

REGULAR MEETING OF THE CITY COUNCIL
CITY OF CALEDONIA, MINNESOTA
Monday, April 23, 2012

CALL TO ORDER. Following due call and notice thereof, Mayor Burns called the meeting to order at 6:00 p.m. in the Council Room, City Hall.

ROLL CALL. Members present: Mayor Robert H. Burns; Council Members: Randi Vick, Tom Murphy, Bob Lemke, and Paul Fisch. Members absent: None. Consultants and City staff present: City Clerk/Administrator Jennifer Feely, Administrative Coordinator Mike Gerardy, and Accountant Stephanie Mann. Visitors present: Line Foreman Matt Blocker, Journey Line Worker Tim Evans, Clayton Johnson with Local 49, Gene Grover with Local 49, Marylee Abrams and Tiffany Schmidt with Abrams and Schmidt, and Cindi Creswell with the Houston County Assessor's Office.

BOARD OF REVIEW. Cindi Creswell was in attendance on behalf of the Houston County Assessor's Office for the local board of appeal and equalization meeting. Creswell reviewed a 28-page booklet entitled, "Houston County 2012 Local Board of Appeal and Equalization for the Cities and Townships". There were no citizens in attendance and no contests of property valuations made. The Board of Review hearing ended at approximately 6:34 p.m.

AGENDA APPROVAL. A motion was made by Member Vick, seconded by Member Lemke, to approve the agenda with the following additions: Liquor Store Wine Tasting Event and Nuisance Property Matter. All members present voted in favor and the motion was declared carried.

CONSENT AGENDA. A motion was made by Member Fisch, seconded by Member Murphy, to approve the regular April 9, 2012 meeting minutes. The motion was declared carried. A motion was made by Member Fisch, seconded by Member Murphy, to approve the April 12, 2012 continuation meeting minutes. Voting in Favor: Burns, Murphy, and Fisch. Abstaining: Lemke and Vick. The motion was declared carried.

VISITORS AND COMMUNICATIONS.

A. ADJOURN INTO CLOSED SESSION TO DISCUSS NEGOTIATION STRATEGIES. The regular meeting was closed at 6:35 p.m. as permitted by Minnesota Statutes 13D.03 to discuss the City's labor negotiation strategy related to the City's negotiations with its Employee Bargaining Unit represented by the International Union of Operating Engineers, Local 49, and its Police Association. The meeting was re-opened at 7:27 p.m.

B. PERSONNEL MATTER. Tim Evans, subject of the personnel matter, waived his right to have the meeting remain open. The meeting was adjourned into closed session at 7:35 p.m. The meeting re-opened at 8:00 p.m. The consensus of the Council was to go back into closed session to deliberate further towards the end of the meeting so as to keep the agenda items moving along.

C. DIGGER TRUCK REPLACEMENT. City Line Foreman Matt Blocker reported that the City's 1991 Digger Truck was experiencing issues with its hydraulic pump. Due to concerns with an upcoming inspection, Mr. Blocker recommended that the truck be fixed as soon as possible. Discussion ensued. No action was taken as Mr. Blocker will research options available with the rental of another digger truck as well as repair and replacement options.

D. ADMINISTRATIVE COORDINATOR TOPICS.

1. HOUSTON COUNTY JUSTICE CENTER INFORMATION CONCERNING BOB AND JAN KLUG'S PROPERTY. Administrative Coordinator Gerardy reported that Bob and Jan Klug's concerns will be addressed at the May 14 City Council meeting as he is still looking into matter. No action was taken as the consensus was to revisit at the upcoming May 14 meeting.

2. JOHN KLUG CONCERNS REGARDING NOISE FROM THE INDUSTRIAL PARK. Administrative Coordinator Gerardy shared that decibel readings were taken at random times in the morning and evening hours. Gerardy reported that the decibel readings taken were found to be in the range that is considered normal. Mayor Burns suggested that Gerardy contact Gary Becker regarding his schedule and then take some additional readings. Gerardy will report back to the City Council at an upcoming meeting.

3. HIGHWAY 44 SCHOOL CROSSING SIGNS. Administrative Coordinator Gerardy shared that he is still working with MNDOT regarding the Highway 44 school crossing signs. No action was taken.

