



## **CITY COUNCIL WORK SESSION AGENDA**

AFTON CITY COUNCIL CHAMBERS  
3033 St. Croix Trail South (See Note Below)

**Wednesday, June 10, 2020**  
**At 5:00 p.m.**

**Note: Due to the Covid-19 Virus and the Governor's Executive Order, the June 10, 2020 City Council work session will be held remotely using the Zoom video conference application.**

### **To Join the Zoom Meeting:**

The Link is: <https://us02web.zoom.us/j/84555137514>

Meeting ID: 845 5513 7514

**To Dial In, the call-in number is +1 312 626 6799**  
**The meeting ID is 845 5513 7514**

One tap mobile  
+13126266799,,84555137514#

### **CALL TO ORDER**

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA – June 10, 2020 Council Work Session**
- 3. CITY COUNCIL BUSINESS**
  - A. Regulations Regarding the Discharge of Firearms**
  - B. 30<sup>th</sup> Street Improvement Project**
  - C. Ordinance Amendment Restricting Barbed Wire Fencing**
  - D. City Administrator Updates**
- 4. Adjourn**

**A quorum of one or more City commissions or committees may be present to receive information during this meeting**

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

# Meeting Date June 10, 2020

## Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: June 8, 2020

Re: Regulations Regarding the Discharge of Firearms.

---

The Council met in a work session on June 3 to discuss options for addressing concerns regarding the discharge of firearms, and particularly residents using their property in a manner similar to a gun range, in that they discharge a high number of rounds per day several days per week. The Council discussed these concerns from both a safety and a noise/nuisance perspective, and directed staff to draft an ordinance amendment that included the following elements:

- new language in the firearms discharge ordinance regarding the number of rounds that could be discharged per day and per week, other than for hunting; as well as language that allows the owner of a homesteaded residential parcel to exceed the maximum number of rounds per day if allowed by the affected neighbors.
- Add a definition of “gun range” that involves the discharge of firearms whereby firearms discharge occurs more than one day per calendar week and whereby more than 20 rounds are discharged over any 24 hour period. (This definition applies to the existing ordinance that prohibits gun ranges in all zoning districts)
- Add language in the nuisance/noise ordinance that adds a definition of public nuisance noises and prohibits such noises.

An ordinance amendment that reflects these elements is attached for the Council’s consideration, discussion and feedback.

ORDINANCE 05-2020

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING SECTION 14-1 OF CHAPTER 14, AND SECTIONS 12-77, 12-207 AND 12-208 OF CHAPTER 12 OF THE CITY CODE REGARDING THE DISCHARGE OF FIREARMS, GUN RANGES, NUISANCES and NOISE**

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

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

Sec. 14-1. Use, discharge of firearms.

- (a) NOTHING IN THIS SECTION SHALL REGULATE, CONTROL OR PREEMPT THE USE OF FIREARMS FOR SELF DEFENSE WHICH SHALL BE SOLELY REGULATED AND CONTROLLED BY APPLICABLE MN STATE STATUTES (609.06 and 609.65)
- (b) Firearm definition – A firearm is defined as any gun from which any projectile is discharged or propelled by means of an explosion, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus, instruments, or equipment used by construction personnel, licensed physicians or veterinarians in the course or scope of their professions.
- (c) Within the city, it shall be unlawful for any person to discharge out of doors upon the land of another, including all land owned by the City, any firearm, without having, in possession, written permission from the owner or tenant of such land to discharge such firearm thereon, which must include the full name, address, phone number, and signature of the landowner or lessee as well as the full name of the person given permission to hunt or shoot.
- (d) It is unlawful for any person to discharge any firearm in any place or manner so as to endanger any person or property.
- (e) It is unlawful for any person to discharge a firearm in a city park, on any school property, or in any property located in an area zoned commercial or industrial with the exception of police officers acting in the scope of their lawful authority.
- (f) It is unlawful to discharge a firearm across or within the right of way of any public road or highway.
- (g) Firearms may not be discharged:
  - 1. Except by the landowner and his/her immediate family in residence on the property or in the presence of the landowner or lessee of the land, or with the written permission of the landowner or lessee of the land. The person authorized to hunt/shoot must have in their possession the written permission which must include the full name, address, phone number, and signature of the landowner or lessee as well as the full name of the person given permission to hunt or shoot.
  - 2. Within 500 feet of any residence or accessory building on a parcel under separate ownership from the parcel on which the firearm is discharged, unless the person has written permission from the land owner as required in paragraph (g) 1 above.

