

08-18-2020
City Council Supplemental Packet

From: Connie Wees <cfwees@gmail.com>
Sent: Tuesday, August 18, 2020 2:39 PM
To: Ward 2 Council Member ward2 <ward2@ci.afton.mn.us>
Subject: Tonite's Council Meeting

Lucia... Thank you for making changes to improve our community!
I appreciate Your Time and Energy that You have put into Your position, as our Ward 2 Councilmember!
In addition, Your knowledge and especially, Your expertise and the Research that You have done on these issues is extraordinary!

Sorry I didn't get my comments to Ron Moore early enough to get this in the packet.
If it is too late, I understand. CFW

To the Afton City Council, via my Ward 2 Leader, Lucia W :

I bought a house, in rural Afton, to escape the noise and danger of big city life!
Afton was an excellent location, when I first moved here almost 30 years ago. I enjoyed the peace, quiet and healthy open air.
It was wonderful to be a member of this community! My love for nature & the environment and the freedom & space for our children to be safe, were issues important to me!

Times have changed! Firearm's usage has increased!
I was traumatized by a gun and as a result, suffer Mental Illness.
The increased gun usage has been very difficult, for Me!
As we all know, Mental Illness is on the rise, including PTSD.

We need to be proactive! Having a pseudo gun ranges or excessive use of guns in our community make me feel like we are on the edge of a disaster!

The man, who spoke at the Planning Commission meeting, a couple months ago, about buying property in Afton, so he could have a place to shoot his guns, was most disheartening to hear!
So, he created his own personal 'gun club' and how many people will join him?

Are we waiting for a child to be injured or killed before we change the course of our future?
In our society, people's relationship with firearms has changed!
I feel, we are no longer living in a safe country and I am glad the City Council and Planning Commission are prioritizing this issue!

I have barely been tolerating the increased firearms usage, but it has definitely reached a point where we need a change!
We need to get the police and sheriff department trained and willing to enforce the ordinances and NOT just to turn a deaf ear!

We need the law enforcers to support Afton's Firearm Discharge and Nuisance Noice Ordinance Amendment, which will help make our community safe and peaceful again!

Thank you for your time and consideration.

Connie Wees
(651)492-9256

Ron and Lucia -

Kathy and I will be traveling next week and more than likely will not have access to internet. Could you please read the attached into the minutes during the citizen comment portion of next week's city council meeting?

Thanks,

Randy & Kathy Graham

Mr. Mayor and members of the council:

Having just spent some time perusing on-line ads for homes on the market in Afton, we can report that the words that appear in nearly every ad are "country" and "peaceful." Our peacefulness is apparently marketable, and seems to be one of the things that draws people to this community.

The rural character and the serenity are certainly a couple of the things that attracted us to Afton thirty-seven years ago and they are among the things that have kept us here. Fortunately, in our corner of Afton, we have not yet been subjected to the din of rapid-fire nonstop shooting.

Because there's nothing peaceful or serene about that kind of noise. This simple fact was recognized by the citizens over forty years ago when gun ranges were prohibited in Afton. Kudus to the members of the city council for their continued recent attempts to address this real issue in a sensible way. We hope the outcome is a regulation that in no way impacts the right or ability of any Afton resident from owning firearms but also respects the rights of every Afton resident to the peace, tranquility, and safety they deserve in their own homes.

Randy & Kathy Graham

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August 14, 2020

VIA EMAIL

Fritz Knaak, Esq.
Holstad & Knaak PLC
4501 Allendale Drive
St. Paul, MN 55127
fknaak@klaw.us

Mr. Ron Moorse
City Administrator
3033 St. Croix Trail South
Afton, MN 55001
administrator@ci.afton.mn.us

Re: Erol and Jodee Sonderegger

Dear Mr. Moorse and Mr. Knaak:

As you know, I have recently been retained to assist Jodee and Erol Sonderegger with regard to the City of Afton's involvement in their ongoing dispute with their neighbors, Heidi Kassenborg and Grant Gugisberg. Having had the weekend to review this situation, I wanted to share the following prior to the City Council meeting tomorrow night.

1. Under What Authority is the City Council Becoming Involved in a Dangerous Dog Designation?

According to Minnesota Statute § 347.51, Subds. 2 and 3, the Animal Control Authority makes the designation of whether a dog is dangerous, not a City Council. Here, the City of Afton, by Minnesota Statute 347.50, Subd. 7, and City of Afton Ordinance 6-1, has its own Animal Control Officer and also includes law enforcement as its Animal Control Officer. Law enforcement examined this situation, back in February 2020, when it happened, and did not see sufficient grounds for a dangerous dog designation. The statute provides no recourse to have a City "declare" that a dog is dangerous. The City has no authority to take this action under the statute and should reverse its July 21 action.