E. CITY ACCOUNTANT TOPICS.

1. CASH AND INVESTMENT REPORT. Accountant Mann was in attendance to report that as of March 31, 2012, the total cash balance was \$1,079,547.71, and the total investment balance was \$2,447,285.87. Discussion ensued. A motion was made by Mayor Burns, seconded by Member Vick, to designate that the loader purchased in March be treated as a certificate of indebtedness. All members present voted in favor and the motion was declared carried.

2. MARCH BUDGET WORKSHEET. Attached with the agenda was the budget sheet through March 31, 2012. Discussion ensued. No action was taken.

3. LONG-TERM DEBT. Attached with the agenda was the City's long-term debt sheet. Discussion ensued. No action was taken.

F. COMMUNICATIONS.

1. FUNDRAISER FOR AMBULANCE CHICKEN Q. City Clerk/Administrator Feely shared that attached with the agenda was a flyer for the fourth annual Caledonia Volunteer Ambulance Service (501c3) Chicken-Q fundraiser to be held on Sunday, May 20, beginning at 10:30 a.m. It was noted that the proceeds from the fundraiser will go to equip ambulance personnel with quick response kits and assist with the purchase of additional automated external defibrillators for use in the community.

2. NOTICE FROM MEDIACOM. City Clerk/Administrator Feely shared that attached with the agenda was a notice from Mediacom regarding channel changes.

3. LEAGUE OF MINNESOTA CITIES INSURANCE TRUST: WORKERS' COMPENSATION DIVIDEND CHECK. City Clerk/Administrator Feely shared that attached with the agenda was a notice from the League of Minnesota Cities Insurance Trust dividend check in the amount of \$7,304.00. It was noted that workers' compensation dividend checks haven't been paid out 2000. It was further noted that the 2012 workers' compensation dividend is most likely due to better than expected loss experience during the 2006 through 2009 coverage years. The city's dividend amount was based upon the city's total premiums and total losses experienced during all the years of its membership with LMCIT.

OLD BUSINESS.

A. **W/WW SUPERVISOR POSITION.** City Clerk/Administrator Feely shared that a motion was made and passed at the April 12 City Council meeting regarding approving the hire of Robert Mierau as the City's water/wastewater supervisor. It was noted that although Mr. Mierau did not possess the necessary licenses for the position, the City was willing to offer him the position and contract for Class A operator services until the necessary licenses could be obtained. It was noted that an offer and counteroffer was turned down. As a result, it was explained that the City's Personnel Committee felt that it was appropriate to revisit the concept of contracting for a Class A operator. Discussion ensued. The consensus of the Council was to have City Clerk/Administrator Feely work with the City Attorney on the proposed contract for a Class A operator at the City's WWTP, and then take action on the matter at the May 14 City Council meeting.

B. **COMPLETE TWO YEAR PERFORMANCE EVALUATION OF CITY/CLERK ADMINISTRATOR.** Mayor Burns stated that the evaluation of the City Clerk/Administrator was positive in the following categories listed on the evaluation sheet: productivity, quality, initiative, job knowledge, reliability, adaptability, judgment, respect for others, problem solving/decision making, continuous learning, leadership, planning, accessibility, and communication. Mayor Burns also stated that City Clerk/Administrator Feely was noted to be efficient, proficient, and professional at her position. Discussion next ensued regarding the possibility of having an administrative staff member attend meetings in the future for the purpose of taking minutes as the City Clerk/Administrator currently is responsible for taking minutes. It was noted that the purpose of assigning the minute taking to an administrative staff member would be to eliminate the time spent typing minutes by the City Clerk/Administrator. No action was taken regarding assigning the minute taking to an administrative staff member. After that, discussion ensued regarding a salary increase. Members Lemke and Vick stated that they were in favor of a 2% percent increase. Member Murphy stated that Feely puts in many hours beyond 40 hours per week at no additional compensation and is not an hourly, non-exempt, employee like the other city employees. It was noted that Feely put in over 200 hours in evening meeting time in 2011. A motion was made by Mayor Burns, seconded by Member Murphy, to approve a \$2,500 salary increase for City Clerk/Administrator Feely, effective immediately. Voting in Favor: Burns, Murphy, and Fisch. Voting Against: Lemke and Vick. The motion was declared carried.

NEW BUSINESS.

