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

APPROVED City Council Regular Meeting Minutes
July 21, 2020
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 Bill Palmquist
2. **THE PLEDGE OF ALLEGIANCE** – was not recited.
3. **ROLL CALL:** Mayor Palmquist, Council Members Lucia Wroblewski, Randy Nelson, Annie Perkins, Stan Ross. **A Quorum was present.** The meeting was held virtually via Zoom due to the COVID-19 pandemic. **ALSO PRESENT:** City Administrator Ron Moore, City Attorney Fritz Knaak, City Clerk Julie Yoho
4. **APPROVAL OF AGENDA –**
Motion/Second Palmquist/Wroblewski To approve the agenda for the July 21, 2020 Regular City Council meeting with addition of items 9b4 “bridge inspection”, 9c5 “dangerous dog”, 9c11 “skid steer”. Roll call: All aye, passed 5-0.
5. **APPROVAL OF MINUTES**
 - A. **Motion/Second Palmquist/Wroblewski To approve minutes of the June 16, 2020 Regular City Council meeting as amended. Roll call: All aye, passed 5-0.**
 - B. **Motion/Second Ross/Nelson To approve minutes of the June 3, 2020 City Council Work Session. Roll call all aye, passed 5-0.**
 - C. **Motion/Second Ross/Nelson To approve minutes of the June 10, 2020 City Council Work Session. Roll call all aye, passed 5-0.**
6. **PUBLIC INPUT –**

Deb Diggins; Thanked the council for addressing the repetitive shooting issue.

Larry Niswanger; Urged the council to act on the resolution regarding repetitive shooting.

Heidi Kassenborg; Requested to have neighbor’s dog declared a dangerous dog. Dog came onto their property and killed their pet goose. Same dog has come onto their property in the past and tried to attack chickens. Previous dog owned by them attacked their cat. Animal control has been called, animals are not licensed. Requesting the dog be labeled dangerous dog. Item is on the agenda for later.

Jen Wroblewski; Increase in gun noise over past few years. Thanked council for bringing up gun ordinance. Would like to have action on it before a tragedy happens. Suggestion of guidelines for range type shooting based on number of rounds or within an established time frame. Would like notification from neighbor before shooting. This is like allowing gun ranges. Would like to find regulation that people can agree on.
7. **REPORTS/PRESENTATIONS –**
 - A. Sheriff’s Report (written report only)
 - B. Tom Niedzwiecki Budget Report (written report only)
 - C. Lower St Croix Fire District Report
8. **CONSENT AGENDA**

- 59 **A.** A. Just and Correct Claims
- 60 **B.** 4M Fund Transfers – JUNE – **Resolution 2020-37**
- 61 **C.** Liability Coverage and /Statutory Tort Limits
- 62 **D.** Extension of the Declaration of Local Emergency – **Resolution 2020-38**

63
64 **Motion/Second Palmquist/Ross To approve consent agenda and Resolutions 2020-37, 2020-38. Roll call:**
65 **All aye, passed 5-0.**
66

67 **9. CITY COUNCIL BUISINESS**

68 **A. Planning Commission Report**

- 69 1. John & Beth Sevenich minor subdivision at 10 Coulee Ridge Rd

70 **Motion/Second Wroblewski/Ross to approve Resolution 2020-39 approving the minor subdivision**
71 **at 10 Coulee Ridge Rd. Roll call: all aye, passed 5-0.**
72

- 73 2. Ordinance Amendment regarding the discharge of firearms

74 Planning commission Chair Kris Kopitzke stated that the commission does not recommend the ordinance
75 in its current form. The PC recommended more time to work on the following items: Public nuisance
76 definition, possible allowance for lot size, type of weapon, gun range definition not consistent with state
77 definition, public comments received were different from past council meetings, number of rounds and
78 times per month. Also recommended a better process to get information out to the greater community.

79 Council member Wroblewski stated that this is a specific firearms issue that involves safety and specific
80 noise component. Noise has been increasing over the years. Properties are being used as gun ranges and
81 gun ranges are not allowed in Afton. The city can regulate discharge of firearms. This is rapid fire range
82 shooting. Heard 200 rounds in 2 hours outside of her house last weekend. Excessive discharge of firearms
83 is the problem.

84 Council member Nelson stated that he liked seeing the comments from the planning commission, would
85 like them to have another look. We did discuss not making major changes while we're meeting remotely.
86 Would be in favor of sending back to the planning commission.