If anything, the only involvement the City of Afton should have would be a petition by the goose owners for the value of its poultry. As provided by Minn. Stat. 347.15, Subd. 1, "[t]he owner of

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any domestic animals, including poultry and game birds, attacked, chased, worried, injured, or killed by a dog or dogs may, within ten days after the owner shall have knowledge or notice thereof, file a written claim for damages with the clerk of the town or city in which the damage occurred." The damage is set by statute (Minn. Stat. § 347.15, Subd.4) and charged to the dog license fund. Since the owners of the goose did not follow this procedure, this matter is moot and the City should have no further involvement.

2. Why are the Requirements of the City Ordinance Not Being Followed?

City of Afton Ordinance 6-4 identifies the procedure for having a dog declared a public nuisance, which the City Council is trying to do through its backhanded designation of the Sondereggers' dog as dangerous. City of Afton Ordinance 6-5 requires that this determination be made by a judge, not the City Council. Again, the City Council has no authority to take this action itself.

3. The City Council Certainly is Not an Impartial Hearing Officer.

Once an Animal Control Authority makes a designation of a dangerous dog, the owner has a right to a hearing before an "impartial hearing officer." Minn. Stat. § 347.541, Subd. 1. Here, no Animal Control Authority has made such a determination but, in the August 7, 2020 letter to the Sondereggers, Mr. Moore stated that while "the Council initially did declare the dog to be a dangerous dog...the Council is reconsidering their decision at the August 18 meeting, in part because the Council wants to provide you with an opportunity to respond to the information provided with the request for a dangerous dog declaration." Certainly, the Council members who voted for the designation are not impartial. Council member Wroblewski, who basically led the charge with her open vocal and written advocacy against the Sondereggers, certainly is not impartial. She even considered the Sondereggers' alleged lack of "remorse" as a reason for the dangerous dog designation according to the draft July 21 minutes. The City's belated attempt at due process does not correct the improvidence of its initial decision or provide any assurance to the Sondereggers that they will be fairly treated now.

4. Law Enforcement Found No Need for a Dangerous Dog Designation.

Over six months ago, on February 11, 2020, the event occurred. According to the reports appended to the agenda, four Washington County deputies were involved and the Animal Control Officer, Brittany Harmon, was also consulted. No dangerous dog designation occurred as the officers wisely observed that they wanted to "avoid a conflict of neighbors." Frankly, in this ongoing war of neighbors, Kassenborg and Gugisberg seek the City to give them the upper hand in this latest skirmish. Just as Washington County law enforcement declined, the City should not embroil itself in this dispute further.

5. The Historical Background Between the Neighbors.

Kassenborg and Gugisberg and the Sondereggers have been neighbors for many years. Kassenborg and Gugisberg fill their five-acre parcel with ducks, geese and other farm animals and are allowed to roam freely over the countryside. Anytime something happens to one of their free-range animals, they accused the dog or cat owners. As you will learn at the hearing, the Sondereggers take in rescue dogs, usually no more than two at any one time. Currently they have two, Maisie, a five-year old mix breed, and Reno, a 16-year-old Golden Retriever. In the materials, you will see Kassenborg and Gugisberg accuse "another dog" of the Sondereggers. This is Reno. Reno is blind in one eye with limited mobility. In addition, there has been an invisible fence which the Sondereggers erected some years ago to keep their dogs out of the neighboring properties. The accusations by Kassenborg and Gugisberg are clearly exaggerated. For example, they accused the Sondereggers' dogs of injuring their cats. Actually, Gugisberg stopped by the Sondereggers one morning and said one of his cats, which roam freely in Afton, was hurt and blamed the dogs. Of course, in rural Afton, there exist encounters which could imperil a free roaming cat from other cats, to fox, to coyotes, to who knows what. By making these false accusations, Kassenborg and Gugisberg merely seek to color the decision makers in their favor. The truth is the Sondereggers get along well with their other neighbors, and their dogs are widely regarded as friendly and fun.

6. Is the Goose in Question Really a Domesticated Pet?

Kassenborg and Gugisberg loved their exotic goose and even named him Hadrian, as well as his other poultry colleagues. Giving their fowl a name and letting it enter their house does not alter it from being a farm animal, as found by Washington County law enforcement. It was treated as a free-range farm animal and wandered throughout their property. Oddly, if it was really a pet, why would it have been left outside and uncontained in the middle of February when no one was home? Other than farm animals, most pet owners would certainly take efforts to care for the safety of their beloved pets. Be that as it may, for a bird to be a "pet", it should meet the requirements of Minn. Stat. § 346.40 and be caged and protected. As reviewed by Washington County law enforcement, Hadrian the goose clearly wasn't a pet for the application of the dangerous dog statute.