A. **CONFERENCE REQUEST: LIQUOR STORE MANAGER.** City Clerk/Administrator Feely shared that attached with the agenda was a conference request from Liquor Store Manager Patty Gavin to attend the 2012 Annual MMBA Conference on Sunday, May 20 through Tuesday, May 22, at Arrowwood Resort, in Alexandria, Minnesota. It was noted that the cost to attend the conference, including lodging, would be approximately \$460.00. Discussion ensued. A motion was made by Member Murphy, seconded by Member Vick, to approve Liquor Store Manager Patty Gavin's attendance at the 2012 MMBA Conference in Alexandria so long as the following stipulations are adhered to: no overtime is incurred in attending the conference; the City's van is used; and there is appropriate coverage at the Liquor Store on May 21 and May 22. All members present voted in favor and the motion was declared carried.

B. **SHORT TERM CONTRACT FOR CLASS A WASTEWATER OPERATOR SERVICES.** City Clerk/Administrator Feely shared that attached with the agenda was a short-term contract with the City of Chatfield for a Class A operator. It was noted that all Class A facilities are required to have a Class A operator on site at least three days a week at two hours per visit. It was further noted that due to the City's difficulty in finding a Class A operator, MPCA agreed to allow the City to contract on a short-term basis for two days at three hours per visit. Discussion

ensued. A motion was made by Mayor Burns, seconded by Member Vick, to approve a short-term contract with the City of Chatfield until May 25, 2012 at an estimated weekly cost of \$625.00. All members present voted in favor and the motion was declared carried.

C. **ANIMAL ORDINANCE AMENDMENT.** City Clerk/Administrator Feely shared that discussion took place at the April 9 City Council meeting regarding the need to amend the City's ordinance regulating animals to include language requiring more stringent leash requirements for animals tied up outside on private property. It was noted that upon review of the current ordinance, it became apparent that there were a number of items that needed to be amended regarding references to outdated fee amounts. Discussion ensued. A motion was made by Mayor Burns, seconded by Member Vick, to approve the following amendments noted in bold text, pending the City Attorney's final review and approval:

CHAPTER 92: ANIMALS

Section

Animal Control for Cats and Dogs

92.01	Definitions
92.02	Public nuisances prohibited
92.03	Running at large prohibited
92.04	Licenses
92.05	Animals presenting a danger to health and safety
92.06	Multiple pet permits
92.061	Leashing
92.07	Animals presenting a danger to health and safety of city
92.08	Dangerous animals
92.09	Dangerous animal requirements
92.10	Impoundment
92.11	Surrender of dogs or cats
92.12	Census taking
92.13	Cats
92.14	Nuisances

Animal Control for Other Animals

92.30	Animals at large
92.31	Impoundment
92.32	Fees
92.33	Sale

Additional Dog Regulations

92.45	Presence in city parks and playgrounds
92.46	Signage
92.47	Waste disposal
92.48	Applicability
92.49	Kennels
92.99	Penalty

ANIMAL CONTROL FOR CATS AND DOGS

§ 92.01 DEFINITIONS.

For the purpose of this subchapter and §§ 92.30 through 92.33, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERED MALE. Any male animal that has been operated on to prevent it from procreating.

ANIMAL CONTROL OFFICER. The Animal Control Officer shall be appointed by the City Council to perform all general duties and functions of dog catcher and Pound Master specifically designated in this subchapter and §§ 92.30 through 92.33 or otherwise as may be provided by city ordinance, and those fees payable to the Animal Control Officer, be the same for managing the dog pound or otherwise enforcing the provisions of this subchapter and §§ 92.30 through 92.33 shall be as the City Council may determine by resolution duly enacted.

AT LARGE. Running at will beyond the control or call, acting on its own initiative, without connection physical or sympathetic, with its master.

CATTERY. Any person, groups of persons or a corporation engaged in the keeping of cats or the business of breeding, buying, selling or boarding cats.

CONFINED. Restriction of an animal at all times by the owner or his or her agent to an escape from a building or other enclosure, away from other animals and the public.

KENNEL. An establishment wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs.

OWNER. Any person owning, harboring or keeping a dog or cat or allowing a dog or cat to be on his or her premises.

PUBLIC NUISANCES. The following are hereby declared public nuisances:

- (1) The keeping of a dog or cat which trespasses upon the property of other;
- (2) A dog or cat which attacks other animals;
- (3) A dog or cat which molests passers-by or passing vehicles.

SPAYED FEMALE. Any animal which has been operated on to prevent conception.

VICIOUS DOG OR CAT. A dog or cat constituting a physical threat to human beings or other animals. The fact of a dog's or cat's biting any person shall be deemed prima facie evidence of viciousness.
(Ord. 148, passed 5-8-1978)

§ 92.02 PUBLIC NUISANCES PROHIBITED.

