

**Mt. Lake City Council  
Mt. Lake City Hall  
Monday, March 3, 2014  
6:30 p.m.**

**AGENDA**

1. Meeting called to order by Mayor, Dean Janzen  
\* Further information on agenda item is attached
2. Approval of Agenda and Consent Agenda
  - a. Bills: Check #'s 9915772 - 9915811; 340E\*(1-5)  
Payroll: Check #'s 60969 - 60984
  - b. Approval of Feb. 18 Council Minutes\*(6-8)
  - c. Approval of Feb. 13 Utility Commission Minutes\*(9-10)
  - d. Approval of Jan. 27 Planning and Zoning Commission Minutes\*(11-12)
3. Public – A total of ten (10) minutes is allotted for individuals to briefly discuss a topic of concern with the council.
4. Public Hearing, 6:45 p.m.  
Final Reading and Adoption of Ordinance #2-14, Establishing an Animal Overlay District; \*(3-14) Ordinance #3-14, Animal Regulation, and Regulation of Potentially Dangerous and Dangerous Dogs\*(15-41); Ordinance #4-14 Amending Those Sections of Mt. Lake Code Relating to Ordinances #2-14 and #3-14\*(42-43)
5. Administrator
  - a. Private Sewer Line Replacement Update\*(44)
  - b. Re-alignment of Ambulance Primary Service Area\*(45-47)
  - c. LELS Grievance Arbitration\*(48)
6. Adjourn

CITY OF MOUNTAIN LAKE

**\*Check Detail Register©**

*March 3, 2014*  
*mtg*  
*340 E*  
*ck# 9915772 - 9915811*

February 2014 to March 2014

			Check Amt	Invoice	Comment
<b>10100 United Prairie</b>					
Paid Chk#	9915772	2/18/2014			<b>BRENDA J. HARDER</b>
E 101-41400-401	Repairs/Maint Buildings		\$540.00		30 HRS PAINTING CITY HALL
	<b>Total BRENDA J. HARDER</b>		<b>\$540.00</b>		
Paid Chk#	9915773	2/18/2014			<b>TRACEY HILDEBRANDT</b>
E 101-41400-401	Repairs/Maint Buildings		\$274.50		15.25 HRS PAINTING CITY HALL
	<b>Total TRACEY HILDEBRANDT</b>		<b>\$274.50</b>		
Paid Chk#	9915775	2/14/2014			<b>MARY JEAN KRUEGER</b>
G 608-22000	Deposits		\$595.00		RENT DEPOSIT
E 608-46330-615	Rent Deposit Interest		\$53.00		INTEREST RENT DEPOSIT
	<b>Total MARY JEAN KRUEGER</b>		<b>\$648.00</b>		
Paid Chk#	9915776	2/14/2014			<b>BRUNTON ARCHITECHTS LTD</b>
E 441-46300-434	Project Expense		\$5,600.00	081153	MT POWER PROJECT
	<b>Total BRUNTON ARCHITECHTS LTD</b>		<b>\$5,600.00</b>		
Paid Chk#	9915777	2/18/2014			<b>SELECT ACCOUNT</b>
E 101-43100-141	Admin Fees-HSA		(\$7.60)		JAN & FEB HAS ADMIN FEES
E 101-46200-141	Admin Fees-HSA		(\$2.52)		JAN & FEB HAS ADMIN FEES
E 101-45200-141	Admin Fees-HSA		(\$2.54)		JAN & FEB HAS ADMIN FEES
E 211-45500-141	Admin Fees-HSA		(\$4.22)		JAN & FEB HAS ADMIN FEES
E 205-46500-141	Admin Fees-HSA		(\$4.22)		JAN & FEB HAS ADMIN FEES
E 101-42100-141	Admin Fees-HSA		(\$21.10)		JAN & FEB HAS ADMIN FEES
E 101-41400-141	Admin Fees-HSA		(\$8.44)		JAN & FEB HAS ADMIN FEES
E 101-41400-141	Admin Fees-HSA		\$8.44		OFFICE JAN & FEB HSA ADMIN FEES
E 101-42100-141	Admin Fees-HSA		\$21.10		PD JAN & FEB HSA ADMIN FEES
E 205-46500-141	Admin Fees-HSA		\$4.22		EDA JAN & FEB HSA ADMIN FEES
E 101-43100-141	Admin Fees-HSA		\$7.60		ST JAN & FEB HSA ADMIN FEES
E 101-45200-141	Admin Fees-HSA		\$2.54		PARKS JAN & FEB HSA ADMIN FEES
E 101-46200-141	Admin Fees-HSA		\$2.52		CEMETERY- JAN & FEB HSA ADMIN FEES
E 211-45500-141	Admin Fees-HSA		\$4.22		LIB JAN & FEB HSA ADMIN FEES
	<b>Total SELECT ACCOUNT</b>		<b>\$0.00</b>		
Paid Chk#	9915778	2/20/2014			<b>AFLAC</b>
G 101-21713	AFLAC		\$192.74		
	<b>Total AFLAC</b>		<b>\$192.74</b>		
Paid Chk#	9915779	2/20/2014			<b>AFSCME COUNCIL 65</b>
G 101-21707	Union Dues		\$153.04		
	<b>Total AFSCME COUNCIL 65</b>		<b>\$153.04</b>		
Paid Chk#	9915780	2/20/2014			<b>BCBS/HSA</b>
G 101-21714	HSA		\$728.71		
	<b>Total BCBS/HSA</b>		<b>\$728.71</b>		
Paid Chk#	9915781	2/20/2014			<b>COMMISSIONER OF REVENUE</b>
G 101-21702	State Withholding		\$709.30		
	<b>Total COMMISSIONER OF REVENUE</b>		<b>\$709.30</b>		
Paid Chk#	9915782	2/20/2014			<b>GISLASON &amp; HUNTER</b>
G 101-21712	Garnishments		\$323.24		
	<b>Total GISLASON &amp; HUNTER</b>		<b>\$323.24</b>		
Paid Chk#	9915783	2/20/2014			<b>INTERNAL REVENUE SERVICE</b>

