property identified above and their personal representatives, heirs, successors and assigns in title to the Protected Property. The term "Conservancy" includes the Belwin Conservancy and its successors or assigns to its interest in this Easement.

6.10. Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon the transfer or termination of that party's interest in this Easement or the Protected Property, provided, however, that any liability for acts or omissions occurring prior to the transfer or termination will survive that transfer or termination.

6.11. Recording. The Conservancy will record this Easement in a timely manner in the official records for the county in which the Protected Property is located. The Conservancy may re-record this Easement or any other documents necessary to protect its rights under this Easement or to assure the perpetual enforceability of this Easement.

6.12. Interpretation. This Easement shall be interpreted as follows:

a. Controlling Law and Construction. This Easement shall be governed by the laws of the State of Minnesota and construed to resolve any ambiguities or questions of validity of specific provisions in favor of giving maximum effect to its conservation purposes and to the policies and purposes of Minnesota Statutes Chapter 84C.

b. Severability. A determination that any provision or specific application of this Easement is invalid shall not affect the validity of the remaining provisions or any future application.

c. Captions. Captions have been inserted in this document solely for convenience of reference and shall have no effect upon interpretation or construction.

d. Future Economic Condition. In conveying this Easement, the Owner has considered the possibility that uses of the Protected Property prohibited by this Easement may in the future become more economically valuable than uses permitted by this Easement and that neighboring properties may be put entirely to such prohibited uses. Such changes alone are not deemed to be circumstances justifying the extinguishment of this Easement as otherwise set forth above.

6.13. Additional Documents. The Owner agree to execute or provide any additional documents reasonably needed by the Conservancy to carry out in perpetuity the provisions and the intent of this Easement, including, but not limited to any

documents needed to correct any legal description or title matter or to comply with any federal, state, or local law, rule or regulation.

6.14. Entire Agreement. This document sets forth the entire agreement of the parties with respect to this Easement and supersedes all prior discussions or understandings.

The remainder of this page has been intentionally left blank.

IN WITNESS WHEREOF, the Owner have voluntarily executed this Conservation Easement on the _____ day of _____, 2020.

OWNER:

City of Afton

By: _____

Title:_____

State of MINNESOTA)
) ss
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by _____.

_____
Notary Public
My Commission Expires:

ACCEPTANCE

The BELWIN CONSERAVNCY hereby accepts the foregoing Conservation Easement effective as of this _____ day of _____, 2020.

BELWIN CONSERVANCY

By: _____

Title: _____

State of MINNESOTA)
) ss
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by _____, the _____ of the Belwin Conservancy, a non-profit corporation under the laws of the State of Minnesota, on behalf of said corporation.

_____
Notary Public
My Commission Expires:

This document drafted by:

Belwin Conservancy
1553 Stagecoach Trail South
Afton, MN 55001

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

Meeting Date October 20, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: October 14, 2020

Re: Scheduling of a Council Work Session

The October 20 Council meeting agenda includes a large number of items, several of which may involve substantial discussion. The Council may want to schedule a work session for discussion of these items.

COUNCIL ACTION REQUESTED:
Motion regarding scheduling a Council work session.