No person, partnership or corporation shall allow dog(s) or cat(s) to be a public nuisance.
(Ord. 148, passed 5-8-1978) Penalty, see § 92.99

§ 92.03 RUNNING AT LARGE PROHIBITED.

Any unlicensed animal running at large is hereby declared a public nuisance. Any Animal Control Officer or police officer may impound any dog or cat or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of the dog or cat or other animal, if known. The Animal Control Officer or police officer shall not enter the property of the owner of an animal found running at large or the owner of an unlicensed animal unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, to search for and seize the animal. In case the owner is unknown, the officer shall post notice at the city office that if the dog or cat or other animal is not claimed within the time specified in § 92.10, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

§ 92.04 LICENSES.

(A) No person shall keep any dog or cat over **the age eligible to receive a rabies vaccination** within the city unless:

- (1) The dog or cat has received the necessary rabies shots;
- (2) Wears a metal tag attached to the collar of the dog or cat worn by the dog or cat at all times, indicating the dog or cat has received the necessary rabies inoculation; or
- (3) A license for the dog or cat has been secured from the city in accordance with the provisions of this subchapter and §§ 92.30 through 92.33.

(B) Applications for dog or cat licenses shall be made on forms provided by the city, obtainable at the office of the City Clerk-Administrator, and among other undertakings subscribed to by license, applicants shall be the acknowledgment that dog or cat owner is liable for all actions of his or her dog(s) or cat(s) and that owners and licensees shall hold the city harmless from all claims, liabilities or responsibilities arising out of the keeping of a dog or cat. The Clerk-Administrator shall maintain a record of all licenses issued.

(C) No license shall be granted for a dog or cat which has not been vaccinated against rabies during the 90-day period preceding the making of an application for the license, except that when a dog or cat is first licensed for an entire year hereafter the license may be issued if the dog or cat has been vaccinated within a period of six months preceding the application for the license. Vaccination shall be permitted/performed only by a doctor qualified to practice veterinary medicine in the state in which the dog or cat is vaccinated.

(D) (1) The annual license fee shall be **determined by January 1 of each year.**

(2) In applying for a **license for an altered male dog or cat or spayed female dog or cat**, written proof is required from a licensed veterinarian that the animal being licensed has been neutered or spayed.

(E) Duplicate licenses may be obtained for **an additional charge.** No person shall use any license receipt or license tag issued for one animal on another animal.

(F) The license fee shall be payable on or before March 1, excepting that after March 1 in a given year as to newly acquired dogs or cats and the dogs or cats of persons who become residents of the city, the licenses shall be obtained within 14 days of residence or acquisition. All dog or cat licenses whenever issued shall expire on December 31 following their issuance. The City Council may, by resolution, specify the manner of determining or proving the fact of age and date of acquisition of any dogs or cats.
(Ord. 148, passed 5-8-1978) Penalty, see § 92.99

§ 92.05 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY.

Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the city pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or cat or other animal to the owner's property.

§ 92.06 MULTIPLE PET PERMITS.

(A) In order to own three or more of any one species, a multiple pet permit is required, except that an owner may have four licensable pets only if a combination of two dogs and two cats is owned. In addition to the multiple pet permit, the owner must obtain a regular license for each dog or cat owned.

(B) The multiple pet permit **fee shall be determined annually and the permit shall expire on December 31 of each year.** A late surcharge shall be levied on licenses issued after March 1 of each year. Permits shall be prorated monthly. If an owner acquires a new pet which would require obtaining a permit, the owner shall be charged for the number of months left in the year, counting any part of the month within which the permit is being obtained a full month.

(C) All premises with multiple pet permits shall maintain areas where animals are kept from all contamination and diseases and so as to minimize odors and noises.

(D) Upon written complaints served to the police of excessive noise or odor or upon other complaints of violations hereof, the City Council may revoke the multiple pet permit of the owner of the animals causing the problems. If the owner feels aggrieved by the revocation, he or she may serve the Clerk-Administrator with request for formal hearing before the City Council. If the situation requires, the City Animal Control Officer may impound the animals pending the results of the hearing. In this case, the owner shall tender with his or her request for the hearing, funds in an amount sufficient to defray expenses of the keeping of the animal(s) while the hearing is awaited and until the matter is eventually resolved.
(Ord. 148, passed 5-8-1978)

§ 92.061 LEASHING.