3. Before 0900 hours or after one-half hour before sunset, except when hunting game or non-game animals in compliance with the requirements of Minnesota Hunting Restrictions and Requirements (MN State Statute 97B)
- (h) No firearm shall be discharged in a manner reasonably expected to cause a projectile to cross the boundary of a parcel not under common ownership with the parcel from which the projectile is fired, unless the person has written permission from the land owner as required in paragraph (g) 1 above.
- (i) It is unlawful to discharge a firearm while under the influence of a controlled substance or under the influence of alcohol.
- (j) Individuals discharging firearms must be adults or must be under the supervision of a responsible adult, with the exception of juveniles 16 and over during the hunting season who meet the legal requirements to hunt according to Minnesota's hunting regulations. Nothing in this paragraph shall prohibit juveniles from hunting in compliance with the requirements of Minnesota Hunting Restrictions and Requirements (MN State Statute 97B)
- (k) Other than for allowed hunting, it is unlawful for the owner of a parcel, or multiple parcels under common ownership, to discharge more than 20 rounds from a firearm within a 24 hour period and on more than one day per calendar week on the owned parcel or parcels. An owner of a homesteaded residential parcel may exceed the 20 rounds per 24 hours restriction, and/or the one day per calendar week restriction, if allowed by the affected neighbors.**

Sec. 12-77 Definitions

**Gun Range means a commercial or private parcel, or multiple parcels under the same ownership, or facility where skeet and trap shooting or other similar shooting sports and the shooting of rifles, shotguns and pistols takes place whereby firearms discharge occurs more than one day per calendar week and whereby more than 20 rounds are discharged over any 24 hour period. An owner of a homesteaded residential parcel may exceed the 20 rounds per 24 hours restriction, and/or the one day per calendar week restriction, if allowed by the affected neighbors.**

Sec. 12-207. Miscellaneous nuisances.

- A. It shall be a nuisance for any person to store or keep any vehicle of a type requiring a license to operate on the public highway, but without a current license attached thereto, whether such vehicle is dismantled or not, outside of an enclosed building in any zoning district.
- B. Creating or maintaining a junkyard or vehicle dismantling yard shall be a nuisance and shall be prohibited.
- C. The following are declared to be nuisances endangering public health:
  1. Causing or suffering the effluent from any cesspool, septic tank, drainfield or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents thereof at any place except as authorized by the state pollution control agency.
  2. Causing or suffering the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
  3. Causing or suffering carcasses of animals to not be buried or destroyed or otherwise disposed of within 24 hours after death.
- D. The following are declared to be nuisances affecting the public peace and safety: **including interfering unreasonably with the enjoyment of life or property.**
  1. The placing or throwing on any street, alley, road, highway, sidewalk or other public property of any glass, tacks, nails, bottles or other nuisances that may injure any person or animal or may cause damage to any pneumatic tire when passing over the same.
  2. The ownership, possession or control of any unused refrigerator or other container, with doors that fasten

automatically when closed, of sufficient size to retain any person and that is exposed and accessible to the public without having the doors, lids, hinges or latches removed or having locks to prevent access by the public.

### **3. Public Nuisance Noises.**

**It is unlawful for any person to cause or allow to be emitted a Public Nuisance Noise. A Public Nuisance Noise is any noise which unreasonably annoys, injures, interferes with, or endangers the comfort, repose, health or safety of persons residing within separate residences in the same community or neighborhood.**

#### **a. Examples of public nuisance noises include, but are not limited to, the following:**

- 1). The discharge of more than 20 rounds from a firearm in a 24 hour period and on more than one day per calendar week, other than for allowed hunting, unless allowed by the affected neighbors.**
- 2). Those noises listed as prohibited in paragraph D of Sec. 12-208**
- 3). Those noises generated by the operations with hourly restrictions listed in paragraph E of Sec. 12-208 when generated beyond the allowed hours.**

#### **b. Exemptions to Public Nuisance Noise Prohibition.**

**1). Between the hours of 7 a.m. and 8 p.m., the following shall be exempt from this Chapter; except if other state and local restrictions apply:**

**a). Sounds originating from residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;**

**b). Sounds created by the discharge of firearms in the course of legally hunting during any state defined hunting season, and otherwise meeting all other firearm discharge guidelines found in city ordinances.**

**c). Sounds created by the installation or repair of essential utility services;**

**d). Sounds originating from temporary, residential construction sites as a result of construction activity**

**e). Sounds originating from forestry activities**

**f). Sounds originating from farming activities**

Sec. 12-208. Noise.

A. Definitions. Except as provided in this section, words or phrases used in this section and defined in the rules of the state pollution control agency noise section, Mn Rules, § 7030, shall have the meanings given in those rules.

