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

APPROVED City Council Regular Meeting Minutes
July 19, 2016
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
7:00 P.M.

1. **THE MEETING WAS CALLED TO ORDER** at 7:00 P.M. by Mayor Bend.

2. **THE PLEDGE OF ALLEGIANCE** – was recited.

3. **ROLL CALL:** Council Members Nelson, Ross, Richter and Mayor Bend. Absent: Palmquist. **Quorum Present.**

ALSO PRESENT: City Attorney Fritz Knaak, City Engineer Diane Hankee, Planning Commission Representative Sally Doherty, City Administrator Ron Moorse and City Clerk Kim Swanson Linner.

4. **APPROVAL OF AGENDA** –

A. Agenda for the Regular City Council Meeting of July 19, 2016 –Item 9C 2, 2016 Street Improvement Projects was deleted, as it was covered in a Work Session; Item 9C3, Ordinance Amendment to City Code Chapter 2 was deleted, as it needed more work; Item 9C7, Afton Boulevard Cartway Erosion was moved to Item 9C2.

Motion/Second: Richter/Ross. To approve the agenda of the July 19, 2016 Regular City Council Meeting as amended. Motion carried 4-0-0.

5. **APPROVAL OF MINUTES** -

A. Minutes of the June 21, 2016 Regular City Council Meeting –

Motion/Second: Richter/Ross. To approve the minutes of the June 21, 2016 Regular City Council Meeting as presented. Motion carried 4-0-0.

B. Minutes of the June 30, 2016 Special City Council Meeting –

Motion/Second: Bend/Ross. To approve the minutes of the June 30, 2016 Special City Council Meeting as presented. Motion carried 3-0-1 (Abstain: Richter).

6. **PUBLIC INPUT** –

A. Julie Kaemmer, Localized LLC owner, clarified that it appears their intention with the application for the “non-profit park” will work with Afton’s existing ordinance for a “nature center.”

7. **REPORTS/PRESENTATIONS** -

A. Sheriff’s Monthly Report – no deputy in attendance.

B. Tom Niedzwiecki, Budget Report – [Report given when Mr. Niedzwiecki arrives from another meeting.]

C. Lower St. Croix Fire District Report – Bend noted nothing of significance at the meeting; they are in the middle of the budget process.

8. **CONSENT AGENDA** –

A. Just and Correct Claims

B. 4M Fund Transfer – JUNE - **Resolution 2016-30**

54

55 **Motion/Second: Richter/Nelson. To approve the Consent Agenda, including Resolution 2016-30 as**
56 **presented. ROLL CALL: All Ayes. Motion carried 4-0-0.**

57

58 **9. CITY COUNCIL BUSINESS -**

59 **A. Planning Commission Report** – Chair Ronningen reported for the Planning Commission.

60 1. Chaim Teitelbaum Minor Subdivision Application at 15511 Afton Hills Drive – Administrator

61 Moose summarized the Chaim Teitelbaum application for a minor subdivision at 15511 Afton Hills Drive to
62 subdivide the existing fifteen-acre parcel into three, five-acre residential parcels, with each parcel obtaining its
63 access directly via a driveway from Afton Hills Drive. The most westerly parcel overlays an existing home; the
64 two new parcels to the east would accommodate new home construction. Afton’s City Code, Section 12-55,
65 defines “*Private street*” as a street serving as vehicular access to two or more parcels of land which is not
66 dedicated to the public but which is owned by one or more private parties. Sec. 12-1381. Private streets.
67 Indicates “Private streets are not permitted.”

68 Since the applicant did not submit a request for variance to use the existing driveway to serve the new Parcel C,
69 as well as the existing parcel south of parcel C, the Council would need to continue the application for ask for a
70 variance application. The applicant indicated he did not want a variance for a shared driveway. Moose reviewed
71 that all aspects of a subdivision have been met, including soil borings for septic system sites. Recognizing that
72 the two new parcels will impact the City’s park system, park dedication will be required. The 2012 Parks Plan
73 does not appear to direct any land dedication to occur at or near the subject site. The Parks Committee addressed
74 the question of land dedication vs. a cash contribution at its April 27, 2016 meeting, and recommended that a
75 cash contribution be required in lieu of a land dedication. The City Engineer had indicated drainage and utility
76 easements are required along the perimeter of each parcel – 10 feet wide along the front and rear property lines
77 and 5 feet wide along the side property lines and will be a condition of approval. The property to be subdivided
78 includes significant areas of land with slopes of 18% or greater and therefore will be placed into scenic
79 easements as part of the subdivision process.

