

Study Session Meeting Minutes August 29, 2023 – Council Chambers, Ely City Hall

CALL TO ORDER

Mayor Omerza called the meeting to order at 6:30pm.

Present: Council members A.Forsman, Debeltz, Callen, Campbell, Bisbee, and Mayor Omerza

Absent: Council Member Kess

Also Present: Clerk/Treasurer Langowski, Attorney Klun, and Police Chief Houde

ADDITIONS OR OMISSIONS: None

OLD BUSINESS: None

NEW BUSINESS:

Discussion on Ordinance 372 & 373, 2nd Series – Animal Licensing and Regulation
Attorney Klun went through each section of the updated Ordinance via the Notes on Changes to Animal Ordinance Handout. Klun indicated that the definitions were made clearer. Klun stated for multi-animal dwelling it was made less restrictive than the current ordinance. The current ordinance has three (3) animals and the new ordinance is at four (4) animals. Klun said the number of animals allowed can be discussed, they just used four as a discussion point.

A.Forsman thanked Attorney Klun for the summary of the ordinance, it made it much easier to look at the changes. Forsman stated that he knows several people with three (3) dogs and three (3) cats, he is leaning towards (6) six animals per household. Langowski indicated that in the last 20ish years we have had maybe 2-3 people come in for a kennel license. We know of people that have more dogs than that, but the main thing we would like is for the owners to get licenses for their pets so we can make sure they get back home if they run away.

Bisbee researched the League of Minnesota Cities for insight in this ordinance. Under the limiting number of animals, the League says that there should be some rational relationship between the ordinance and the health and safety of the community. Bisbee indicated that it is our duty to decide where that rational relationship exists, whether it is 3, 5, or 7 animals and of what types. If someone could keep 4 dogs and 4 cats in your home, without creating noise or nuisance and creating a sanitary nature. Someone should be allowed to do that.

Omerza stated that she lives in a house that is rather large and her family would have a lot of space for animals, but to tell someone that lives in a smaller house that they can only take in a certain number of animals. That's not an area that we want to get involved with, or an area that we want the police or clerk's office to get involved with.

Forsman indicated that the owner getting the license and making sure the animals are vaccinated is what we want to focus on. Forsman indicated that 4 animals were very limited and that is why he through out the number of 6 animals.

Mayor Omerza asked what is our intent? That our neighborhoods are safe and animals are not running around and the animals are licensed and vaccinated against rabies.

Chief Houde stated that the intent wasn't to include birds, and other caged animals. Dogs and Cats are the main intent.

Bisbee stated that we should not included caged animals like birds, gerbils, hamsters, etc in the total number of animals allowed. Bisbee asked about chickens being allowed. Langowski indicated that Planning and Zoning has looked at chickens before, we can have them look at it again.

Attorney Klun indicated that we can look at that later, Rochester has an extensive ordinance on chickens.

Attorney Klun stated the Disturbing the Peace/Noise Ordinance part of the updated ordinance simplifies the ordinance by not having a timing for the noise. The old ordinance had specific hours and times frames for the noise.

A.Forsman discussed taking out continually in Subd 23. Other Unlawful Acts. 1. It is unlawful for the owner of any animal to: d. Permit their household pet from causing a nuisance by barking, howling, yelping, screeching, or emit any other loud or unusual noise in a habitual, consistent, or persistent manner that ~~continually~~ disturbs the peace of the neighborhood.

Attorney Klun stated that the Cruelty to Animals portion would be an addition to the current ordinance. No one had any objection to add the portion on Cruelty to animals in.

Attorney Klun discussed the last portion of the ordinance which would be adding a portion on potentially dangerous and dangerous dogs.

Chief Houde discussed the regulation of dangerous dogs, currently we do not have anything on the process of dangerous dogs in our ordinance, of what happens when a dog attacks another dog or attacks a person. We wanted to have a process for when this happens. This ordinance will allow us when we get the calls regarding a dangerous dog, to list it, having the animal owner contest it or appeal it, and if it is listed as a potentially dangerous dog, we have the tool to use that if the dog would attack again to list it as a dangerous dog. We need to discuss the fees the max fee is \$500 for dangerous dog per state statute, the state statute doesn't say anything on a potentially dangerous dog fee.

