



## PLANNING COMMISSION AGENDA

August 31, 2020

7:00 pm

**Note: Due to the Covid-19 Virus and the related Governor's Executive Order, the August 31, 2020 Planning Commission meeting will be held remotely using the Zoom video conference application. Instructions for participating in the meeting remotely are provided below.**

### Instructions for Participating in the Meeting Remotely Via Zoom

Options for Joining the Zoom Meeting:

- **RECOMMENDED:** Use your computer, tablet or smart phone to join the meeting by logging on to <https://us02web.zoom.us/j/87038349643> (Meeting ID: 870 3834 9643)

Or

- Dial-in Number (to call in to the meeting)  
+1 312 626 6799. When prompted, enter Meeting ID: 870 3834 9643

Or

- Use One Tap Mobile  
+16465588656,,87038349643# US (New York)

### 1. CALL TO ORDER -

### 2. ROLL CALL -

- a) Scott Patten
- b) Sally Doherty
- c) Kris Kopitzke (Chair)
- d) Jim Langan
- e) Roger Bowman
- f) Justin Sykora
- g) Christian Dawson
- h) Doug Parker
- i) Kuchen Hale

### 3. APPROVAL OF AGENDA –

### 4. APPROVAL OF MINUTES –

- A. August 3, 2020 Meeting Minutes

### 5. REPORTS AND PRESENTATIONS – None

### 6. PUBLIC HEARINGS –

- A. Ordinance Amendment Regarding the Discharge of Firearms

### 7. NEW BUSINESS – None

### 8. OLD BUSINESS -

- A. Update on City Council Actions – Council Highlights from the August 18, 2020 Council meeting - attached.

### 9. ADJOURN –

**A quorum of the City Council or Other Commissions may be present to receive information.**

CITY OF AFTON  
**DRAFT PLANNING COMMISSION MINUTES**  
**August 3, 2020**

The meeting was held remotely via Zoom due to the Covid-19 pandemic.

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:02 PM
2. **ROLL CALL** – Present: Chair Kris Kopitzke, Kuchen Hale, Doug Parker, Sally Doherty, Roger Bowman, Scott Patten, Christian Dawson & Justin Sykora. Absent was James Langan.  
**ALSO IN ATTENDANCE** – Council member Wroblewski, City Administrator Ron Moore
3. **APPROVAL OF AGENDA** –  
**Motion/Second Doherty/ Bowman To approve the agenda for the August 3, 2020 Planning Commission meeting. Roll call: all aye, passed 7-0.**
4. **APPROVAL OF MINUTES** –  
A. July 6, 2020  
**Motion/Second Parker/Sykora To approve minutes of the July 6, 2020 Planning Commission meeting. Roll call: all aye, Passed 7-0.**

Commissioner Hale joined the meeting at 7:05.

5. **REPORTS AND PRESENTATIONS** - None

6. **PUBLIC HEARINGS** – none

7. **NEW BUSINESS** –

A. Meetings & focus during COVID pandemic

Doherty noted that the messaging on the city website indicates that the focus is on critical business. If we are now fully operating, or somewhere in between we should communicate that.

Hale stated that she has heard from residents that the city should be focusing on essentials only.

Chair Kopitzke stated that the Commission will be meeting like this for a while (via Zoom), and there are items that cannot be put off.

The Commission recommended to the city council that it is fully using the Zoom meeting format, and is prepared to address all issues that are brought to the Commission. The Commission also suggested that the City's messaging on the City website, in the City Newsletter and on social media should clearly reflect that the City is ready and able to carry on with City business.

8. **OLD BUSINESS** –

A. Ordinance amendment regarding discharge of firearms and public nuisance noises

Administrator Moore stated that he has received a few comments received so far. Most were from long term residents who are hunters but do not shoot on their property. They have noticed more prolonged shooting lately, shooting after dusk, less noise from hunting and more from recreational shooting. Suggestions were to find a balance between reasonable shooting and quiet time, limiting caliber of guns number of rounds.

Chair Kopitzke stated that a public hearing will be held next month, with action at the council meeting.

Bowman suggested a limit on number of rounds per property on given day/period of time from any source. Rules vary for skeet or any other. Rules should be the same, not vary for skeet or any other shooting.

Chair Kopitzke stated that limiting the number of shots in period of time, as measured at neighboring lot would eliminate lot size & zoning.