7. There is No Evidence Maisie is Dangerous Under the Statute.

The record is clear that there was no observer to what really happened between Maisie the rescue dog and Hadrian the goose. It is assumed Maisie killed Hadrian, even by the Sondereggers. The evidence is this:

Jodee Sonderegger came home on February 11, 2020. There were packages at the end of their long driveway. She let Reno and Maisie loose as she brought the packages up to the house. When she got up to her house, Maisie was not there. She heard some squawking

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noises and went to investigate. She found Maisie nosing around the front of Kassenborg's and Gugisberg's house. As she started bringing Maisie home did she notice the goose and blood near it. It looked dead. Maisie sniffed toward the goose. She assumed Maisie had killed the goose and called Gugisberg. That was the last time they talked. Frankly, Kassenborg has refused to speak to Sondereggers for over ten years holding whatever grudge she holds against them. Oddly, although accused of killing the goose, Maisie had no blood on her. Blood should have been easily noticeable, especially since she is white.

We do not know if the goose was on Sondereggers property before it was killed. We do not know if the goose attacked Maisie, although noises were heard. We do not know if a coyote or some other animal did it and Maisie was drawn over to look because of that event. The Sondereggers assumed Maisie did it and reported it to Gugisberg. It was sad and unfortunate. They would have paid for the goose. However, Kassenborg and Gugisberg do not want reconciliation; they want a reckoning and blood for blood. No doubt should Maisie be designated a dangerous dog, she will be accused of something else and then ordered destroyed. At best, the City will find appeals every six months to have the designation removed as provided by Minn. Stat. § 347.51, Subd. 3a.

This is a dispute between neighbors, not one involving the City of Afton. The City should reverse its action and leave the neighbors to work it out.

Very truly yours,

ENGELMEIER & UMANAH, P.A.


Thomas E. Marshall

TEM/adp

cc: Jodee and Erol Sonderegger

INCIDENT REPORT

WASHINGTON COUNTY SHERIFFS OFFICE

15015 62nd St N
Stillwater, MN 55082
651-430-7600



CASE#	WHEN REPORTED	EVENT LOCATION
WC20033212	08/01/2020 21:58:40 REC'D BY: RADIO	12631 15th St S AFTON, MINNESOTA 55001

EVENT DETAILS
Description: DISTURBANCE
Disposition:

OFFENSE(S)		
Offense	Charge Level	Offense Status
9830 Disturbance 9000 MISC CODE 9999	NO CHARGE	

OFFICERS ASSIGNED (2)		
Involvement Date	Name	Type
08/01/2020 22:21:47	Freeman WC13130	Supplementing
08/01/2020 22:47:00	Magler WC1215	Reporting

PARTIES INVOLVED (3)		
SUMMARY		
Person #1	WROBLEWSKI, LUCIA	
Person #2	[REDACTED]	
Person #3	KLEIDAN, VINCENT NICKOLAS LLOYD	
Person #1	(OTHER)	

PERSONS (3)

Last Name WROBLEWSKI		First Name LUCIA		Middle Name		Suffix	
Address		City		State	Zip	Country	
DOB: Age at time of incident:		Gender	Phone 651-436-3982				
Additional Information City Council Member							
Person #2		(COMPLAINANT)					
Last Name [REDACTED]		First Name [REDACTED]		Middle Name		Suffix	
Address [REDACTED]		City AFTON		State MN	Zip 55001	Country	
DOB: [REDACTED] Age at time of incident: [REDACTED]		Gender [REDACTED]	Phone (C) [REDACTED]				
Additional Information							
Person #3		(SUBJECT)					
Last Name KLEIDAN		First Name VINCENT		Middle Name NICKOLAS LLOYD		Suffix	
Address 4500 MINNESOTA AVE.		City DULUTH		State MN	Zip 55802	Country	
DOB: [REDACTED] Age at time of incident: 28		Gender M	Phone (C) [REDACTED]				
Additional Information							

OFFICER COMMENTS

I was dispatched a disturbance call in Afton. The call was related to an AirBNB in Afton. See report.

NARRATIVES (2)

Initial Report

Magler WC1215

08/01/2020 22:47:02

On 08/01/2020 at approximately 2158 hours, I Deputy Magler was dispatched a disturbance call at 12631 15th St. S. in Afton.

