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

APPROVED City Council Regular Meeting Minutes
August 18, 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 Wroblewski/Nelson To approve the agenda for the August 18, 2020 Regular City Council meeting with addition of items c10 “discussion on traffic enforcement”, 9c11 “Lake Edith clear cutting update”, 9c12 “CARES funding”, 9c13 “special cc mtg”. Roll call: All aye, passed 5-0.
5. **APPROVAL OF MINUTES**
 - A. The July 21, 2020 Regular City Council meeting minutes are not ready for approval.
 - B. **Motion/Second Nelson/Ross To approve minutes of the July 7, 2020 City Council Special Meeting**
Roll call: All aye, passed 5-0.
6. **PUBLIC INPUT –**

Randy & Kathy Graham, 5912 Trading Post Tr, submitted an email with comments regarding the proposed firearms ordinance and the need to preserve peace and quiet in the community.

Jen Wroblewski spoke regarding the firearms ordinance. The Planning Commission recommendation for unlimited rounds 2x per week does not address concerns that residents have raised. Define the number of rounds and time limit of no longer than 1 hr, 1 or 2x per month, require safe set up and adequate acreage.

Grant Gugisberg spoke regarding the incident in February when the neighbor’s dog killed their pet goose. The criteria has been met for the dangerous dog designation. State law needs to be applied.

Sally Doherty, 13575 40th St S, spoke regarding the firearms ordinance. The ordinance today allows unbounded rights for firearms users. Would encourage council to adjust slowly to allow a trial period to find balance.

Matt Connell, Green Burial Council; group that repairs and beautifies old cemeteries and resume burials with biodegradable products. Visited Mt. Hope cemetery, potentially could repair. The mayor recommended he work with the city administrator.

Kris Haslund, 12657 10th St S.; spoke regarding the firearms ordinance. Gun noise has been increasing over the years. Supports the ordinance amendment and feels it has changed so much over the years and is a problem.

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
Council member Nelson reported that new officers were elected at their last meeting.

8. **CONSENT AGENDA**

- A. A. Just and Correct Claims
- B. 4M Fund Transfers – JULY – **Resolution 2020-41**
- C. Extension of the Declaration of Local Emergency – **Resolution 2020-42**

Motion/Second Ross/Nelson To approve consent agenda and Resolutions 2020-41, 2020-42. Roll call: All aye, passed 5-0.

9. **CITY COUNCIL BUISINESS**

A. **Planning Commission Report**

1. Ordinance Amendment regarding the discharge of firearms – Ordinance 05-2020
Chair Kopitzke stated that the Planning Commission recommendation was to have something simple, enforceable, and for 1 year to allow for adjustment. Public hearing will be at the next PC meeting.

Motion/Second Wroblewski/Ross to amend the ordinance to limit discharge of rounds to 20 – 50, two times per month, for a duration of 30 minutes with an exception for clay pigeon shooting of 2 hrs on larger properties if more than 1250 from property line.

Discussion

Council member Ross stated that the two hr. limit is not reasonable with high capacity weapons.

Council member Nelson stated that he is in favor of the planning commission’s comments regarding taking incremental steps, and the idea of no two consecutive days. Will not support this motion.

Council member Perkins stated that this discussion started back in 2019. Not trying to infringe on rights, but we do not allow gun ranges.

Council member Nelson questioned why clay pigeon shooting is singled out as an exception.

Council member Wroblewski replied that clays are a traditional activity. The commission’s recommendations don’t solve the problems we’ve been having. Traditional shooters in Afton do not shoot this many rounds.

Mayor Palmquist stated the motion on the floor has parameters. Can’t support what the planning commission’s recommendation because it doesn’t deal with the issue. Enforceability is the challenge. The overwhelming response he’s gotten from residents is that they do not shoot on their property, or do it very infrequently.

After further discussion, friendly amendments were made and accepted to limit discharge to maximum of one day every two weeks, a maximum of 50 rounds per day and a maximum of 1 hour per day.

Motion is as follows: Other than for allowed hunting, the discharge of firearms on a parcel or contiguous parcels under common ownership is limited to a maximum of one day every two weeks, a maximum of 50 rounds per day and a maximum of 1 hour per day.