87 Council member Ross stated that repetitive rate and number of rounds is in place so people can site in
88 their weapons. Whatever number we come up with will be pressed to the limit. Question is would I want
89 to live next to someone shooting 100 rounds per week or per month? Other noise sources are random and
90 they will stop in short period of time. People move to Afton for solitude.

91 Council member Perkins stated that we have had many discussions on this. The issue is complex and there
92 are many passions around it. Afton does not allow gun ranges -that is in the existing language. We want
93 to maintain what we've always allowed here. If that is the base line, it stops much of this. Regarding
94 changes to ordinance during Covid, she believes we have done a good job. With uncertainty ahead, we
95 cannot stop living and we need to make necessary changes.

96 Mayor Palmquist state the question tonight is this going back to the planning commission or not? Was
97 not on webpage for public hearing. Would like to keep Afton as it's been. Things are different difficult to
98 define what is reasonable. Would like to send back to planning commission to have them define and find
99 compromise in a few more meetings.

100 **Motion/Second Palmquist/Nelson to send draft ordinance back to the Planning Commission for**
101 **review, with draft coming back to city council by October if not sooner. Another public hearing will**
102 **be posted.**

103 Council member Nelson stated that whoever shoots has to be safe – does having a good solid back stop
104 make it a range?

105 Council member Perkins stated she supports sending it back to the planning commission for a limit of 2
106 months and would like to have top 3 goals or issues that will be addressed.

107 Mayor Palmquist stated that the more people looking at it the better. Focus on definition of gun range,
108 type of weapon, acreage & setbacks, time factor. The council has been discussing this for years, no one is
109 trying to slip anything through.

110 **Roll call vote: Nelson aye, Perkins aye, Palmquist aye, Ross nay, Wroblewski nay. Passes 3-2.**

111

112 **Motion/Second Palmquist/Perkins to put ordinance information in the next newsletter.**

113 **Roll call: all aye, passed 5-0.**

114

115 3. Ordinance Amendment Regarding Barbed Wire Fencing – Ordinance 06-2020

116 **Motion/Second Palmquist/Ross to approved Ordinance 06-2020 an amendment regarding barbed**

117 **wire fencing with language below:**

118 12-190 Fences A.

119 **6. Barbed wire and razor wire fencing are prohibited, except in the case of 1). Agricultural uses,**

120 **and 2.) In the industrial zone at the top of a security fence if the height of the barbed wire is not**

121 **less than six (6) feet from grade and the fence is located not less than one hundred (100) feet**

122 **from a residence.**

123 **Roll call: all aye, passed 5-0.**

124

125 **B. Engineering Report – (Engineer Staff Report)**

126 1. Pay Voucher No. 2 from Geislinger & Sons

127 **Motion/Second Ross/Nelson To approve payment of Pay Voucher No. 2 from Geislinger & Sons for**

128 **the River Road Sanitary Sewer project. Roll call: all aye, passed 5-0.**

129

130 2. 2020 crack fill project quotes

131 **Motion/Second Ross/Nelson to approve the quote from Allied Blacktop for crack filling. Roll call:**

132 **all aye, passed 5-0.**

133

134 3. Pay voucher 23 final from Geislinger & Sons

135 **Motion/Second Palmquist/Ross to approve payment of Pay Voucher No 23 from Geislinger and**

136 **Sons Inc. for the Downtown Village Improvement Project. Roll call: All aye, passed 5-0.**

137

138 4. Bridge Inspection

139 **Motion/Second Palmquist/Ross to accept the proposal from WSB to inspect two bridges at a cost not to**

140 **exceed \$2,300. Roll call: all aye, passed 5-0.**

141

142

143 **C. Administration –**

144 1. 30th Street Improvement project

145 Engineer Klay Eckles explained that performance bonds are typically required on a job of this type. The

146 contractor was having difficulty with the paperwork involved with the contract.

147 Mayor Palmquist asked if we had other bids on this?

148 Council member Ross replied yes, the bids were extremely high. This is a smaller contractor who is an

149 asset to have for small projects like this.

150 **Motion/Second Ross/Nelson to accept price quote for the 30th Street Reclamation Project from**

151 **Executive Contractors, Inc., in the amount of \$174,990. Roll call: Ross, Nelson, Wroblewski,**

152 **Palmquist aye; Perkins nay. Passed 4-1.**

153

154 2. Afton Creek construction update

155 Engineer Klay Eckles provided an update. Pond 4 and 7 have successfully installed a drain bio retention

156 system. That was a change in basin type – bio retention system is used when infiltration isn't

157 appropriate for the site. Allows water to filter thru upper layers of soil then into a drain tile system for

158 slow discharge Remaining items include the punch list, and paving of 60th are remaining items.