I was sent a follow up phone call from an Afton City Council member named Lucia Wroblewski. I made contact with Wroblewski via phone call. Wroblewski stated that a citizen named [REDACTED] ([REDACTED]) had called her about an AirBNB on 15th St. S. Wroblewski said that there was a change in the city ordinances about AirBNB's recently. Wroblewski requested that I get some information from the person who rented the AirBNB.

I arrived on scene of the AirBNB at 12631 15th St. S. I stopped at the end of the long driveway and exited my vehicle. I could not hear any music or yelling. Approximately half way up the driveway I could hear music playing from the residence. The music turned down when I pulled up to the residence.

I spoke with the person who rented the AirBNB, Vincent Nickolas Lloyd Kleidan ([REDACTED]) in the driveway near the front of the residence. Kleidan was extremely polite and understanding of the situation. While speaking with Kleidan a male approached us. The male turned out to be a paid security guard for the party. Kleidan said he paid to have a sober person there to make sure everyone that was leaving got a safe ride home.

Kleidan stated that he had paid approximately \$3,740 to rent both the main house and a smaller building on the property for one night. Kleidan stated that there were approximately 25-27 people inside the building at the time I arrived. Kleidan said that only 16 people were staying the night. Kleidan stated that 12 people were staying the night in the main house and four people were sleeping in the smaller building.

Kleidan said he had rented the AirBNB from a "Brooke Fleetwood". Kleidan stated that "Brooke Fleetwood" was the owner of the property. Kleidan said he had never met "Brooke Fleetwood" until he rented the AirBNB. Kleidan had an email directly from "Brooke Fleetwood" with the prices and other information about the AirBNB. Kleidan also had an email receipt from AirBNB. Kleidan was able to forward me both emails. I will attach both emails to this report.

Kleidan was told to turn the music down.

The Incident was recorded and annotated with my body worn camera.

Please forward this report to the Afton City Council.

End report.

Additional Officer Comments

Freeman WC13130

08/02/2020 03:10:47

Assisted as cover. Clear.

INCIDENT REPORT

WASHINGTON COUNTY SHERIFFS OFFICE

15015 62nd St N
Stillwater, MN 55082
651-430-7600



CASE#	WHEN REPORTED	EVENT LOCATION
WC20033173	08/01/2020 19:44:19 REC'D BY: RADIO	12631 15th St S AFTON, MINNESOTA 55001

EVENT DETAILS
Description: NOISE COMPLAINT/DISTURBANCE
Disposition:

OFFENSE(S)		
Offense	Charge Level	Offense Status
9896 Noise - Unreasonably Loud 9000 MISC CODE 9999	NO CHARGE	OTHER

OFFICERS ASSIGNED (2)		
Involvement Date	Name	Type
08/01/2020 19:56:17	Magler WC1215	Supplementing
08/01/2020 19:56:57	Freeman WC13130	Reporting

OFFICER COMMENTS
Noise Complaint. Located music advised to keep it down. Clear.

NARRATIVES (1)		
Additional Officer Comments	Name	Time
I backed Deputy Freeman on a loud noise call in Afton. I assisted as a cover officer. I spoke with the complainant via phone. Complainant was not happy that his neighbors house is an AirBnB. Nothing further.	Magler WC1215	08/01/2020 21:26:51

INCIDENT REPORT

WASHINGTON COUNTY SHERIFFS OFFICE

15015 62nd St N
Stillwater, MN 55082
651-430-7600



CASE#	WHEN REPORTED	EVENT LOCATION
WC20033232	08/01/2020 23:25:53 REC'D BY: RADIO	12631 15th St S AFTON, MINNESOTA 55001

EVENT DETAILS
Description: NOISE COMPLAINT/DISTURBANCE
Disposition:

OFFENSE(S)		
Offense	Charge Level	Offense Status
12.208.D.4 A - Participation in a party or gathering shall not give rise to noise which disturbs others 9000 MISC CODE 9999	PETTY MISDEMEANOR	ARREST OF ADULT/ADULT AND JUVENILE

OFFICERS ASSIGNED (1)		
Involvement Date	Name	Type
08/01/2020 23:58:04	Freeman WC13130	Reporting

PARTIES INVOLVED (1)					
SUMMARY					
Suspect #1 KLEIDAN , VINCENT NICKOLAS LLOYD					
Suspect #1					
SUSPECTS (1)	Last Name	First Name	Middle Name	Suffix	
	KLEIDAN	VINCENT	NICKOLAS LLOYD		
	Address	City	State	Zip	Country
	4500 MINNESOTA AVE.	DULUTH	MN	55802	
DOB: *****	Gender	Phone			
Age at time of incident: 28	M	*****			
Additional Information					

OFFICER COMMENTS
4th Noise complaint. Cited. See report for details.