1. A-weighted means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute S1.4-1983, section 5.1.

2. Cut-out or bypass means a mechanism which varies the exhaust system gas flow so as to discharge the exhaust gas and acoustic energy to the atmosphere without passing through the entire length of the system including all exhaust system sound attenuation components.

3. dB(A) means a unit of sound level expressed in decibels (dB) and A-weighted.

4. Exhaust system means a combination of components which provides an enclosed flow of exhaust gas from engine parts to the atmosphere.
5. Holiday means any day fixed by the United States or by state law for suspension of business in whole or in part.
6. L10 means the sound level, expressed in dB(A) which is exceeded ten percent of the time for a one-hour period, as measured by test procedures approved by the director of the MPCA.
7. L50 means the sound level, expressed in dB(A) which is exceeded 50 percent of the time for a one-hour period, as measured by test procedures approved by the director of the MPCA.
8. MPCA means the state pollution control agency.
9. Noise means any sound not occurring in the natural environment, including but not limited to, sounds emanating from airways, roadways, waterways, industrial, commercial, and residential sources.
10. Noise control officer means the City Zoning Administrator or other person appointed by the City Council.
11. Noise pollution means the presence of any noise or combination of noises in such quantity, at such levels, of such nature and duration, or under such conditions as could potentially be injurious to human health, safety, or welfare; or to animal life; or could interfere unreasonably with the enjoyment of life or property. **Noise pollution includes public nuisance noises, as defined in Sec. 12-207.**
12. Person means any individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivision, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, person shall include employees and licensees.

(Paragraphs B and C are not proposed to be amended, so were purposely not included)

D. Noises prohibited.

1. Horns, audible signaling devices, etc. No person shall sound any signaling device on any vehicle except as a warning of danger.
2. Engine exhausts. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws, regulations, and this article. No exhaust system on any engine shall be modified, altered, or repaired in any manner, including the use of a muffler cut-out or bypass, that shall amplify or otherwise increase noise above that emitted by the device as originally equipped.
3. Radios, phonographs, paging systems, etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for production or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of violation of this section.
4. Social gatherings. No person shall participate in any party or other gathering of people giving rise to noise which disturbs the peace, quiet or repose of the occupants of adjoining or other property. When a police officer determines that a gathering is creating such noise disturbance, the officer shall order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall cooperate with police officers and shall make every reasonable effort to see that the disturbance is abated.
5. Loudspeakers, amplifiers for advertising, etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public for any purpose whatsoever.
6. Schools, churches, etc. No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, church or other place of worship.

E. Hourly restriction on certain operations.

1. Domestic power equipment. No person shall operate a garden or lawn tractor, power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, power device for bug eradication, drill, or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. Snow removal equipment is exempt from this provision.
2. Refuse hauling. No person shall collect or remove garbage or refuse in any residential district except between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday.
3. Construction activities. No person shall engage in or permit construction activities involving the use of any electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 16th DAY OF June, 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 June 10, 2020

### Council Memo

To: Mayor Palmquist and City Council Members  
From: Ron Moore, City Administrator  
Date: June 8, 2020  
Re: 30<sup>th</sup> Street Improvement Project.

---

#### 30<sup>th</sup> Street Reclamation Project

The Public Works Committee met on Monday, June 8 to discuss the 30<sup>th</sup> Street Improvement Project with a potential contractor. The purpose of the meeting was to better understand the experience and capabilities of the contractor regarding the main elements of the reclamation project. The contractor is Executive Contracting. This contractor did significant subbase repairs with a mill and overlay on five sections of 50<sup>th</sup> Street several years ago that turned out very well. They also did the mill and overlay on River Road several years ago that turned out very well. They have substantial experience with mill and overlay and reclamation projects on County roads, and have acted as reclamation subcontractors for larger general contractors on larger road improvement projects.

The Public Works Committee is comfortable with the contractor's experience and ability, and is recommending the City Engineer move forward with a price quote package to obtain price quotes for the reclamation of 30<sup>th</sup> Street from Nybeck to the bridge, which is the worst segment of 30<sup>th</sup> Street. Because the price quote process will not be completed in time for the June 16 Council meeting, it is recommended the Council schedule a Special Council meeting to review the price quotes the week of June 22.