80 Council decided to strike #9 of the Conditions, as the parcel must have two driveways, according to Afton’s
81 City Code.

82

83 **Motion/Second: Bend/Nelson. To approve Resolution 2016-31 for the Chaim Teitelbaum Minor**
84 **Subdivision at 15511 Afton Hills Drive, including the following findings and conditions.**

85

86 **Findings:**

- 87 1. **The subject property is located in the Rural Residential zone, as is all property surrounding it.**
88 2. **The Rural Residential zone allows residential use with five–acre minimum lot size.**
89 3. **The subdivision meets all subdivision requirements.**
90 4. **Allowing one driveway access, through an Administrative Permit, to be shared by Parcel C with**
91 **the existing easement access to the parcel to the south, will reduce the amount of impervious**
92 **surface on slopes in the area and be better for the environment.**
93 5. **Allowing one driveway access, through an Administrative Permit, is preferred for safety and**
94 **traffic access onto Afton Hills Drive rather than two driveways on Parcel C so close together.**

95

96 **Conditions:**

- 97 1. **Easements as required by the City Engineer shall be granted.**
98 2. **All drainage and utility easements shall be subject to the review and approval of the City**
99 **Engineer.**
100 3. **All grading, drainage and erosion control issues shall be subject to review and approval by the**
101 **City Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.**
102 4. **Scenic easements shall be placed on all slopes greater than 18%.**
103 5. **The developer shall execute a scenic easement agreement and shall record the scenic easement**
104 **concurrent with the subdivision.**

- 105 **6. Park dedication requirements shall be satisfied at the time of final subdivision approval in**
- 106 **accordance with Section 12-1270 of the Subdivision Ordinance.**
- 107 **7. Permits for individual septic systems to serve new homes on parcels B and C shall be obtained**
- 108 **from the Washington County Public Health Department at the time of application for building**
- 109 **permits for those homes, and all requirements of the septic permits shall be met.**
- 110 **8. All driveways shall comply with Section 12-84 of the Zoning Ordinance and be subject to review**
- 111 **and approval by the City Engineer.**

112
113 **ROLL CALL: All Ayes. Motion carried 4-0-0.**

114
115 2. Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision
116 Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail – Administrator Moore summarized the
117 application for the properties at 15311 Putnam Boulevard and 2573 Stagecoach Trail which are both owned by
118 Brown Trout LLC. The property at 15311 Putnam Boulevard has historically had its public road frontage and its
119 driveway access directly from Putnam Boulevard. During the period from 2006 to 2008, the City worked
120 through a process to close Putnam Boulevard to traffic due to unsafe conditions related to a sharp curve that was
121 not economically feasible to reconstruct. This included a survey of the property owners along Putnam Boulevard
122 regarding the closure. Although the road was closed, the city still holds the road right-of-way. At the time of the
123 road closure, the owner of the property also owned the property to the south at 2573 Stagecoach Trail, and used
124 a driveway from Stagecoach Trail to access the property at 15311 Putnam. Since that time, both properties were
125 purchased by Brown Trout LLC and the existing houses on both properties have been removed. When Brown
126 Trout LLC applied for a building permit for a new house on the 15311 parcel, staff notified them that, because
127 the property could no longer use Putnam Boulevard, a variance was required to enable the only access to the
128 property to come through the 2573 Stagecoach Trail property on a driveway easement. Because the property
129 owner was unaware of this requirement and had planned to begin construction of a house on the 15311 parcel,
130 the property owner was allowed to begin construction of the house subject to a written agreement that the
131 certificate of occupancy for the house would not be granted until the access issue was resolved. Subsequently,
132 staff learned that the house project was expanded beyond the required setback area, which required a lot line
133 rearrangement through a minor subdivision. The minor subdivision is not creating any additional lots; it is
134 realigning the lot line between the two subject parcels. Moore continued, that the Planning Commission's
135 original review of the application resulted in the suggestion to the applicant that the two parcels be combined to
136 avoid the need for the variance and the subdivision. In response, the applicant revised the subdivision so that
137 the new house is located on the Stagecoach Trail parcel rather than the 15311 Putnam Boulevard parcel, with a
138 driveway directly to Stagecoach Trail. This has eliminated the need for a variance for a driveway to serve the
139 new house. The variance application has been withdrawn. The applicant since submitted a proposal for a
140 driveway to serve the redesigned 15311 Putnam parcel be constructed in the Putnam Boulevard right-of-way
141 easement area.