When animals are outside their owner's home, they shall be leashed or within a fenced yard or kennel. If the animal can crawl under or climb over the fence, they shall be leashed within the yard. Leashed animals on private property shall be required to maintain a separation of five feet from any public thoroughfare or sidewalk. When animals are in public areas, they shall be leashed at all times.

§ 92.07 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY.

If, in the reasonable belief of any person or the Animal Control Officer or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the person or officer may destroy the animal in a proper and humane manner whether or not the animal is on the property of its owner. Otherwise, the person or officer may apprehend the animal and deliver it to the pound for confinement under § 92.10. If the animal is destroyed, the owner or keeper of the animal destroyed shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner or keeper in accordance with § 92.10.
Penalty, see § 92.99

§ 92.08 DANGEROUS ANIMALS.

(A) *Attack by an animal.* It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog or cat under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

(B) *Destruction of dangerous animal.* The Animal Control Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

(C) *Definitions.* For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) *DANGEROUS ANIMAL.* An animal which has:

- (a) Caused bodily injury or disfigurement to any person on public or private property;
- (b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety;
- (c) Exhibited unusually aggressive behavior, such as an attack on another animal;
- (d) Bitten one or more persons on two or more occasions; or
- (e) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(2) *POTENTIALLY DANGEROUS ANIMAL.* An animal which has:

- (a) Bitten a human or a domestic animal on public or private property;
- (b) When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
- (c) Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

(3) *PROPER ENCLOSURE.* Securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

- (a) Have a minimum overall floor size of 32 square feet.
- (b) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be 1¼-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.
- (c) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.
- (d) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

(4) *UNPROVOKED.* The condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

(D) *Designation as potentially dangerous animal.* The Animal Control Officer shall designate any animal as a potentially dangerous animal upon receiving evidence that the potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in division (C)(2). When an animal is declared potentially dangerous, the Animal Control Officer shall cause one owner of the potentially dangerous animal to be notified in writing that the animal is potentially dangerous.

(E) *Evidence justifying designation.* The Animal Control Officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

- (1) That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).
- (2) That the animal has been declared potentially dangerous and the animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).

(F) *Authority to order destruction.* The Animal Control Officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

- (1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

(2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

(G) *Procedure.* The Animal Control Officer, after having determined that an animal is dangerous, may proceed in the following manner: The Animal Control Officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the City Council for a review of this determination.

(1) If no appeal is filed, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction, unless the animal is already in custody or the owner consents to the seizure and destruction of the animal.

(2) If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Clerk-Administrator's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control Officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Animal Control Officer. If the owner does not immediately make the animal available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction.

(3) No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

(H) *Stopping an attack.* If any police officer or Animal Control Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

(I) *Notification of new address.* The owner of an animal which has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any.
Penalty, see § 91.99

§ 92.09 DANGEROUS ANIMAL REQUIREMENTS.

(A) *Requirements.* If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:

(1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in § 92.08(C)(3);

(2) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. § 347.51 as may be amended from time to time;

(3) Provide and show proof annually of public liability insurance in the minimum amount **required by state statute**;

(4) If the animal is a dog or cat and is outside the proper enclosure, the dog or cat must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of a design as to prevent the dog or cat from biting any person or animal, but will not cause injury to the dog or cat or interfere with its vision or respiration;

(5) If the animal is a dog or cat, it must have an easily identifiable, standardized tag identifying the dog or cat as dangerous affixed to its collar at all times as specified in M.S. § 347.51 as it may be amended from time to time, and shall have a microchip implant as provided by M.S. § 347.151, as it may be amended from time to time;

(6) All animals deemed dangerous by the Animal Control Officer shall be registered with the county in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the Animal Control Officer.

(7) If the animal is a dog or cat, the dog or cat must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

(B) *Seizure.* As authorized by M.S. § 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

(C) *Reclaiming animals.* A dangerous animal seized under division (B), may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under division (B), is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under § 92.08(F), and the owner is liable to the city for costs incurred in confining and impounding the animal.

(D) *Subsequent offenses.* If an owner of an animal has subsequently violated the provisions under § 92.08 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in § 92.08(F). If the owner is found to have violated the provisions for which the animal was seized, the Animal Control Officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of division (C). If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under § 92.08(F) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

§ 92.10 IMPOUNDMENT.

