

The meeting was held remotely via Zoom

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:03 PM
2. **ROLL CALL** – Present: Chair Kris Kopitzke, Kuchen Hale, Doug Parker, Sally Doherty, Roger Bowman, James Langan, Scott Patten, Christian Dawson & Justin Sykora.  
**ALSO IN ATTENDANCE** – Council member Wroblewski, City Administrator Ron Moore

4. **APPROVAL OF AGENDA** –  
Add item 8a “public hearing posting”  
**Motion/Second Doherty/Patten To approve the Agenda of the July 6, 2020 Planning Commission meeting as amended. Roll call: all aye, Passed 9-0.**

5. **APPROVAL OF MINUTES** –  
A. March 2, 2020  
**Motion/Second Kopitzke/Hale To approve minutes of the March 2, 2020 Planning Commission meeting. Roll call: all aye, Passed 9-0.**

6. **REPORTS AND PRESENTATIONS** - None

7. **PUBLIC HEARINGS** –

- A. **John & Beth Sevenich minor subdivision at 10 Coulee Ridge Road**

Chair Kopitzke opened the public hearing at 7:12 PM.

Administrator Moore provided an overview: John & Beth Sevenich have applied for a minor subdivision to combine four contiguous parcels under their ownership at 10 Coulee Ridge Road to create one parcel of 6.551 acres, and to divide off a 0.77-acre parcel and combine it with the neighboring Koosman parcel at 8 Coulee Ridge Road. The subdivision eliminates 4 parcels that are each smaller than the minimum required lot size of five acres, and creates one conforming parcel of 6.551 acres. The subdivision also increases the size of the neighboring parcel from 1.89 acres to 2.66 acres, making its size significantly less nonconforming.

Chair Kopitzke asked how developed is the road? (they are the last house on road)

Kevin Anderson asked why there isn't a variance? The nonconforming parcels will go to conforming and one will be less non conforming? (No variance is required because it is more conforming than it was before)

John Koosman, neighbor, stated that this area was going to be a PUD 30 yrs ago.

No other public comment was recieved.

**Motion/Second Bowman/Hale to close public hearing. Roll call: All aye, passed 9-0.**

Public hearing closed at 7:18 pm.

Bowman asked about the road – is it private? (yes, private)

Parker stated this is a good idea, the existing lots there are not buildable.

Sykora asked why it is a minor subdivision (because number of these are non conforming)

**Motion/Second Doherty/Hale to recommend the city council approve the minor subdivision as outlined with findings 1-5 as listed and no conditions.**

**Findings**

1. All parcels involved in the subdivision are zoned Rural Residential, as is all surrounding land.
2. The proposed subdivision does not create any additional lots.
3. The proposed subdivision combines several parcels that are under the same ownership.
4. The proposed subdivision reduces the number of parcels from five to two
5. The proposed subdivision combines 4 nonconforming lots into one conforming lot and adds land to an adjacent lot that is currently nonconforming to make it significantly less nonconforming.

Langan asked if one of the lots had building approval already?

Koosman replied there were 11lots, 6 are built on, these were not, created 30 yrs ago. The land is very steep, unlikely anything could be built there.

57 (Commissioner Parker left the meeting)  
58 **Motion vote: Roll call: All aye, Passed 8-0.**  
59

60 **B. Ordinance Amendment regarding discharge of firearms and public nuisance noises**

61 Chair Kopitzke opened the public hearing at 7:36 pm

62 Administrator Moorse provided an overview. The Ordinance amendment is to clarify the current ordinance  
63 related to discharge of firearms.

64 Kevin Anderson – this is one more step toward not allowing hunting. How many people are complaining?  
65 Many of his neighbors enjoy target shooting. Noise part should be taken out of this. This is a rural area. We  
66 don't want to become Woodbury.

67 Nicole Roettger, Neal Ave; agreed with Kevin. Limit of 20 rounds for family of 4 on 80 acres is ridiculous.  
68 Curt Dunn, agreed with Nicole and Kevin. Everyone in his family shoots, couldn't even site in their guns  
69 in a months' time with this law. Target shooting is safer than hunting since target is set and you know what's  
70 beyond it. Probably need at least 20 rounds to site in a new gun.