Hale stated that a shooting area that is properly set up with a berm is safer (permanent range) and should not be considered negative.

Sykora agreed that there should not be penalty for people who set it up safely. If charging a fee for people to come there, then it is a range.

Parker had concerns about the distance some of the ammunition can travel and caliber that can be shot.

56 Kopitzke pointed out that the State definition of a gun range does not include commercial criteria, but rather  
57 addresses the primary use of the property.

58 Further discussion was held with the following points identified:

- 59 • The same rules should apply to all firearms discharge.
- 60 • Two key goals are safety and noise abatement
- 61 • From a safety standpoint, a permanent shooting range with a proper backstop is safer than
- 62 shooting without proper safety precautions
- 63 • Noise abatement could include time limits, frequency of shooting, limits on number of rounds
- 64 and notification to neighbors
- 65 • It could be difficult to document the noise and where it is coming from
- 66 • The City Attorney has advised that a video of the noise taken with a cell phone would be
- 67 acceptable documentation
- 68 • The regulations should be focused on addressing repetitive, persistent shooting multiple times
- 69 per week
- 70 • Shooting should not be allowed two days in a row on the same property
- 71 • New regulations should have a sunset clause to encourage continuing discussion as well as
- 72 evaluation of the new regulations

73  
74 **Motion/Second Doherty/Hale to recommended a temporary ordinance amendment that sunsets on**  
75 **March 1, 2021 and declares the following to be nuisances affecting the public health and safety (in**  
76 **Section 12-207. Miscellaneous nuisances): Firearms discharged on a property for more than 2 hours**  
77 **per day, firearms discharged on a property more than two days per week, firearms discharged on a**  
78 **property two days in a row.**

79 **Roll Call: 5 Aye; 3 Nay (Dawson, Parker, Bowman) Passed 5-3.**

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81 Next Planning Commission (September) meeting will be held on August 31 due to Labor Day.

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84 B. Update on City Council actions

85 Council member Wroblewski provided a summary of the July City Council meeting.

86  
87 **9. ADJOURN**

88 **Motion/Second Sykora/Parker To adjourn. Roll call: all aye, Passed 8-0 .**

89 Meeting adjourned at 9:35 pm.

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94 Respectfully submitted by:

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97 \_\_\_\_\_  
98 Julie Yoho, City Clerk

99  
100 **To be approved on August 31, 2020 as (check one): Presented: \_\_\_\_\_ or Amended: \_\_\_\_\_**

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

# Planning Commission Memo

## Meeting: August 31, 2020

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moore, City Administrator

Date: August 25, 2020

Re: Ordinance Amendment Regarding the Discharge of Firearms

### Background

The Council has been working since early 2019 to address serious safety and noise concerns regarding the loud, repetitive discharge of firearms that occurs as residents use their property in a manner similar to a shooting range, whereby they discharge a high number of rounds per day on multiple days per week. The amount of this type of shooting by residents has increased significantly, as have the number of complaints.

The Council developed a draft ordinance amendment to address noise and safety concerns related to the current ability to discharge firearms with no or limited restrictions on the number of rounds, the duration and frequency of shooting and the noise generated by the firearms discharge. The ordinance amendment included revisions to the firearms ordinance to place limits on firearms discharge, the addition of a definition of gun range and the addition of language in the noise ordinance regarding nuisance noises.

### Planning Commission Review and Recommendation

The Planning Commission held a public hearing to receive public input regarding the draft ordinance amendment and requested an opportunity for additional review and discussion of the ordinance amendment and to provide additional recommendations regarding revisions to the ordinance amendment. The Council then referred the ordinance amendment back to the Planning Commission to work toward a solution that balances the ability to shoot firearms with the protection of neighbors from excessive, repetitive noise; to protect Afton's traditional ability to shoot firearms, while protecting the ability of residents to enjoy the solitude of their natural open spaces which is also an important element of Afton's heritage and character. After further review and discussion, the Planning Commission, on a vote of 5-3, recommended a shorter and simpler ordinance amendment, focused on noise and the nuisance ordinance, which added the following underlined language to the Nuisance section of the City Code.

D. The following are declared to be nuisances affecting the public peace and safety:

1. Other than for allowed hunting, the discharge of firearms on a parcel, or one or more parcels under common ownership, more than two hours per day, or more than two days per week, or on two consecutive days.