142
143 Council Discussion

144 Council discussion centered around each of the issues on increased non-conformity of the parcels proposed
145 in this subdivision application and lack of road access as listed in the Findings of Fact.

146 City Attorney Knaak was asked what the impact of approving this application when it does not comply with
147 City Code. Knaak advised that approving the application may be taken as a precedent for future actions. He
148 advised that the City Code is an "affirmative" ordinance, which allows the Council to just deny the application
149 according to the findings.

150 Council gave direction to the applicants that the two parcels owned by Brown Trout LLC are to be
151 combined per ordinance requirements Section 12-77, 12-401 and 12-132 which require combining contiguous
152 lots of record under the same ownership, and that the City will consider them as combined in relation to any
153 City actions on the parcels.

154
155 **Motion/Second: Bend/Richter. To DENY the minor subdivision application for Brown Trout LLC at**
156 **15311 Putnam Boulevard and 2573 Stagecoach Trail per Resolution 2016-32, including the following:**

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Findings of Fact

1. **The application does not comply with the three requirements listed in Section 12-477. Construction on nonconforming lots of record:**
 - A. *Lots of record in the office of the county recorder on August 19, 1975, that do not meet the requirements of Section 12-401 may be allowed as building sites provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, sewage treatment and setback requirements of this article are met and the lot meets the requirements of the zoning ordinance, article II of this chapter, regarding nonconformity.*
 - B. *A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for such lot...*
 - C. *If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 12-401 the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 12-401 and the zoning ordinance, article II of this chapter.*
2. **Putnam Boulevard was closed prior to purchase by this owner. The two parcels were owned by a family that treated the two parcels as one parcel with one driveway access off of Stagecoach Trail. No road access is possible from the proposed subdivision's Putnam parcel.**
3. **Putting a driveway over the steep slope from the proposed Putnam parcel is problematic; a driveway must be 12% or less. The slope over which the driveway is proposed is much steeper.**
4. **The house under construction should not have had a building permit issued without access and frontage verified and approved by the city.**
5. **During construction, the house was found to be different/expanded from what was approved on the building permit; the house was then found to be less than the required 50 feet to the front of the lot line.**
6. **While both proposed parcels meet the minimum lot area of 5 acres, the minimum contiguous buildable area of 2.5 acres and minimum lot width of 300 feet, there are a number of existing legal non-conformities and the new house and septic system require the proposed lot line realignment to meet the required side yard setback.**
7. **The subdivision application makes two non-conforming lots more non-conforming; subdivisions with non-conformities are not allowed in the Afton City Code.**
8. **Revised options for the subdivision have been submitted to the City without review by the Planning Commission.**

ROLL CALL: All Ayes. Motion carried 4-0-0.

3. Meisner Variance Application at 1520 Stagecoach Trail for Handicap Accessible Restroom – Resolution 2016-33 – Administrator Moorse reviewed details of the Roger Meisner application for variances to front yard and stream setbacks to enable a 13' x 13' addition to the existing house at 1520 Stagecoach Trail for a handicap accessible bathroom. The existing 100+ year-old-house is very small and does not have space for a handicap accessible bathroom. Mr. Meisner proposes to construct an addition to the south side of the existing house for a handicapped accessible bathroom. The existing house is legally non-conforming; it has a 66 foot setback to the centerline of Stagecoach Trail vs. the required 150 foot setback and it has a 75 foot setback to the stream vs. the required 200 foot setback. The proposed addition would have a 97 foot setback to the centerline of Stagecoach Trail and a 110 foot setback to the stream tributary. Moorse referred to the City Code:

Sec. 12-57. Nonconforming uses, buildings and structures.

