



City of Medicine Lake

10609 South Shore Drive • Medicine Lake, Minnesota 55441 • (763) 542-9701 • (763) 746-0142 fax

October 23, 2019

City of Medicine Lake Special City Council Meeting

Present: Mayor Scott Marks; Councilors Jack Garberg, Ron Tomczik, Chris Heim, and Connie Shaffer; City Clerk Nancy Pauly; Public Works Superintendent Chris Klar; Attorney Wynn Curtiss.

Absent: no one.

Miscellaneous attendees: Bert and Gail Martinez, Kari and Wayne Hawkins, Mary Anne and Les Young, Steve Enright, Paul Samson.

Mayor Marks called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

Minutes and Agenda

- **Motion to approve the agenda as presented forwarded by Mayor Marks and seconded by Councilmember Shaffer. With all in favor, the motion carried.**

Consider remedy for dangerous dog

- Mayor Marks said the dog was declared a dangerous dog at the September 9, 2019 City Council meeting. City Council needs to determine conditions for continued ownership of the dog in the City of Medicine Lake.
- Attorney Wynn Curtiss said Ordinance 77 is not entirely specific as to the range of remedies. Per the ordinance, the City Council is to make such order as the City Council deems proper. It's very broad. The ordinance references, but not limited to, destruction of the animal, the simple removal of the animal, and having the animal owner pay some element of costs incurred by the City. The State Statue lists a number of things that can be done, including proper enclosure (dog run, fence), that the dog must be on a lease and muzzled if outside, a dangerous dog sign posted on the property, sterilize the animal, install a microchip in the animal, have owner provide proof of bond or insurance to provide financial compensation to people who might be injured by the animal, animal owner pay the city's costs. It's not mandatory that any one or more of these be mandated. There can a provision that says if the owner does not comply, then another remedy could be imposed by Council.
- Mayor Marks mentioned shock collars, sterilization, and insurance. He said there could be a front yard requirement and a backyard requirement.
- Kari Hawkins said she liked the idea of separate remedies for road side and lake side. The dog could be on a leash anytime on the road side. She also has a high quality shock collar and recommended that it be on the dog at all times and someone be outside with him and have the corrector with them all the time. She said the dog has responded very well to the collar in the last 5 months.
- Mayor Marks asked about professionally installing a dog run.
- Bert Martinez said he wants to live without fear within his property. He recommend the dog wear a muzzle all times when outside the house, be contained outside by a fence or kennel, be on a lease held by its owner or a responsible able person and muzzled when outside the fenced area, and post signs for passerby's. He asked what happens if the requirements are not followed.
- Attorney Curtiss said it could be established today that these are the conditions to continue to have the dog and if the conditions are violated then the conditions could be changed up to and including removal of the dog.

- Councilmember Heim said he's focused on having the dog under control or contained and doesn't know what the muzzle or signs accomplish if the dog is under control. He'd like to make sure the dog stays in the yard.
- Councilmember Garberg said he thinks it has been remedied as the dog is not running loose and he hasn't heard the dog. Furthermore, the City has spent a lot of money on the dog situation. He also said he's had a dog run for his dogs.
- Wayne Hawkins said they do have a dog run. He said since the incident they are in the yard with the dogs with the corrector.
- Councilmember Shaffer said she looked at a shock collar for her dog but there is risk of not having the controller with her and there is a component of human fallibility. She said with a dog run there a visual that the dog is attached to something and that it won't come out of the yard uncontrolled.
- Mayor Marks said he is concerned by the fallibility of people in regards to the controller. He recommended the dog be on a leash all the time when on the front yard.
- Councilmember Heim said a leash and chained run seem obvious that the dog would always be under some type of control. He asked whether we would agree to the electric collar when someone is outside. Mayor Marks said he is concerned by the fallibility of people.
- Mary Anne Young said it's a fact that the dog has been declared a dangerous dog and we need to be 100% responsible for our dogs and can't expect people who are off our property to respond in a certain way when approached by the dog. She said the dog should be muzzled and on leash at all time when out.
- Mr. Hawkins said he installed the dog run and it's secure. He doesn't know what more a professional installer would do.
- Councilmember Tomczik said he's concerned about the cost to the City and asked who should pay for the expense, which is currently \$3,348.50. Mayor Marks said this is the role of the City and unfortunately the City needs to get involved. The ordinance can be made clearer for the future. Councilmember Heim said he doesn't like that the City has to pay these fees, but if we start making the resident pay for every issue that gets brought forward it's hard to know where it starts and ends. Councilmember Shaffer said she agreed but the City Council could set guidelines as to when residents would or would not pay when issues come up but just can't randomly do it.
- Mayor Marks said the criminal charges are still pending. He further said he's in favor of the dog being on a leash on the road side and on a leash or dog run on the lake side.
- Councilmember Heim said mistakes can't be made with a leash or dog run but could be made with a shock collar.
- Mr. Hawkins said they have an umbrella policy. The dog has a chip and is neutered. Mr. Hawkins further said they always have a shock collar on the dog when they take the dog for a walk.
- Councilmember Shaffer said she always appreciates a "Beware of Dog" sign. The Hawkins said they could do that.
- Council did not think a muzzle was necessary.
- Mayor Marks encouraged having a professional review the dog run.
- Mayor Marks said if the provisions are not followed, then it could be put in stone now that the dog would be removed. Or we could reserve the right to implement a new remedy including removal of the dog. Council preferred the latter approach.
- **Motion for City Attorney Wynn Curtiss to draft a resolution for the next City Council meeting for the Hawkins dog named Kage with the following provisions: 1) Kage will always be under human control with a leash and with an e-collar or Kage will be controlled through a leash connected to a dog run that is sufficient for the size of the dog, 2) The Hawkins will confirm that insurance or a bond exists, 3) The Hawkins have confirmed that Kage has a microchip, 4) The Hawkins have confirmed that Kage is neutered, and 5) The Hawkins have agreed to put some type of "Beware of Dog" sign on their property forwarded by Councilmember Heim and seconded by Mayor Marks. Motion passed with all in favor.**

October 23, 2019

- Mr. Curtiss said typically when criminal cases are resolved there is a sanction that includes paying fines or fees. He said the charge will be \$579 for his costs for prosecuting this criminal case but the City can decide how to proceed. Mayor Marks said it needs to be discussed further.
- Councilmember Heim said he'd like to revisit the dog ordinance and get the City Council out of the middle of this. Mayor Marks said it needs to be discussed because the State ordinance requires the Sheriff to make the determination.

Motion to adjourn forwarded by Councilmember Garberg and seconded by Councilmember Shaffer. With all in favor, the motion carried at 7:13 p.m.

Respectfully submitted,

Nancy Pauly
City Clerk

Approved on November 6, 2019