### City Council Ordinance Amendment Language for Public Hearing

The Council discussed the Planning Commission's recommended ordinance amendment language, as well as input received from residents regarding the discharge of firearms. The Council determined that, while the Planning Commission's recommended ordinance amendment language is focused on key elements necessary to address resident noise concerns, it did not adequately address concerns regarding the discharge of a high number of rounds on multiple days per week. The Council then revised its ordinance amendment language to focus on limiting noise through a revision to the current firearms discharge ordinance by the addition of the bold and underlined language below. The complete

ordinance amendment is attached. This ordinance amendment language will be the subject of the August 31 public hearing to be held by the Planning Commission.

**(k) 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.**

**Public Input**

In addition to public input during the Planning Commission meeting public hearing, the public hearing notice suggested that public comments could also be provided in writing prior to the hearing. All written comments received will be forwarded to the Planning Commission, and those received by 3:00 p.m. on August 31 will be posted as a supplemental meeting packet.

**Planning Commission Recommendation Requested:**

Motion regarding a recommendation concerning the ordinance amendment regarding the discharge of firearms.

ORDINANCE 05-2020

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING SECTION 14-1 OF CHAPTER 14, OF THE CITY CODE REGARDING  
THE DISCHARGE OF FIREARMS**

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.

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, 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.**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 15TH DAY OF SEPTEMBER, 2020.

**SIGNED:**

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Bill Palmquist, Mayor

**ATTEST:**

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Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Perkins:  
Wroblewski:  
Ross:  
Nelson:  
Palmquist:

Most Recent Public Comments Regarding Regulations Regarding the Discharge of Firearms

## Jenny Moore

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**From:** Bill mayor  
**Sent:** Thursday, August 6, 2020 9:07 PM  
**To:** Ron Moorese  
**Subject:** Fw: Request for Opinion - Newsletter

For the collected comments.

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**From:** DAVID WERMUS <dwermus@mac.com>  
**Sent:** Thursday, August 6, 2020 4:47 PM  
**To:** Bill mayor <mayor@ci.afton.mn.us>; ward 3 <ward3@ci.afton.mn.us>  
**Subject:** Request for Opinion - Newsletter

Hello Mayor Bill, Stan —

We read through the latest newsletter about some of the complaints you all have been getting about some of the residents shooting off of firearms in the city limits.

We hear it too. But admittedly, it does not bother us.

Granted, if we lived next to someone who was essentially using their property as a firing range, that might be a different story. But we hear them off in the distance.

Nevertheless, Kristin and I believe the matter is quite simple. The state and DNR have laws in place regulating the discharge of firearms. Let's stick to that and any noise abatement ordinances we may want to consider.

To try to find ways to expand on Ord 1-2019 seems like a bridge too far. I not really sure why that was passed, since it essentially summarizes DNR Code.

If someone is doing something that is legal (within the state and DNR limitations/laws), it is a waste of time and resource to instruct a person call the deputies (which was suggested in the newsletter) while engaged in an otherwise legal activity. I question - how is this an appropriate response? The deputies can and will do nothing other that show up and say "a neighbor complained" and then leave.

If we could draft an ordinance establishing that "residents are forbade from annoying their neighbors and generally acting like jerks," then yes, I'd be for it. I don't think Fritz would give the thumbs up on that.

Leadership in the City Hall can help by communicating neighborly expectations.

In the meanwhile, let's continue to rely on state and DNR regs and recognize that we will never be able to please everybody, all the time.

Kindest regards,

David Wermus  
15102 Afton Hills Dr.

## Jenny Moore

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**From:** Ron Moorese  
**Sent:** Friday, August 7, 2020 8:55 AM  
**To:** Bill mayor  
**Subject:** RE: Opinion on gun shooting in Afton

Got it.

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**From:** Bill mayor <mayor@ci.afton.mn.us>  
**Sent:** Thursday, August 6, 2020 9:08 PM  
**To:** Ron Moorese <rmoorse@ci.afton.mn.us>  
**Subject:** Fw: Opinion on gun shooting in Afton

For the collected comments.

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**From:** Susan F. Winsor <susanwinsor@mac.com>  
**Sent:** Thursday, August 6, 2020 2:24 PM  
**To:** Bill mayor <mayor@ci.afton.mn.us>  
**Subject:** Opinion on gun shooting in Afton

Hi Bill,

Thanks for asking for opinions on shooting on private property in Afton. My yardstick is that whatever the activity, it should not interfere with the rights/peace and quiet/safety of others. So with motorcycle noise, I feel the loud bikes ruin my peace and quiet.

the folks shooting on their own property— My issue is the noise, not the guns per se. Can they use silencers/ If not perhaps it should not be allowed. If I were a neighbor I would have huge issues with repeated semi automatic shots or even the regular shooting of single shots. Once a month, a few shots, no problem. But regular shooting, not OK with me for disturbing my peace and quiet. That is why gun ranges exist. Some time ago, I complained to the sheriff that every weekend there were guns being fired a good part of both weekend days. Long story short, it was someone killing or slaughtering deer and ended up being illegal for other reasons than the noise.

But it bothered me that every weekend involved that noise.

Thanks for asking!

Sincerely,

Susan Winsor

## Jenny Moore

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**From:** Julie Yoho  
**Sent:** Tuesday, August 11, 2020 3:25 PM  
**To:** Ron Moorese  
**Subject:** FW: Comments, Suggestions & Service Requests (form) has been filled out on your site.

Firearms comments

-----Original Message-----

**From:** Please Do Not Click Reply <support@govoffice.com>  
**Sent:** Tuesday, August 11, 2020 3:14 PM  
**To:** Julie Yoho <jyoho@ci.afton.mn.us>  
**Subject:** Comments, Suggestions & Service Requests (form) has been filled out on your site.

Your Site has received new information through an online form.  
Online Form: Comments, Suggestions & Service Requests Site URL: [www.ci.afton.mn.us](http://www.ci.afton.mn.us)

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Please enter your Comment, Suggestion or Service Request: Reading the firearms ordinance, I am wondering why shotguns are getting an exemption? Can 0.22's get one as well? I moved to the country to be able to have some freedom, but it seems that I didn't move far enough.

I get it when there are some using high caliber guns. And I get the nuisance issue. But we should also have a time of day to be able to shoot. Construction and general agriculture can also be a noise nuisance.

First Name: Allen  
Last Name: Tiedke  
Street Address: 14433 50th Street South City, State, Zipcode: Afton  
Telephone: (651) 280-9869  
E-Mail: [altiedke@gmail.com](mailto:altiedke@gmail.com)

This person selected the following option(s).  
-General Comment

Do Not Click Reply - This e-mail has been generated from an online form.

## Jenny Moore

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**From:** Julie Yoho  
**Sent:** Wednesday, August 12, 2020 8:42 AM  
**To:** Ron Moore  
**Subject:** FW: Comments, Suggestions & Service Requests (form) has been filled out on your site.

Firearms comments

-----Original Message-----

From: Please Do Not Click Reply <support@govoffice.com>  
Sent: Wednesday, August 12, 2020 7:28 AM  
To: Julie Yoho <jyoho@ci.afton.mn.us>  
Subject: Comments, Suggestions & Service Requests (form) has been filled out on your site.

Your Site has received new information through an online form.

Online Form: Comments, Suggestions & Service Requests Site URL: [www.ci.afton.mn.us](http://www.ci.afton.mn.us)

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Please enter your Comment, Suggestion or Service Request: Gunfire - I have been a resident of Afton since 1985. I have and continue to appreciate the lovely semi - rural are that we live in. I am concerned with the excessive gunfire that have heard over the last year. When we moved here, the population was considerable less and most land was rural agriculture. Each fall, I heard the gunfire during the designated hunting season. I did not enjoy the sound - experience. But I was aware of where it was occurring and that it was self limited to that particular hunting season. Over the last year or two noted a significant increase in gun fire. In particular this past 6 months. What was most disturbing was the gunfire that was obviously target shooting - persistent rapid firing of guns. The sound that I heard came from 2 specific locations. It was so unsettling - disturbing. In particular this past spring, at a time in our nation - community where there was so much unrest and anxiety relating to CV19, political issues and the tragic shooting of George Flood. At a time when we were required to be sheltered in place - limited contact with family friends or neighbors then to hear the excessive gun fire. On 2 occasions I awoke in the middle of the nite (2-3 am) to hear gun fire in the near distance. I regret not calling in to report this to the Washington county Sheriff. the other issue is that have a growing population - farms are turning into housing developments. I believe we are becoming to densely populated to even have hunting But due to the power - pressure - influence of gun activists that what will never occur. that is until someone is shot. I appreciate the councils work addressing this very serious issue. Thank you for considering my concerns

First Name: holly

Last Name: melroe

Street Address: 1585 oakgreen ave south City, State, Zipcode: afton

Telephone: (651) 270-8977

E-Mail: [hollymelro@gmail.com](mailto:hollymelro@gmail.com)

This person selected the following option(s).

-General Comment

Do Not Click Reply - This e-mail has been generated from an online form.

**From:** Ralph Dunn <[ralphdunn95@gmail.com](mailto:ralphdunn95@gmail.com)>  
**Sent:** Tuesday, August 25, 2020 9:07 AM  
**To:** Ward 2 Council Member ward2 <[ward2@ci.afton.mn.us](mailto:ward2@ci.afton.mn.us)>  
**Subject:** Re: Firearms discharge

Well if round counts are a must I would say 50 rounds on most days or 100 rounds once per week or something like that. I think if the goal is to curb excessive shooting this is quite reasonable. Obviously, this is just an opinion. But from my perspective limiting it to 20-50 twice a month is drastic.

I believe that if the CC goes through the trouble of writing an ordinance that includes round counts now it will be easy in the future to just change those numbers as the situation progresses without having to deal with new language. So in my mind why not start slow and move the knob slowly until everyone can be settled with the number. Keeping in mind that if shooting was all out banned many people would be equally upset that they can't shoot anymore. And that wouldn't really solve any problems, it would just exchange one unhappy group of people for another.

Best regards,

Ralph Dunn

## Jenny Moore

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**From:** Nicole Roettger <farmgirl4evr@aol.com>  
**Sent:** Wednesday, August 26, 2020 7:36 AM  
**To:** Ron Moorese  
**Subject:** firearms

Here are a few points I have against any type of shooting ordinance:

I understand some people have issues with their neighbors shooting but this needs to be taken care of with your neighbor not getting the whole city involved? I am a 4TH generation Afton resident and my family has never had an issue with any neighbors. Ever. In all of the 100+ years we have been in Afton. We let our neighbor know when we shoot and if they didn't want us to then we would have enough respect for that and change our plans. We don't shoot a lot that often but someone saying we can't do something on our own property is wrong. Especially when nobody is in harms way.

I am a multiple season hunter and usually have more than one tag if it's available. There is absolutely NO WAY I can say I could be comfortable with my shot if I had to get ready for multiple seasons on 20 rounds. I just got a new scope for my deer gun. I've never used anything like it before so I can easily see myself using 20 rounds to just practice with my new scope. Then I have my bird guns for those seasons. Also with a possible 2 tags I could be breaking the "rules" by shooting 2 days in a row. So now you are in turn coming after hunting. You say you want to preserve hunting in Afton but with rules like these it won't happen. We sometimes have multiple hunters on the property. Sometimes different seasons but sometimes the same. So then shooting 2 days in a row is inevitable.

I did have a conversation with Lucia about this. She asked me why I don't go to a range. My answer is why would I? Why would I pay to go to a range when I can shoot on my family's property? Shooting on my family's property is how I grew up and how I will teach my children. As long as we are safe doing so and respectful why would I change?

You say it's about safety but then say shooting a .22 is ok. Do you not know how stupid that comment is? A .22 has the potential to go 1 mile. This is OBVIOUSLY a noise issue and not a gun issue. Especially when you say you can shoot 20 rounds once a month UNLESS you are shooting clay pigeons then you can shoot 100? That sentence sounds so dumb. They should be the exact same or better yet no limit.

I am totally against any type of ban on how many times a month you can shoot. 20 rounds a month is way to little. 100 rounds a week/per shooter would be better.

Thanks for your time,  
Nicole Roettger  
Neal Ave

## **August 18, 2020 City Council Meeting Highlights**

### ***The Council:***

- Extended the declaration of local emergency.
- Discussed an ordinance amendment regarding the discharge of firearms and public nuisance noises.
- Approved WSB Engineering services to oversee the 30th Street Improvement Project.
- Received an update on Afton Creek Preserve construction.
- Reconsidered a request regarding a dangerous dog declaration.
- Approved an extension for Ordinance 02-2020 placing a temporary moratorium on permit applications for non-residential and non-agricultural principal structures.
- Discussed ordinance violations at the property at 12631 15th Street.