207 *Exceptions to setback standards for substandard structures. An extension, enlargement or*
208 *alteration of a structure may be permitted by Administrative Permit if the structure does not*
209 *meet the minimum setback requirements of this article, provided:*

- 210 1. *The structure involved is the principal structure;*
- 211 2. *The structure was built prior to September 18, 1975;*
- 212 3. *The existing setback of the structure is within 60 percent of the current minimum*
213 *required setback;*
- 214 4. *The proposed improvement to the structure is on the side of the structure opposite*
215 *from the substandard setback, or the improvement is extended laterally or parallel*
216 *with the substandard setback;*
- 217 5. *The proposed improvement will not encroach farther into the substandard setback*
218 *than does the structure; and*
- 219 6. *The proposed improvement will be in compliance with all other requirements and*
220 *dimensional standards of this article.*

221 Moose explained the City is allowed to hear requests for variances from the literal provisions of the ordinances
222 in instances where their strict enforcement would cause practical difficulties because of circumstances unique to
223 the individual property under consideration and to grant such variances only when they are in harmony with the
224 general purposes and intent of the ordinance and when the terms of the variance are consistent with the
225 comprehensive plan. "Practical difficulties" as used in connection with the granting of a variance includes a
226 three-factor test, all three of which must be met in order for a variance to be granted. The Planning Commission,
227 at their July 11 meeting, recommended approval of the Roger Meisner variance application at 1520 Stagecoach
228 Trail, on a vote of 6-0-0, to allow an addition to the existing house for a handicapped accessible bathroom with a
229 97 foot front yard setback and a 110 foot stream setback.

230
231 **Motion/Second: Richter/Ross. To approve the Roger Meisner Variance Application at 1520 Stagecoach**
232 **Trail to construct a 13' x 13' addition for a handicapped accessible bathroom, per Resolution 2016-33,**
233 **including the following.**

234
235 **Findings:**

- 236 1. **The existing house is legally nonconforming in terms of both the front yard and stream setback.**
- 237 2. **The front yard and stream setbacks for the proposed addition are greater than those setbacks for**
238 **the existing house.**
- 239 3. **The existing house is too small to accommodate a handicap bathroom.**
- 240 4. **The proposed addition is the minimal size that will accommodate a handicap bathroom.**
- 241 5. **The health status of the property owner is such that a handicap bathroom is necessary.**

242
243 **ROLL CALL: All Ayes. Motion carried 4-0-0.** [This motion and resolution did not include the findings from
244 the Planning Commission, so it is necessary to add those findings and send the resolution back to Council.]

245
246 4. **Localized LLC Application for Zoning Code Amendment for a Non-Profit Park at 2167 Oakgreen**
247 **Avenue and Two Adjacent Parcels with PID #s 16.028.20.23.0001 and 16.028.20.23.0002 – Resolution 2016-**
248 **34** – Administrator Moose indicated that Council heard from Localized LLC at Public Input on their plans to
249 use the property for conservation as well as a community garden and hiking and biking trails, as a non-profit
250 organization which has a purchase agreement on 60 acres of property at 2167 Oakgreen Avenue and two
251 adjacent parcels with PID #'s 16.028.20.23.0001 and 16.028.20.23.0002. The 2167 Oakgreen parcel is zoned
252 Agricultural and the other two parcels are zoned Rural Residential. The property is generally wooded and has
253 substantial topography. He summarized that the Planning Commission on a vote of 6-0-0, recommended denial
254 of the ordinance amendment application, partially on the basis of a lack of information regarding the use of the
255 property and partially on the basis that the types of uses proposed are already covered in the existing ordinances,
256 particularly the Nature Center use, which is a conditional use in the Agricultural and Rural Residential zoning
257 districts. However, the City Code does not include a definition of nature center. This application proposes to add
258 "non-profit park" as a conditional use in the Agricultural and Rural Residential zoning districts.