(A) The City Animal Control Officer shall, or any peace officer may, capture and impound any dog or cat constituting a nuisance, as defined in § 92.01.

(B) All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under § 92.08 in which case it shall be kept for seven regular business days or the times specified in § 92.08, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

(1) Payment of the release fee and receipt of a release permit as established by division (C);.

(2) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and

(3) If a dog or cat is unlicensed, payment of a regular license fee as established by division (C) and valid certificate of vaccination for rabies and distemper shots is required.

(C) An impoundment **fee and a per day fee for feeding** shall be charged for each dog or cat impounded.
(Ord. 148, passed 5-8-1978)

§ 92.11 SURRENDER OF DOGS OR CATS.

If an owner wishes to abandon all responsibility for dog(s) or cat(s) owned, he or she shall sign a surrender form. Upon signing the form, the owner shall be charged an impoundment fee, board charge and a charge for disposal of the dog or cat.
(Ord. 148, passed 5-8-1978)

§ 92.12 CENSUS TAKING.

The City Council may, in its discretion and at intervals deemed appropriate, upon giving notice as it sees fit to the public, employ suitable persons upon the terms and conditions as it may see fit, to make a house-to-house census and issue warnings to owners then and there to procure rabies shots and licenses for dog(s) or cat(s). The city may, upon resolution duly enacted, impose an additional charge of \$2 for each license issued in the course of the census.
(Ord. 148, passed 5-8-1978)

§ 92.13 CATS.

All provisions of this subchapter shall apply to cats and shall be construed, quoted and cited when applied to cats by substituting the words "cat(s)" and "kitten(s)," in lieu of "dog(s)" and "pup(s)" and in lieu of "barking," "cat noises."
(Ord. 148, passed 5-8-1978)

§ 92.14 NUISANCES.

(A) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog or cat which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

(B) *Damage to property.* It shall be unlawful for any person's dog or cat or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

(C) *Cleaning up litter.* The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on their own property, on the property of others or on public property.

ANIMAL CONTROL FOR OTHER ANIMALS

§ 92.30 ANIMALS AT LARGE.

No person shall permit any horse, mule, donkey, pony, cattle, sheep, goat, swine, rabbit, chicken, geese, duck or turkey of which he or she is the owner to be at large within the city.
(Ord. 148, passed 5-8-1978)

§ 92.31 IMPOUNDMENT.

(A) The Animal Control Officer or any police officer may take up and impound in the city pound any animal or fowl found running at large in violation of this subchapter and shall provide proper sustenance for every animal so impounded.

(B) Within 24 hours after any animal has been impounded, the Animal Control Officer shall post notice at the City Hall, describing the animal and stating that it has been impounded. The Animal Control Officer shall also make a reasonable attempt to notify the owner where known.

(C) No animal impounded shall be released, except to a person having a receipt from the Animal Control Officer or other duly authorized officer of the city showing payment of the impoundment fee or the sale price.

(D) Animals impounded under this section shall be kept for the times specified in § 92.10.
(Ord. 148, passed 5-8-1978)

§ 92.32 FEES.

The fee for impounding shall be **determined annually**.
(Ord. 148, passed 5-8-1978)

§ 92.33 SALE.

If any impounded animal is not redeemed within the times specified in § 92.10 the Animal Control Officer shall give an additional three-day posted notice, as provided in § 92.31, of the time and place when and where the animal shall be sold. If the Animal Control Officer is unable to sell the animal on the day stated, the animal may be sold as soon thereafter as possible without notice. If a sale is reasonably unlikely, the animal may be disposed of in whichever manner shall be most expedient.
(Ord. 148, passed 5-8-1978)

ADDITIONAL DOG REGULATIONS

§ 92.45 PRESENCE IN CITY PARKS AND PLAYGROUNDS.

No dogs, with the exception of bona fide guide dogs and those trained for law enforcement being then and there so used, shall be permitted in any public park and any playground within the corporate limits of the city.
(Ord. 198, passed 9-22-1997) Penalty, see § 92.99

§ 92.46 SIGNAGE.

To effectively inform all persons who have occasion to use the city parks and all playgrounds, signs shall be posted at the entrances of all parks and all playgrounds conspicuously advising that the presence of dogs in the parks and all playgrounds is prohibited and is a violation of city code provision.
(Ord. 198, passed 9-22-1997)

§ 92.47 WASTE DISPOSAL.