Roll Call : Nelson nay, Ross aye, Wroblewski aye, Perkins aye, Palmquist nay. Passed 3-2.

This ordinance language will be presented for the public hearing on August 31.

Motion/Second Palmquist/Wroblewski to table discussion of definition and nuisance ordinance items. Roll call: All aye passed 5-0.

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2. Planning Commission discussion regarding moving forward with City business during the Covid-19 pandemic
Chair Kopitzke stated that the commission wanted clear communication regarding city business.
Council member Ross noted that later on the agenda is discussion on technology that could allow meeting in person.

B. Engineering Report – (Engineer Staff Report)

1. 30th St Improvement Project engineering Services
Engineer Klay Eckles provided an update on project. Work will be starting next week.
Motion/Second Ross/Nelson to approve the WSB proposal for engineering services in amount not to exceed \$21,058.00. Roll Call: All aye, passed 5-0.
2. FEMA Levee Certification Process
Engineer Klay Eckles provided an update on the process. Some additional work will be required to get final FEMA approval.
3. Afton Creek Preserve Construction Update
Engineer Klay Eckles provided an update. The paving of 60th St. was delayed due to engineering needed for the drainage solution at the intersection and negotiation with the Denmark township neighbor.
Council member Wroblewski requested the sign on the prairie be taken down.

C. Administration –

1. Reconsideration of Kassenborg and Gugisberg complaint and request regarding dangerous dog designation
Motion/Second Nelson/Ross to have the council reconsider the issue. Roll call: 4 aye, 1 nay (Wroblewski) passed 4-1.
Thomas Marshall, attorney for the Sonderegger’s stated that the Sheriff or animal control officer has authority to make determination.
Attorney Knaak stated the authority is not clear as suggested. The county has an assigned deputy that can guide cities on these issues. The new deputy wrestled with definitions of domestic animal. The City was confronted with a dog offsite that killed a domestic pet. By default city was the authority to make the determination. There is opportunity to appeal the decision.
Mayor Palmquist stated he does not doubt this was their pet but doesn’t want to set a precedent for the future, with dogs and chickens for example.
Council member Wroblewski stated there was a lack of experience of the deputy regarding the definition of domestic animal.
Erol Sonderegger, the dog’s owner stated he was surprised to hear about the events in July as there was no notification and limited time to appeal. There were unfair attacks on their empathy. Jodee contacted Grant when it happened. Both geese and chickens have come into their yard. Do not know where the goose was when it happened.
Heidi Kassenborg, stated the geese did wander when they were young, once older they did not. In February with the snow they did not go over there. She received threatening texts from Jodee.
Council member Wroblewski asked about requirements if designated “potentially dangerous” dog.
Attorney Knaak replied that the requirements and sanctions are less.
Council member Ross stated he voted no last time. The rules in Afton state that dogs need to be under your control or on your property. Call sheriff if a strange dog is on your property. The council shouldn’t be involved in this.
Council member Wroblewski stated there was an issue with communications. The Officer closed the case and didn’t contact anyone. Sonderegger’s should have had 14 days to appeal after July designation.

161 **Motion/Second Palmquist/Nelson move to declare the Sonderegger’s dog as “potentially**
162 **dangerous” and cite owners for violation of ord. 6.2 and require restitution. If the dog is found on**
163 **neighbor’s property again it will be declared a dangerous dog.**

164 Kassenborg asked what to do if the dog comes again, how are we protected?

165 Mayor Palmquist replied that the sheriff should be called.

166 Council member Wroblewski asked how do we differentiate between potentially and dangerous? Does
167 this set a precedent for the future?

168 Mayor Palmquist stated that the statute language is not as clear as he would like it to be.

169 Attorney Knaak stated the purpose of statute not as clear as he’d like it to be. The council can clarify
170 roles for animal control.

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

172

173 2. Tilton appeal of denial to remove tree at 4201 River Rd

174 Linda Tilton, 4201 River Rd S. stated she is concerned the oak tree will fall onto house. Save a tree
175 evaluated as low to moderate risk.