259 Planning Commission member Sally Doherty spoke for the Commission stating that they felt a “private
260 park” designation was not necessary, as the allowed “nature center” use seemed to apply and that the applicants
261 could follow that avenue through a Conditional Use Permit application.
262

263 Council Discussion

264 Council had concerns about the application being for a zoning amendment, stating that the application
265 should have been for a Conditional Use Permit. Being that the proposed owners want to have the land as
266 conservancy, the fact that the majority of the land at issue is in a conservation overlay district, so that
267 discussions with the Minnesota Land Trust is a possibility. If this land is bought by a “non-profit” organization,
268 it will likely come off of Afton’s tax rolls to an estimated loss of \$7,000 per year. It was questioned if the
269 residents would reside on site. They said they would not; that they plan to keep it as open space.
270

271 **Motion/Second: Bend/Ross. To DENY the application from Localized LLC for an Amendment to the**
272 **Zoning Code to add “Non-Profit Park” to the list of allowed uses as a Conditional Use in the Agricultural**
273 **and Rural Residential Zoning Districts in regards to a purchase agreement for properties at 2167**
274 **Oakgreen Avenue and two adjacent parcels with PID #s 16.028.20.23.0001 and 16.028.20.23.0002. ROLL**
275 **CALL: All Ayes. Motion carried 4-0-0.**
276

277 5. Consider Amending City Code to Exclude Man-made Steep Slopes from Regulations for Disturbing
278 Steep Slopes – Administrator Moose reviewed that Afton Zoning Code currently prohibits the disturbance of
279 slopes of 18% or greater and requires scenic easements to be placed on these slopes to protect them. The
280 purpose for language prohibiting grading on steep slopes and requiring scenic easements is to protect steep
281 slopes and protect environmentally sensitive lands and lands judged to be fragile, as well as the preservation and
282 management of areas unsuitable for development in their natural state. Moose summarized that the Council
283 wanted the Planning Commission to consider whether the city should exempt protection of slopes 18% or
284 greater if they were man-made by grading, for instance, with the construction of a roadway. The question is
285 whether the 18% slope restriction was meant to protect man-made steep slopes as well as natural slopes. Moose
286 explained that the Planning Commission, at its July 11 meeting, recommended against the more general
287 exception for man-made steep slopes. They felt there was potential difficulty in demonstrating a slope was man-
288 made and verifying whether a man-made steep slope would still be environmentally fragile and/or in an
289 environmentally sensitive area.
290

291 Council Discussion

292 Ross shared that the Commission bought up a good point in questioning how far back in time the man-made
293 slope exemption should go. For instance, Bissel Mounds was man-made, but was made thousands of years ago.
294 They also strongly felt that a slope greater than 18% needs protection, no matter if it was natural or man-made.

295 Moose added, the Commission felt perhaps a narrower exception, such as a driveway crossing a ditch area
296 that has steep slopes might be a more acceptable scope. He noted they also recommended that there be a
297 process, such as a variance for requesting the exception, through which the property owner would demonstrate
298 that the slope was man-made, that it was not environmentally fragile, that it would be protected from erosion
299 and that it was causing a practical difficulty which had no other alternatives for the parcel.
300

301 **Council took no action. They directed staff draft ordinance language related to the disturbance of man-**
302 **made steep slopes.**
303

304 6. Adding Vegetative Screening Requirements to the Subdivision Ordinance – Administrator Moose
305 indicated that City Council directed the Planning Commission to consider whether Afton should add vegetative
306 screening to the subdivision ordinance, as some felt that Afton’s rural image is characterized by long views of
307 farm fields and houses dotting the landscape, as well as homes hidden on large wooded lots. The reasoning was
308 that, over time, as open land is subdivided and large homes are built, the long views of farm fields could be
309 replaced with shorter views of large homes, which could begin to appear more suburban than rural. One way to
310 mitigate this change in character would be to require substantial vegetative screening to create a natural buffer

311 zones, particularly along public roadways, as part of new subdivision approvals. Moore indicated the Planning
312 Commission recommended against adding vegetative screening requirements to the subdivision ordinance. Their
313 concerns were that screening requirements were overreaching in terms of controlling what property owners
314 could do on their property, the difficulty of monitoring and enforcing screening requirements, and that continued
315 large lot development would avoid the need for regulations for additional vegetative screening.