159

160 3. Lake Edith clear cutting update

Attorney Knaak provided an update. A formal criminal complaint is being drafted. The property owner

161 has hired an attorney, who has talked with the City Attorney and the City Administrator regarding the
162 elements of addressing and mitigating the violations and preventing future violations.

163
164 4. Carlson SV accounting services proposal
165 **Motion/Second Ross/Nelson to approve the proposal from CarlsonSV for accounting services beginning**
166 **on June 1, 2021, with a fee of \$3,200 per month. Roll call: all aye, passed 5-0.**
167

168 5. Designation of dangerous dog
169 Attorney Knaak explained that when a dog is declared dangerous there are immediate conditions and
170 requirements. The owner has an opportunity to have a hearing to challenge or appeal determination of
171 city. State statute dictates that a dog be declared dangerous if it kills a domestic animal. Question here
172 was is it a domestic animal? Established that it was an exotic domestic goose.
173 Council member Ross asked about the leash law. Were owners contacted regarding violation and how
174 many times has that dog been out of yard?

175 Knaak explained that the leash law is not a pre-condition to this, but is a separate charge for failure of
176 owner.

177 Discussion was held on the timeline of the incident which occurred in February, the role of the
178 Sherriff's department and animal control. The Sherriff has offered to meet with all parties.

179 **Motion/Second Wroblewski/Perkins to apply the dangerous dog designation to the dog that killed the**
180 **pet goose of Heidi Kassenborg and Grant Gugisberg.**

181 Council member Ross stated he would like the Sargent to discuss this with the neighbors first.

182 Wroblewski stated that there has been no remorse from the dog's owner.

183 Knaak stated that the statutory language is clear if a domestic animal is killed.

184 **Roll call: Ross nay, Palmquist nay, Wroblewski aye, Nelson aye, Perkins aye. Passed 3-2.**
185

186 6. Speed limit reduction on 50th St

187 **Motion/Second Palmquist/Perkins adopting Resolution 2020-40 authorizing a speed limit of 35**
188 **miles per hour on the segment of 50th Street east of County Road 21. Roll call: all aye, passed.**
189

190 7. Residents volunteer to maintain County Rd 21 median

191 **Motion/Second Palmquist/Perkins to authorize staff to provide materials necessary for these**
192 **volunteers to continue their work maintaining the medians. Roll call: all aye, passed 5-0.**
193

194 8. Operations update

195 Administrator Moore provided an update on operations.

196 Discussion was held regarding holding in person meetings in the future with the possibility of live
197 streaming for public audience.

198 **Motion/Second Palmquist/Ross To authorize staff to obtain quotes for equipment required to**
199 **live stream future meetings. Roll call: all aye, passed 5-0.**
200

201 9. Schedule work session

202 Work session will be scheduled to discuss 2021 budget and financial review.
203

204 10. Gary Maas settlement agreement

205 **Motion/Second Palmquist/Wroblewski to approve Settlement and Release to resolve both the**
206 **assessment appeal matter and the easement condemnation matter with Gary Maas.**

207 **Roll call: all aye, passed 5-0.**
208

209 11. Skidsteer loader

210 **Motion/Second Palmquist/Ross To approve the acquisition of a skidsteer loader through the**
211 **DNR at a cost of \$4,500, to be funded from the City Vehicles Account. Roll call: all aye,**
212 **passed 5-0.**
213

214 **D. Committee Reports –**

- 215 1. Public Works – no report
 - 216 2. Personnel – no report
 - 217 3. Parks – pollinator project and trash pick-up day
 - 218 4. Heritage Preservation Commission / Design Review - no report
 - 219 5. Natural Resources and Groundwater - no report
- 220

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

- 222 A. Ward 1 Council Member Perkins – no report
 - 223 B. Ward 2 Council Member Wroblewski – no report
 - 224 C. Ward 3 Council Member Ross – Steamboat park
 - 225 D. Ward 4 Council Member Nelson – no report
 - 226 E. Mayor Palmquist – no report
 - 227 F. City Attorney Knaak – no report
 - 228 G. City Administrator Moorse – no report
- 229

230 **11. ADJOURN**

231 **Motion/Second Palmquist/Ross To adjourn. Roll call: All aye, passed 5-0.**
232

233 Meeting adjourned at 10:45pm.
234
235
236

237 Respectfully submitted by:

238 JY
239 _____

240 Julie Yoho, City Clerk
241
242
243

244 Approved by Council August 18, 2020 as (check one): Presented: X Amended: _____
245
246

247 Mayor Bill Palmquist _____ Date _____