Wendy Nelson –

Nelson stated that she is supportive of these changes. She did not like the government overreach that cats needing to wear collars. It could also be expensive for certain low-income pet owners to have to vaccinate their only in home pets, vaccines can be expensive.

Langowski indicated that vaccinations are needed and that is why it is part of this ordinance.

Attorney Klun indicated that in Subd 6 of the ordinance we can change it to dogs and cats shall wear a collar/harness when outside.

Chief Houde indicated that we would like to have an annual and lifetime license and keep it at a minimal fee.

Discussion was had on how to process the annual license with the rabies requirement.

Attorney Klun suggested to put accountability on the animal owner, they can do an

annual license, and by signing for the annual license you agree to keep your pet properly vaccinated, if found otherwise you will lose your lifetime license.

Bisbee asked if any of our committees or boards be able to secure any type of grant funding to open a free vaccination clinic for animals.

Langowski stated that maybe we could reach out to our local Vet Clinic and now with Contended Critters in town maybe they would like to help.

Frederica Musgrave asked how a neighborhood would know of a potentially dangerous dog or a dangerous dog?

Chief Houde stated that for a dangerous dog the house and property would be posted with signs from the police department, potentially dangerous dogs do not need to be posted.

Musgrave had concerns with Subdivision 15 of the Ordinance Animal Pound with the sentence that "Every animal so placed in the Animal Pound shall be held for redemption by the owner for at least five (5) regular business days." Musgrave asked to consider a longer hold for the owner to redeem their animal potentially ten (10) days.

Musgrave also discussed the sentence in Animal Pound "If unclaimed, such animal shall be humanely destroyed and the carcass disposed of..."

Langowski indicated that this would only be for a dangerous dog, not just an animal that was found.

Musgrave discussed the number of animals and the ability of the owner to care for multiple animals. If they would have more than 6 animals, can they get an additional license?

A.Forsman indicated that with the number of 6 cats or dogs in a household and people wanting to have more than that they would be able to apply for an additional license. By doing this it gives us a chance to look at if there is any reason for us to be concerned with having multiple animals. The general idea is that they would be approved, but as Musgrave said herself she wasn't sure if she could handle that many animals, but she probably could.

Langowski discussed Musgrave's comment on grandfathering in people that may have more animals that are allowed in the new ordinance. The current ordinance allows 3 and if you have more than that you need a kennel license. If someone does have 6 and they come in and want 8 the first thing we would look at is if there have been complaints in the neighborhood. A lot of this comes down to nuisance, if you clean up after your animals, you dispose of the animal waste properly, not piling it in your yard or filling your garage full of it, you more than likely will not get calls from the neighbors.

Bisbee indicated that back to the Animal Pound it does say if unclaimed the animal shall be humanely destroyed, so it is saying any animal found in the city.

Attorney Klun indicated that she caught the wording and will change it.

Bisbee also indicated that it is recommended to hold an animal for 10 regular business days per the Animal Welfare Act to be held for redemption.

Ozzie Reif

Reif also commented on Subdivision 15 to take out the humanely destroyed. Reif also discussed Subdivision 14 Trespasses, this expands the current ordinance with more regulations on where dogs cannot be, Semer's Park vs the beach area.

Chief Houde indicated that dogs are not allowed at Semer's Park at all, and there are signs at Whiteside and Semer's that dogs are not allowed. There are a lot of areas around town that you can run your dog, the Trezona is a beautiful trail. Houde indicated that a lot of signs were put up during the Blueberry Arts Festival about no dogs allowed and a lot of dogs were still in the park.

Bisbee indicated that this what concerns him, we have stipulations in place that are not being adhered to and it diminishes the perception of the ordinance's authority, we have ordinances, but nothing is being done.

Houde indicated that in law enforcement his belief is education goes a lot farther than giving a citation. It is being enforced, but its through education.

ADJOURN

Mayor Omerza adjourned the meeting at 7:51pm without objection.

Casey Velcheff
Deputy Clerk