316

317 **No action was required or taken.**

318

319 **7 B. Budget Report, Tom Niedzwiecki** – was heard at this time. Niedzwiecki reported on the 1st half 2016
320 collection of property taxes; the City gets two payments of taxes a year: at the end of June and end of December.
321 He reported that 2015 was the highest delinquent taxes of approximately \$21,000. This June's payment had
322 \$21,000 overage that was collected.

323

324 **B. Engineering Report -**

325 1. Staff Report/Council Update – City Engineer, Diane Hankee

326 A. Crack Fill and Seal Coat Afton Hills Drive – Hankee reported that at the June council meeting
327 the City approved the Astech Corp. quote in the amount of \$29,450 to crack fill 11 miles of roadway, and seal
328 coat 32nd Street S and Pateley Bridge. The quotes were under the \$75,000 budget and council directed staff to
329 get a quote to seal coat Afton Hills drive. Staff held a preconstruction meeting with Astech Corp. and requested
330 a cost to complete Afton Hills Drive under the contract prices. It was discussed that crack filling Afton Hills
331 Drive temperature cracks prior to seal coating would extend the seal coat significantly, for the cost. The cost to
332 crack fill is \$1,200 and the cost to seal coat is \$20,388 for a total of \$21,588. Since the contractor was scheduled
333 to complete the crack filling on July 18, 2016, staff requested Administrator approval to spend \$1,200 to crack
334 fill Afton Hills Drive and thus directed the contractor to complete this work. The total cost for the 2016
335 proposed crack fill and seal coat projects is therefore estimated to be \$51,038, well within the \$75,000 budget,
336 +/- 5% depending on materials used. The work is scheduled for late August.

337

338 **Council took no action. Rather, they requested the issue be placed on the August agenda.**

339

340 **C. Administration –**

341 1. Patricia Swanson Request for Consideration of Code Updates – Administrator Moore explained
342 that Patricia Swanson made a formal request to place an item on the Council agenda for consideration related to
343 ordinance amendments regarding assembly uses, and regarding a vetting process for any person running for
344 office within the City of Afton.

345 Ms. Swanson was allowed to present her request to the Council.

346

347 **No action was required or taken.**

348

349 2. Afton Boulevard Cartway Erosion [Item 9C7 was moved to 9C2] – Administrator Moore
350 described that there is a cartway off Afton Boulevard South that runs down a steep, curving hill with a steep
351 slope up on the east side and a steep slope down on the west side. In August of 2015, the owners of the property
352 at the south end of the cartway requested and received permission to do minor grading to repair ruts in the
353 cartway. Instead, their contractor did major regrading of the cartway, excavating soil from the steep slope on the
354 east side of the cartway and using that soil to regrade the slope of the cartway. The result was that, rather than
355 shed water gently across to the west side of the cartway and then down the gully, it now runs on the east side of
356 the cartway causing a large amount of drainage to run along the steep slope, and consequently causing erosion
357 of and damage to the cartway itself. While the property owners provided temporary erosion control measures in
358 the fall of 2015, these were not effective. The property owners have been directed by the City to make repairs to
359 the erosion control measures, but they have not done so. Since the steep slope east of the cartway has
360 experienced substantial erosion with the heavy rains throughout the summer of 2016, and the slope is
361 threatening to erode past a neighbor's property line, undercutting trees along the cartway and on the neighbor's
362 property, a permanent solution is needed. Moore explained that staff recently met at the cartway with the City

363 Engineer to review erosion control and restoration solution options. The City Engineer advised that, if the
364 cartway continues to be open and used as a roadway, the long term result would be erosion on the steep slope on
365 the east side of the cartway and undercutting of the roadway requiring major repairs. He suggested that the
366 erosion control and restoration solution would be easier if the roadway was closed and vegetated. Costs for
367 erosion control and restoration options are being prepared. The costs of the repair and restoration work can be
368 assessed to the users of the cartway.

369
370 Council Discussion

371 It was reported that the gully on the west side is unstable even without the cartway and its erosion issues.
372 Several years ago an emergency vehicle slid off the roadway and required costly extraction.