#### 30<sup>th</sup> Street Large Culvert Replacement

When the 30<sup>th</sup> Street culvert replacement was originally planned and approved, it involved the retention of an existing masonry culvert, which makes up about one-half of the total culvert length, and the replacement of the other one-half of the culvert. The City purchased a culvert that came in six sections. One of the sections has an end that was fabricated to enable the connection with the existing masonry culvert. Due to the costs required for connecting the new culvert with the existing culvert, and the relatively low additional cost of fully replacing the culvert, the plan was changed to replace the whole culvert, including the masonry portion of the culvert. During the recent pre-construction review process, it was pointed out that the section of the new culvert that was originally purchased cannot be used for the current project, because the end that was fabricated to match the masonry culvert cannot be used to match the new culvert. This section of culvert will need to be replaced at a cost of \$5,000 to \$6,000.

#### 30<sup>th</sup> Street Small Culvert Replacements

The City generally replaces all small culverts on a street prior to major improvements. Tri County Services has provided a price quote for the purchase and installation of five small culverts on 30<sup>th</sup> Street. The price includes \$7,400 for the purchase of the culverts, and \$21,500 for the installation of the culverts, for a total cost of \$28,900. If the Council decides to move ahead with the 30<sup>th</sup> Street reclamation project, the small culverts will need to be replaced prior to the project.

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

# Meeting Date June 10, 2020

## Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: June 8, 2020

Re: Ordinance Amendment to Restrict Barbed Wire Fencing

---

In response to concerns regarding the use of barbed wire fencing in residential settings, staff has drafted the attached ordinance amendment that amends the existing fencing ordinance to prohibit barbed wire fencing as follows:

- Barbed wire fencing shall be prohibited in the VHS-C and VHS-R zoning districts
- Barbed wire fencing shall be prohibited in the Rural Residential and Agricultural zoning districts; except on property used for rural agriculture that includes livestock, when it is demonstrated that the fencing is required to confine the livestock.
- Barbed wire fencing shall be prohibited in the I1-C zoning district.

### Rural Agriculture

The City Code defines rural agriculture as follows:

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

### I1-C Zoning District

The I1-C zoning district is located in the southeast quadrant of Hudson Road and Manning Avenue, and is adjacent to Rural Residential development to the south. The district was created for higher quality development. While barbed wire fencing may be necessary for security in the light industrial development in the industrial districts north of Hudson Road, it should not be necessary, and does not fit the type of development for which the I1-C district was created.

ORDINANCE 06-2020

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING SECTION 12-190 OF CHAPTER 12, LAND USE, OF THE CITY CODE REGARDING FENCING**

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. 12-190. Fences.

A. Fences may be permitted in all yards subject to the following:

1. Solid walls in excess of four feet above adjacent ground grades shall be prohibited;
2. That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property;
3. Fences over six feet in height from the finished grade shall require a building permit in addition to any other required permits;
4. No fences shall be permitted on public rights-of-way; and
5. All fences shall be maintained and kept in good repair.

B. Fences may be permitted along property lines subject to the following:

1. Fences may be placed along property lines provided no physical damage of any kind results to abutting property;
2. Fences on commercial and industrial property **in the I1-A and I1-B zoning districts** may be erected on the lot line to a height of six feet; to a height of eight feet with a security arm for barbed wire;
3. Fences along any lot lines or within any building setback lines as defined in Section 12-55 may be a maximum of six feet in height, except as provided in Subsection (B)(5) of this section. All fences parallel to any road shall be set back a minimum of 20 feet from the road right-of-way for line-of-sight safety reasons. All fences which exceed four feet in height and which are parallel to any road shall be screened in accordance with Subsection (8) of this section.
4. Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than four feet;
5. All fences on lake lots shall be set back a minimum of 20 feet from the ordinary high water mark. Fences along interior lot lines between the 20-foot setback from the ordinary high water mark and the required building setback from the ordinary high water mark shall not exceed four feet in height;
6. Fences located within the buildable area of a lot or eight feet or more from the rear lot line may be up to eight feet in height;
7. Where the property line is not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish the property line;
8. The screening required in this section shall consist of forms of landscaping (plant materials) so as to block direct visual access to the fence from the street.

**C. Restrictions on Barbed Wire Fencing**

**1. Barbed wire fencing shall be prohibited in the VHS-C and VHS-R zoning districts**

**2. Barbed wire fencing shall be prohibited in the Rural Residential and Agricultural zoning districts; except on property used for rural agriculture that includes livestock, by an administrative permit**

**when it is demonstrated that the fencing is required to confine the livestock.**  
**3. Barbed wire fencing shall be prohibited in the I1-C zoning district.**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 16th DAY OF JUNE, 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 June 10, 2020

## Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: June 8 2020

Re: City Administrator Updates

---

There are no updates at this time. This item was included on the agenda in case there are updates that need to be provided to the Council at the work session.