176 Mayor Palmquist stated that this is in the St Croix Riverway district so restrictions apply. The city
177 provides permit, there are extra rules because of location. Permission could be given to trim. The tree
178 helps with view from river.

179 **Motion/Second Palmquist/Ross to uphold staff’s recommendation not to allow removal of the tree.**
180 **Can reevaluate the situation in a year if the tree changes.**

181 **Roll call: 4 aye, 1 nay (Perkins) passed 4-1.**

182

183 3. Ordinance Amendment to extend Ordinance 02-2020

184 **Motion/Second Palmquist/Wroblewski to adopt Ordinance 07-2020, an ordinance amendment**
185 **extending Interim Ordinance 02-2020 and the related temporary moratorium from August 18,**
186 **2020 to November 17, 2020. Roll call: all aye, passed 5-0.**

187

188 4. Ordinance violations at 12631 15th St

189 Administrator Moose stated that numerous complaints were received about a group who rented the
190 house and building there for a short term rental. There were violations for violating short term rentals
191 ordinance, no license.

192 **Motion/Second Wroblewski/Palmquist to direct staff to take actions to prevent further illegal use**
193 **of the property for large events or short term rentals..**

194 Council member Wroblewski asked staff to go through ordinance and find every possible violation.

195 Council member Nelson stated that properties in violation aren’t even eligible to get a license for two
196 more years. These shouldn’t be allowed.

197 Palmquist stated that these people knew this wasn’t allowed when the property was purchased.

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

199

200 5. Council Chambers Audio/visual system upgrades

201 **Motion/Second Palmquist/Wroblewski to approve cost not to exceed \$13,000.00 to upgrade for**
202 **live streaming and microphone equipment.**

203 **Ross - Amend up to \$13,000 and \$5,000 for camera if eligible. (Accepted)**

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

205

206 6. Accessory building on lakefront and stream front lots

207 **Motion/Second Wroblewski/Palmquist to retain the ordinance language regarding accessory**
208 **buildings on lake frontage and stream frontage lots. Roll call: all aye, passed 5-0.**

209

210 7. Information to Realtors

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211 Mayor Palmquist would like to have the landowners guide be given to homeowners in the riverway
212 district at closing when homes are sold.
213 **Motion/Second Palmquist/Ross to require a copy of the Landowners Guide to the Lower St. Croix**
214 **Riverway be provided to homeowners in transition. Roll call: all aye, passed 5-0.**
215

216 8. Emergency operations update
217 No update
218

219 9. Budget work session dates
220 Dates will be set
221

222 10. Traffic patrol update
223 Council member Wroblewski would like to see enforcement on 40th from Manning to Oakgreen
224 Mayor Palmquist stated they should move around locations.
225

226 11. Lake Edith update
227 Tree replacement parameters are being finalized. The owner's tree consultant will then put together the
228 plan.
229

230 12. Cares funding
231 Administrator Moore reported that he is getting quotes for small capital improvement items that the
232 funding can be used for at city hall.
233

234 13. Special Council meeting
235 **Motion/Second Palmquist/Wroblewski to hold a Special City Council meeting prior to the Budget**
236 **meeting at 4:30. Roll call: All aye, passed 5-0.**
237

238 **D. Committee Reports –**

- 239 1. Public Works – no report
240 2. Personnel – no report
241 3. Parks – no report
242 4. Heritage Preservation Commission / Design Review - no report
243 5. Natural Resources and Groundwater - no report
244

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

- 246 A. Ward 1 Council Member Perkins – no report
247 B. Ward 2 Council Member Wroblewski – no report
248 C. Ward 3 Council Member Ross – active in pursuing ideas for Steamboat park
249 D. Ward 4 Council Member Nelson – difficulty in enforcing ordinances we should discuss
250 E. Mayor Palmquist – appreciate gun ordinance process
251 F. City Attorney Knaak – no report
252 G. City Administrator Moore – no report
253

254 **11. ADJOURN**

255 **Motion/Second Perkins/Wroblewski To adjourn. Roll call: All aye, passed 5-0.**
256

257 Meeting adjourned at 10:51 PM
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261 Respectfully submitted by:

