



City of Afton

CITY COUNCIL WORK SESSION

AGENDA

Monday, July 12, 2021

5:15 p.m.

Note: Due to the Covid-19 Virus and the Governor's Executive Order, the July 12, 2021 City Council Work Session meeting will be held remotely using the Zoom video conference application.

To Join the Zoom Meeting:

<https://us02web.zoom.us/j/89999045907?pwd=MHZYRFp3WFhidk0wbWUrSzFaUEFBUT09>

Meeting ID: 899 9904 5907

Passcode: 748507

To Dial In, the call-in number is +1 312 626 6799

The meeting ID is 816 2727 8440

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA – July 12, 2021 Council Work Session**
- 4. CITY COUNCIL BUSINESS**
 - A. Results of Speed Limit Study on St. Croix Trail
 - B. Planning for the Replacement of the Town Square Park Picnic Shelter
 - C. Ordinance Amendment Regarding Trapping in the Old Village/VHS District
 - D. New Legislation Regarding Rules Related to Remote Interactive Participation in meetings by Council and Commission members
- 5. 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 July 12, 2021

Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: July 7, 2021

Re: Results of Speed Limit Study on St. Croix Trail

Washington County has a policy of conducting a speed limit study upon completion of major improvements to County Roads. Wayne Sandberg and Joe Gustafson of the Washington County Public Works Department will present the results of the speed study conducted on St. Croix Trail.

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Council Memo

To: Mayor Palmquist and City Council Members

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Date: July 7, 2021

Re: Planning for the Replacement of the Town Square Park Picnic Shelter

The Council referred the replacement of the Town Square Park picnic shelter to the Parks Committee for its assistance in the design and construction of the picnic shelter. The Parks Committee has requested more direction from the Council regarding the specific needs to be met and amenities to be provided by a new picnic shelter, as well as a budget for a new picnic shelter. Council member Ross and Public Works Supervisor Ken Johnson have prepared the attached outline of the inadequate elements of the existing picnic shelter and the proposed elements of a new picnic shelter, as well as an estimated cost, for discussion by the Council.

Picnic Shelter Wish List

Issue:

- 1) Interior is exposed to the elements.
 - a. When in use, rain and wind disrupts any activities.
 - b. Building acts as an accumulator of trash.
 - c. Animals use the interior as a bathroom.
 - d. Interior is difficult to clean.
- 2) Interior lighting is ineffective.
- 3) Available outlets are too few and none available for exterior use.
- 4) No water available for cleanup.
- 5) Building is too narrow.
- 6) Roof leaks, fascia boards split and damaged.
- 7) No surface to set out food or supplies.

Solution:

- 1) Design a structure that can be closed.
 - a. 16 foot wide glass garage doors on east and west sides.
 - i. Doors can be closed to block elements during use.
 - ii. Glass doors will provide ambient lighting during the day.
 - iii. Doors can be closed over the winter to protect the interior.
 - b. End caps of building equipped with shuttered openings.
 - i. Bi-fold or swing up window covering.
 - ii. Design north and south end caps with half height walls.
 - c. Clean up
 - i. Sealed floor similar to restroom.
 - ii. Walls and ceiling that can be cleaned and disinfected with a power sprayed.
- 2) Use dimmable LED lighting to illuminate entire interior.
- 3) Add several more outlets inside and outside the building.
 - a. May require installation of a 100 amp service.
 - b. Have at least two 30amp outlets, one inside and another outside.
- 4) Add water.
 - a. Water plumbed to building.
 - b. Tankless water heater.
 - c. Sink drain.
 - d. Floor drain.

- 5) Make building wider.
 - a. Building should be wide enough to place existing picnic tables east/west, end to end with enough room to walk between and around each end (~22 feet).
- 6) Building exterior.
 - a. Roof design should match restroom.
 - b. Exterior walls to match restroom and be able to be power sprayed.
- 7) Add work surfaces.
 - a. Stainless counter top with built in sink for food prep.

Budget.

- 1) Based on restroom cost plus inflation, budgetary cost \$125,000

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Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: July 7, 2021

Re: Ordinance Amendment Regarding Trapping in the Old Village/VHS District

The current trapping ordinance, which is pasted below, prohibits trapping on public lands and public parks, and prohibits trapping on private lands without a permit. The Council has discussed amending the ordinance to prohibit trapping in the VHS District. This prohibition could be added to the list of prohibitions in Sec. 16-12 of the ordinance.

ARTICLE III. TRAPPING

Sec. 16-10. Intent.

It is the intent of the City of Afton to protect public health and safety, and animal welfare by prohibiting the use of body-gripping devices on all public lands on all public rights-of-way. The ordinance is necessary to preserve wild animals and prevent the un-selective catching, maiming of wild animals including birds, endangered and threatened species, and companion animals, as well as injury to children and adults that come into contact with these devices.

Sec. 16.11. Permit Required.

No trapping that may otherwise be permitted by law within the boundaries of the City of Afton may occur without the issuance of a trapping permit from the City.

A permit will be granted for trapping only if the applicant submits an application form provided by the City which describes the approximate location of any traps to be placed within the City, as well as the type and make of trap and the type of animal which is intended to be trapped. Any information so obtained shall be public data.

Sec. 16-12. Prohibitions.

- A. It shall be unlawful for any person to set or use, or attempt to set or use, a body-gripping device of any kind designed or intended to take hold of, capture or kill any animal within any City of Afton parks, public lands held in conservation easements, or in any public rights-of-way.
 - B. It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within Afton city limits or any residence or business premises situated thereon to knowingly permit the use of a body-gripping device upon the property, residence or premises by anyone other than the owner without that person or persons first obtaining a trapping permit from the City of Afton.
- A. Trapping of any kind shall be prohibited in all City of Afton Public Parks unless under the direct authorization of the City Administrator.

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Meeting Date July 12, 2021

Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: July 7, 2021

Re: New Legislation Regarding Remote Participation in Meetings via Interactive Technology by the City Council and Volunteer Commissions

New legislation was passed by the state legislature regarding remote participation in meetings via interactive technology. The legislation language is attached. The City Attorney will discuss the new language at the work session.

CHAPTER 14--H.F.No. 820

An act

relating to Open Meeting Law; providing for recording votes and interactive technology; providing for meetings during certain emergencies; allowing a member of a public body to attend a meeting from a private location more than three times in calendar year 2021;

amending Minnesota Statutes 2020, sections 13D.01, subdivisions 4, 5; 13D.015; 13D.02; 13D.021; proposing coding for new law in Minnesota Statutes, chapter 13D.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1.

[13D.001] DEFINITIONS.

Subdivision 1.

Applicability.

For the purposes of this chapter, the terms defined in this section have the meanings given.

Subd. 2.

Interactive technology.

"Interactive technology" means a device, software program, or other application that allows individuals in different physical locations to see and hear one another.

Sec. 2.

Minnesota Statutes 2020, section 13D.01, subdivision 4, is amended to read:

Subd. 4.

Votes to be kept in journal or minutes.

(a) The votes of the members of the state agency, board, commission, or department; or of the governing body, committee, subcommittee, board, department, or commission on an action taken in a meeting required by this section to be open to the public must be recorded in a journal ~~kept for that purpose~~ or minutes.

(b) The vote of each member must be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

Sec. 3.

Minnesota Statutes 2020, section 13D.01, subdivision 5, is amended to read:

Subd. 5.

Public access to journal and minutes.

The journal [or any minutes used to record votes of a meeting subject to this chapter](#) must be open to the public during all normal business hours where records of the public body are kept.

Sec. 4.

Minnesota Statutes 2020, section 13D.015, is amended to read:

13D.015 [STATE ENTITY MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS INTERACTIVE TECHNOLOGY.](#)

Subdivision 1.

Application.

This section applies to:

(1) a state agency, board, commission, or department, and a statewide public pension plan defined in section [356A.01, subdivision 24](#); and

(2) a committee, subcommittee, board, department, or commission of an entity listed in clause (1).

Subd. 2.

Conditions.

[An](#) entity listed in subdivision 1 may conduct a meeting governed by this section and section [13D.01, subdivisions 1, 2, 4, and 5](#), by telephone or ~~other electronic means~~ [interactive technology](#) so long as the following conditions are met:

(1) all members of the entity participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the entity can hear all discussion and all votes of members of the entity and participate in testimony;

(3) at least one member of the entity is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 3.

Quorum; participation.

Each member of the entity participating in a meeting by telephone or ~~other electronic means~~ [interactive technology](#) is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 4.

Monitoring from remote site; costs.

If telephone or another electronic means [interactive technology](#) is used to conduct a meeting, the entity, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. ~~The entity may require the person making a connection to pay for documented marginal costs that the entity incurs as a result of the additional connection.~~

Subd. 5.

Notice.

If telephone or another electronic means [interactive technology](#) is used to conduct a regular, special, or emergency meeting, the entity shall provide notice of the regular meeting location, of the fact that some members may participate by ~~electronic means~~ [interactive technology](#), and of the provisions of subdivision 4. The timing and method of providing notice is governed by section [13D.04](#). In addition, the entity must post the notice on its website at least ten days before any regular meeting as defined in section [13D.04, subdivision 1](#).

Sec. 5.

Minnesota Statutes 2020, section 13D.02, is amended to read:

**13D.02 [OTHER ENTITY MEETINGS CONDUCTED BY INTERACTIVE TV;](#)
[CONDITIONS TECHNOLOGY.](#)**

Subdivision 1.

Conditions.

(a) A meeting governed by section [13D.01, subdivisions 1, 2, 4, and 5](#), and this section may be conducted by interactive ~~television~~ [technology](#) so long as:

(1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body is physically present at the regular meeting location;

(4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; and

(5) each location at which a member of the body is present is open and accessible to the public.

(b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and:

(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or

(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section [12.31](#), and expires 60 days after the removal of the state of emergency.

[Subd. 1a.](#)

[Meeting exception.](#)

[This section applies to meetings of entities described in section 13D.01, subdivision 1, except meetings of:](#)

[\(1\) a state agency, board, commission, or department, and a statewide public pension plan defined in section 356A.01, subdivision 24; and](#)

[\(2\) a committee, subcommittee, board, department, or commission of an entity listed in clause \(1\).](#)

Subd. 2.

Members are present for quorum, participation.

Each member of a body participating in a meeting by interactive television [technology](#) is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3.

Monitoring from remote site; ~~costs.~~

If interactive television [technology](#) is used to conduct a meeting, to the extent practical, a public body shall allow a person to monitor the meeting electronically from a remote location. ~~The body may require the person making such a connection to pay for documented marginal costs that the public body incurs as a result of the additional connection.~~

Subd. 4.

Notice of regular and all member sites locations.

If interactive television technology is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site location where a member of the public body will be participating in the meeting by interactive television technology, except for the locations of members participating pursuant to subdivision 1, paragraph (b). The timing and method of providing notice must be as described in section 13D.04.

Subd. 5.

~~School boards; interactive technology with an audio and visual link.~~

~~A school board conducting a meeting under this section may use interactive technology with an audio and visual link to conduct the meeting if the school board complies with all other requirements under this section.~~

Subd. 6.

Record.

The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive television technology and state the reason or reasons for the appearance by interactive television technology.

EFFECTIVE DATE.

Subdivision 4 is effective the day following final enactment.

Sec. 6.

Minnesota Statutes 2020, section 13D.021, is amended to read:

**~~13D.021 MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS;~~
~~CONDITIONS~~ DURING PANDEMIC OR CHAPTER 12 EMERGENCY.**

Subdivision 1.

Conditions.

A meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, may be conducted by telephone or ~~other electronic means~~ interactive technology so long as the following conditions are met:

(1) the presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines that an in-person meeting or a meeting conducted under section 13D.015 or 13D.02 is not practical or prudent because of a health pandemic or an emergency declared under chapter 12;

(2) all members of the body participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(3) members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration;

(4) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and

(5) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 2.

Members are present for quorum, participation.

Each member of the body participating in a meeting by telephone or ~~other~~ electronic means [interactive technology](#) is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3.

Monitoring from remote site; costs.

If telephone or ~~another~~ electronic means [interactive technology](#) is used to conduct a meeting, to the extent practical, the body shall allow a person to monitor the meeting electronically from a remote location. ~~The body may require the person making a connection to pay for the documented additional cost that the body incurs as a result of the additional connection.~~

Subd. 4.

Notice of regular and all member sites.

If telephone or ~~another~~ electronic means [interactive technology](#) is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or ~~other~~ electronic means [interactive technology](#), and of the provisions of subdivision 3. The timing and method of providing notice is governed by section [13D.04](#) of the Open Meeting Law.

[Subd. 5.](#)

Public comment period during health pandemic or emergency.

[If attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration and the public body's practice is to offer a public comment period at in-person meetings, members of the public shall be permitted to comment](#)

from a remote location during the public comment period of the meeting, to the extent practical.

Sec. 7.

OPEN MEETING LAW; MEMBER PARTICIPATION FROM PRIVATE LOCATION.

Notwithstanding Minnesota Statutes, section 13D.02, subdivision 1, paragraph (b), a meeting after December 31, 2020, and before July 1, 2021, satisfies the requirements of Minnesota Statutes, section 13D.02, paragraph (a), if a member of a public body participates from a location that is not open or accessible to the public more than three times before July 1, 2021. The location is not required in the notice under Minnesota Statutes, section 13D.02, subdivision 4.

EFFECTIVE DATE.

This section is effective retroactively for meetings occurring on or after January 1, 2021.

Presented to the governor May 5, 2021

Signed by the governor May 6, 2021, 2:11 p.m.

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