Any person conducting dog(s) within the corporate limits of the city whether or not the dog is owned by the person, shall then and there possess tools or equipment suitable for the sanitary pick up and removal of all dog fecal material and shall promptly and effectively remove to his or her premise all fecal material and there sanitary disposition made thereof.
(Ord. 198, passed 9-22-1997) Penalty, see § 92.99

§ 92.48 APPLICABILITY.

These provisions as other existing regulations shall likewise apply to cats and other animals, domestic or otherwise which persons may bring to any location within the corporate limits of the city. These provisions shall not be regarded as permitting the presence of any other animals anywhere within the corporate limits of the city if prohibited by other code provision or contrary to the general laws of the state.
(Ord. 198, passed 9-22-1997)

§ 92.49 KENNELS.

(A) *Definition of kennel.* The keeping of three or more dogs or cats combined on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel;" except that a fresh litter of pups may be kept for a period of three months before that keeping shall be deemed to be a "kennel."

(B) *Kennel as a nuisance.* Because the keeping of three or more dogs or cats combined on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three or more dogs or cats combined on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the city.

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Violations of any provision of §§ 92.01 through 92.14 and 92.30 through 92.33 shall be deemed a misdemeanor and shall be punished as provided in § 10.99.
(Ord. 148, passed 5-8-1978)

(C) Violation(s) of any provision of §§ 92.45 through 92.48 are petty misdemeanors and shall be punished as provided in § 10.99.
(Ord. 198, passed 9-22-1997)

All members present voted in favor and the motion was declared carried.

D. HIRING OF LABOR ATTORNEYS TO ASSIST WITH NEGOTIATIONS. A motion was made by Mayor Burns, seconded by Member Vick, to authorize retaining Abrams and Schmidt as the City's labor attorneys to assist with negotiations as well as any labor relations matters. All members present voted in favor and the motion was declared carried.

CLERK'S REPORT.

A. EMPLOYEE TIME RECORD. Attached with the agenda were the Employee Time Records for April 2, 2012-April 15, 2012.

B. FRIDAY FAX FROM LMC. City Clerk/Administrator shared that attached with the agenda was another Friday Fax from the LMC.

C. AQUATIC CENTER PROJECT UPDATE AND FINANCING OPTIONS. City Clerk/Administrator Feely shared that attached with the agenda was the most recent aquatic center committee meeting minutes. It was noted that USAquatics was in Caledonia on April 17 to discuss options available with adding or deleting amenities while staying within budget. It was further noted that the consensus was to add the necessary footings and mechanics when the aquatic center is constructed so as to be able to install a larger slide at a later date when sufficient funds have been generated through donations to do so. Feely went on to share that per an email from Shannon Sweeney with David Drown Associates, a copy of which was attached with the agenda, the MIDI loan program may prove to be the best option for financing the City's portion of the proposed aquatic center project. No action was taken as this information was included for informational purposes.

D. UTILITY EASEMENT VACATION MATTER. City Clerk/Administrator Feely shared an update with respect to the utility easement vacation matter. It was noted that information is being gathered to help the petitioner determine if it will be worthwhile to pursue the utility easement vacation. No action was taken as the update was included for informational purposes only.

E. WATER/SEWER UTILITY REQUEST FROM CUSTOMER. City Clerk/Administrator Feely shared that a request was recently received from a utility customer regarding stopping water and sewer utility charges from accruing for a vacant property in which the water meter has

been pulled. It was noted that even though the City's ordinance regulating water was silent on the matter, the consensus of the Council is for all properties to be billed for water and sewer, regardless of whether they are occupied.

MISCELLANEOUS.

A. **WINE TASTING EVENT AT FAIRGROUNDS.** City Clerk/Administrator Feely shared that Liquor Store Manager Patty Gavin requested permission to hold a wine tasting event at the fairgrounds during the Caledonia Founder's Day event to be held June 15 and June 16. The consensus of the Council was to allow a wine tasting event to be held in conjunction with the Caledonia Founder's Day event at the Fairgrounds on June 15 and June 16.

B. **NUISANCE PROPERTY MATTER.** Mayor Burns inquired about a nuisance property. No action was taken as the matter was discussed for informational purposes only.

ADJOURNMENT. A motion to adjourn was made by Mayor Burns, seconded by Member Vick, at 10:15 p.m. All members present voted in favor and the motion was declared carried.

Jennifer Feely
City Clerk/Administrator

Robert H. Burns
Mayor