373 It was noted that Washington County Surveyor's Office prefers that the road be closed and the property at
374 the end of the cartway have an address and access off of Paradox End, as it is closer and on level ground with
375 the property.

376 Council questioned whether it has been determined that the road is in fact a "cartway" and asked what the
377 city's options are and if it is in the public interest to have the field road that runs along the 40 acre property at
378 the end of the cartway required to access off of Paradox End

379 City Attorney Knaak advised that the road needs to be declared or established as a "cartway" because state
380 statute dictates what can be done if it is a cartway. If the road is city property, the resident does not have a
381 prescriptive easement over city property. If it isn't a cartway, the city can provide notice of "No Trespassing"
382 and put up road barriers and plant erosion control vegetation. State statute offers the city the ability to close a
383 cartway if it is deemed that another less obtrusive means is available to the property. Cartways were created
384 when it was found to be landlocked parcels.

385 Bend and Ross had information that confirmed that at one time it was the only access to the property.

386 Knaak stated that still would not make it a cartway.

387
388 **Council directed staff to investigate the status of the road so that the city can determine an appropriate**
389 **action for erosion control and restoration.**

390
391 3. 2016 Street Improvement Projects - [This item was deleted from the agenda, as it was discussed at a
392 Council Work Session.]

393
394 4. Ordinance Amendment to Update the City Code Chapter 2, Article III. Officers and Employees
395 Ordinance 08-2016 – [This item was deleted from the agenda, as it needed further work.]

396
397 5. No Parking on South Side of 32nd Street East of St. Croix Trail – Resolution 2016-35 –
398 Administrator Moorse described that the owners of Windmill Marina, whose access is through 32nd Street,
399 have requested that, in the interim until 32nd Street is reconstructed, parking be limited to the north side of 32nd
400 Street, east of St. Croix Trail. Parking on both sides of 32nd street results in the narrowing of the useable
401 roadway so that two-way traffic is difficult and during busy times it may be difficult or impossible for
402 emergency vehicles to access the Marina. The owner of the property on the south side of 32nd Street has
403 agreed to no parking on the south side.

404 **Council directed staff to get a written agreement for the one-sided parking from the property owner on**
405 **the south side of 32nd Street for the City to attach to the resolution and for that property file.**

406
407 **Motion/Second: Bend/Nelson. To approve limiting parking on 32nd Street, east of St. Croix Trail, to the**
408 **north side of 32nd Street in the interim until 32nd Street is reconstructed, per Resolution 2016-35, and to**
409 **attached a written agreement from the property owner on the south side to attach to the resolution.**

410 **ROLL CALL: All Ayes. Motion carried 4-0-0.**

411

412 6. Paperless Office and Workflow Management System – Council Member Ross gave a presentation
413 with background information on a recommendation for purchasing Laserfiche document management and

414 workflow management software. The recommendation was developed by the Personnel Committee working
415 with the office staff. The City received a price quotes from Cities Digital for the purchase of the software, the
416 configuration and installation and training on the system. A price quote was also received from PressEnter for
417 server upgrade options to accommodate the Laserfiche system.

418
419 **Motion/Second: Nelson/Bend. To authorize the purchase of the Laserfiche software from Cities Digital in**
420 **the amount of \$10,540 with an additional \$690 for annual maintenance, and to authorize the purchase of**
421 **an additional server in the amount of \$5,172, for a total not to exceed \$16,500. Motion carried 4-0-0.**
422

423 7. Adopt Local Designation Nominations of Historic Properties - Resolution 2016-36 – Administrator
424 Moorse explained that the Heritage Preservation Commission had obtained grant funding to complete research
425 on 13 historic properties in Afton to nominate the properties for local historic designation. The local designation
426 process involves both the Minnesota Historical Society and the City Council approving the local designation of
427 the properties. The local designation process recognizes the historic significance of the properties and
428 encourages the preservation of the properties through the City’s historic preservation design guidelines and
429 requires property owners to agree to their properties being designated as local historic properties. Attached are
430 local designation nomination forms for 11 of the 13 properties.

431
432 **Motion/Second: Nelson/Bend. To authorize the nomination of 11 properties for local historic designation**
433 **in the City of Afton, per Resolution 2016-36. ROLL CALL: All Ayes. Motion carried 4-0-0.**
434

435 8. Cluster Mailboxes – Administrator Moorse explained that residents in a number of rural
436 neighborhoods are working with the Post Office to install metal cluster mailboxes with locking boxes to
437 improve mail security. The residents and the Post Office have contacted the City regarding whether the City has
438 any requirements for the mailboxes. The City has approved one cluster mailbox, located in the Cedar Bluffs
439 development. The Post Office is proposing a metal pedestal mailbox. The matter is before Council to determine
440 if there are any concerns about the design of the proposed cluster mailbox for its fit with rural character. The
441 Council may want to refer this to the Heritage Preservation Commission for review. Moorse indicated that his
442 understanding is that ALL residents in a neighborhood must agree to the cluster mailbox in order for it to be
443 installed.

444 **Council sent the proposed cluster mailboxes to the Heritage Preservation Commission for design**
445 **review**^[KSL1].

446
447 9. Temporary Health Care Dwelling Statute – Administrator Moorse explained that the Minnesota
448 Legislature has passed a new law regarding temporary health care dwellings. The law has a number of complex
449 elements. Cities can opt out of the requirements of the law if they choose, but in order to opt out, the city needs
450 to adopt an ordinance. Afton currently has a provision for the use of a manufactured home as a temporary
451 dwelling unit for the care of an infirm family member.

452
453 **Motion/Second: Bend/Nelson. To opt out of the new state statute on temporary health care dwellings, as**
454 **Afton already has an ordinance that allows similar provisions. Motion carried 4-0-0.**
455

456 **Council directed staff to prepare an “opt out” ordinance as required by state statute.**
457

458 10. NRGC Recommendation for Septic Compliance Triggers – Administrator Moorse summarized that
459 in response to the Valley Branch Watershed District’s voluntary septic inspection program for properties in the
460 Kelles Creek watershed, the Council discussed the current triggers for mandatory compliance inspections and
461 requested the Natural Resources and Groundwater Committee (NRGC) provide a recommendation regarding
462 mandatory triggers. The NRGC obtained and reviewed substantial information regarding compliant vs. non-
463 compliant septic systems and the potential effects of noncompliant systems to the water supply. At its June 15
464 meeting, the NRGC recommended that the current septic compliance inspection trigger be strengthened to

465 require an inspection when a property obtains a building permit with a value of \$50,000 or more. The current
466 triggers in the septic ordinance are the addition of a bedroom or an improvement that is more than 50% of the
467 existing structure.

468
469 **Motion/Second: Bend. To set a septic compliance inspection be required when a building permit is**
470 **obtained with a value of \$100,000 or more. No second.**

471
472 **Bend withdrew the motion. Council decided to put the issue on the August Council agenda.**

473
474 **D. Committee Reports –**

- 475 1. Public Works – none.
- 476 2. Personnel – none.
- 477 3. Parks – none.
- 478 4. HPC/DR – none.
- 479 5. Natural Resources and Groundwater – none.

480
481 **10. COUNCIL, CONSULTANT AND STAFF REPORTS, ANNOUNCEMENTS AND UPDATES**

- 482 **A.** Ward 1 Council Member Palmquist – absent.
- 483 **B.** Ward 2 Council Member Richter – none.
- 484 **C.** Ward 3 Council Member Ross – reported that Selma’s will have an Ice Cream Social in late August, in
485 conjunction with the Sheriff’s Office, with free ice cream to youth.
- 486 **D.** Ward 4 Council Member Nelson – none.
- 487 **E.** Mayor Bend – none.
- 488 **F.** City Attorney Knaak – Prosecution Report is on file.
- 489 **G.** City Administrator Moore – none.

490
491 **11. ADJOURN –**

492
493 **Motion/Second: Nelson/Richter. To adjourn the meeting at 10:41 p.m. Motion carried 4-0-0.**

494
495 Respectfully submitted by:

496
497
498 _____
499 Kim Swanson Linner, City Clerk

500
501 **Approved by Council (on August 16, 2016) as (check one): Presented: X Amended: _____**

502
503
504 **Signed by Mayor Richard Bend _____ Date _____**