71 Troy Anderson, Stated this topic shouldn't be settled in a Zoom meeting; should have a hearing publically  
72 in person after COVID.

73 Charlie Wamstad, agreed with the others. Has 40 acres and there is a lot of shooting around; comfortable  
74 talking to neighbors if there is a problem. Numbers proposed are arbitrary and how can they be enforced?

75 Richard Bend stated that regarding the noise ordinance people's perceptions of nuisance vary widely.  
76 Requires deputies to come out and check things and is city going to enforce? Council has to have conditions  
77 that are not arbitrary. Had proposed hourly limits and number of rounds when the ordinance was created.  
78 Compromise is needed for a reasonable number of rounds.

79 Bob Cohrs, Afton Hills Drive, stated we seem to be dealing with an isolated incident occurring after hours  
80 with a lot of shooting. Can't tell where it is occurring. Unknown if it is group or one individual.

81 Kevin Anderson stated we need to have hearing in person - Feels like this is being slipped in.

82 Council member Perkins stated that it may be helpful to people to know original issue and why council is  
83 addressing.

84 Administrator Moorse provided background on original ordinance which was in response to neighbors on  
85 2.5 acre parcels shooting on the property line despite requests from neighbors. A separate instance is  
86 occurring on large property, shooting high number of rounds multiple times per week in early evening.  
87 Sheriff was called out on multiple occasions, but had no way to address the issue as person was required  
88 distance away from house. Multiple neighbors had concerns regarding high number of rounds being shot  
89 multiple times per week. Council is looking for way to address.

90 Mr. Dunn, stated he shoots 2-3 days per week, 50 – 100 rounds, 30 minutes at a time around 3:00. He was  
91 one of the shooters, didn't realize how loud one of his guns is. They are not using it anymore. Tried to work  
92 with the neighbors and they wouldn't meet in person to discuss. Trying to be reasonable. Willing to cut time  
93 or rounds, but not so limited as 20 per month.

94 Jeff , neighbor of Bob Cohrs, stated he chooses not to shoot in Afton because it bothers the neighbors. He is  
95 a lifelong hunter. Feels something has changed, these seem like larger weapons.

96 Afton Hills Dr resident, stated he had no problem with hearing gun fire.

97 Kevin Anderson stated it sounds like we're appeasing the minority. Would like a face to face hearing.

98 Mr. Dunn stated they are training for shooting competitions. Moved here as a family to do this.

99 Bob Cohrs asked why not go to shooting range instead?

100 Unknown caller stated if you have 40 acres should be able to shoot.

101 Kevin Anderson stated that people that shoot on regular basis are safe. Live here for freedom to do this.

102 Mr. Dunn stated it is the convenience, large reason why parents bought this property.

103 Nicole Roettger needs to train taking gun out of her purse, out of holster, can't do that at a range.

104 Bob Cohrs thinks we can find a compromise.

105  
106 **Motion/Second Doherty/Bowman to close public hearing. Roll call: All aye, passed.**

107 Public hearing closed at 8:22 pm.

108

109 (Commissioner Parker returned to the meeting)

110  
111 Planning Commission Concerns and Issues

112 The Planning Commission expressed a number of concerns and identified a range of issues regarding the  
113 ordinance amendment, which are outlined below.

- 114 • The background and basis used by the City Council to determine the number of rounds,  
115 number of days per month and distance from property lines were not provided or explained
- 116 • There should be consideration of different rules for different types of firearms (rifles vs.  
117 shotguns) and for different zoning districts and lot sizes
- 118 • The number of rounds allowed and the number of days per month allowed are both too low
- 119 • The required distance from property lines is too large
- 120 • The proposed definition of gun range is inconsistent with the definition of shooting range in  
121 State Statute 87A.
- 122 • The Council had agreed that only essential needs were to be addressed during this time of  
123 remote meetings, with its challenges regarding public participation
- 124 • Notice of the public hearing and information regarding the ordinance amendment were not  
125 adequately disseminated to the public, and there was confusing and contradictory information  
126 on the website regarding the public hearing and whether the Planning Commission was  
127 meeting regularly
- 128 • The proposed language regarding nuisance noise is subjective and would be difficult or  
129 impossible to enforce

130  
131 **Motion/Second Bowman/Hale to recommend the discussion of firearm regulations be tabled for**  
132 **further discussion.**

133 **Hale offered friendly amendment of creating study group of citizens to review. (accepted)**

134 **Koptizke offered friendly amendment to specify that the problem is noise, not the source of the noise**  
135 **(accepted).**

136 **Roll call vote: All aye, passed 9-0**

137  
138  
139 C. Ordinance Amendment regarding barbed wire fencing

140 Chair Kopitzke opened the public hearing at 9:30 pm.

141 Administrator Moore provided a summary: In response to concerns regarding the use of barbed wire  
142 fencing in residential settings, staff has drafted the attached ordinance amendment that amends the  
143 existing fencing ordinance to restrict the use of barbed wire fencing as follows:

- 144 - Barbed wire fencing shall be prohibited in the VHS-C and VHS-R zoning districts
- 145 - Barbed wire fencing shall be prohibited in the Rural Residential and Agricultural zoning  
146 districts; except by an administrative permit on property used for rural agriculture that  
147 includes livestock, when it is demonstrated that the fencing is required to confine the  
148 livestock.

149  
150 Kevin Anderson, 50<sup>th</sup> St. Asked what if the livestock is gone and fence is still there, will it have to come  
151 down? Too much bureaucracy.

152 Nicole Roettger family farm has cattle which are not always there; does the livestock have to be on it  
153 24/7 for fence to be allowed?

154 Charlie Wamstad stated that with so much going on right now why are we worried about barbed wire  
155 fencing? Irrelevant. It is tool used on farms and it doesn't belong in a city ordinance.

156  
157 **Motion/Second Bowman/Sykora to close public hearing. Roll call: All aye, passed 9-0.**

158 Hearing closed at 9:38 pm

159

160 **Motion/Second Patten/Doherty move to recommend the city council not approve additional**  
161 **restrictions regarding fencing.**  
162 **Doherty added two findings: 1) barbed wire is tool that's been around for a long time,**  
163 **not a danger or nuisance. 2) A farmer should not be required to obtain an**  
164 **administrative permit to use barbed wire fencing. (both accepted)**  
165 **Roll call: All aye, Passed 9-0**  
166  
167

168 **8. NEW BUSINESS –**

169 A. Public hearing posting  
170 Hale stated that it could be posted better, and as early as possible before hearing.  
171 Doherty stated she is glad the council gave permission to hold Zoom meetings. Next phase is to think through  
172 how to engage the public more.  
173 Sykora stated we need to find ways to move forward and use this as an opportunity to engage more.  
174 Kopitzke stated he would like the zoom information and hearing easier to find on the webpage.  
175 Doherty asked about having a link on the calendar.  
176 Parker would like packet sooner.  
177

178 **9. OLD BUSINESS –**

179 A. Development of a schedule of non-compliance fees and other enforcement tools  
180 Will address again in September  
181  
182 B. Update on City Council actions  
183 Council member Wroblewski provided a summary of the June City Council meeting including the Afton  
184 Creek Preserve update, speed enforcement, and extension of emergency declaration.  
185

186 **10. ADJOURN**

187 **Motion/Second Doherty/Hale To adjourn. Roll call: all aye, Passed 9-0 .**  
188 Meeting adjourned at 10:15 pm.  
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190  
191  
192

193 Respectfully submitted by:

194 JY  
195 \_\_\_\_\_  
196 Julie Yoho, City Clerk  
197  
198

199 **To be approved on August 3, 2020 as (check one): Presented:  X  or Amended: \_\_\_\_\_**  
200  
201