(1)

**\*Check Detail Register©**

February 2014 to March 2014

	Check Amt	Invoice	Comment
G 101-21701 Federal Withholding	\$1,472.94		
G 101-21703 FICA Tax Withholding	\$2,047.09		
<b>Total INTERNAL REVENUE SERVICE</b>	<b>\$3,520.03</b>		
<hr/>			
Paid Chk# 9915784 2/20/2014 PERA			
G 101-21704 PERA	\$3,654.00		
<b>Total PERA</b>	<b>\$3,654.00</b>		
<hr/>			
Paid Chk# 9915785 2/20/2014 SW/WC SERVICE COOPERATIVES			
G 101-21708 Employee Paid Health Insurance	\$1,091.34		
<b>Total SW/WC SERVICE COOPERATIVES</b>	<b>\$1,091.34</b>		
<hr/>			
Paid Chk# 9915786 2/20/2014 VALIC			
G 101-21705 VALIC	\$934.11		
<b>Total VALIC</b>	<b>\$934.11</b>		
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Paid Chk# 9915787 2/27/2014 SW/WC SERVICE COOPERATIVES			
E 101-43100-131 Employer Paid Health	\$10.50		ST DEPT-EMPLOYEE PD PREM DIFF FROM 2013 TO 2014
E 101-41400-131 Employer Paid Health	\$11.68		OFFICE-EMPLOYEE PD PREM DIFF FROM 2013 TO 2014
E 211-45500-131 Employer Paid Health	\$5.84		LIB-EMPLOYEE PD PREM DIFF FROM 2013 TO 2014
E 101-42100-131 Employer Paid Health	\$90.46		PD-EMPLOYEE PD PREM DIFF FROM 2013 TO 2014
E 101-46200-131 Employer Paid Health	\$3.52		CEMETERY-EMPLOYEE PD PREM DIFF FROM 2013 TO 2014
E 101-45200-131 Employer Paid Health	\$3.50		PARKS-EMPLOYEE PD PREM DIFF FROM 2013 TO 2014
E 205-46500-131 Employer Paid Health	\$5.84		EDA-EMPLOYEE PD PREM DIFF FROM 2013 TO 2014
<b>Total SW/WC SERVICE COOPERATIVES</b>	<b>\$131.34</b>		
<hr/>			
Paid Chk# 9915788 3/3/2014 SOUTH CENTRAL TECHNICAL COLLEGE			
E 101-42100-308 Training & Instruction	\$358.02	00128195	EMILY M. & KEN B.-1ST RESPONDER REFRESHER
<b>Total SOUTH CENTRAL TECHNICAL COLLEGE</b>	<b>\$358.02</b>		
<hr/>			
Paid Chk# 9915789 3/3/2014 FRONTIER			
E 101-41400-321 Telephone	\$222.88		CITY HALL PHONE-427-2999
E 101-42100-321 Telephone	\$224.81		POLICE DEPT PHONE-427-3403
E 101-43100-321 Telephone	\$64.38		STREET DEPT PHONE-427-2997
E 101-45186-321 Telephone	\$51.74		SR CTR PHONE-427-2151
E 205-46500-321 Telephone	\$37.50		EDA PORTION OF DSL & 427-2999
E 205-46500-321 Telephone	\$7.62		CHAMBER 800#
E 101-00000-430 Miscellaneous	\$113.07		UT-PHONE
<b>Total FRONTIER</b>	<b>\$722.00</b>		
<hr/>			
Paid Chk# 9915790 3/3/2014 ALPHA WIRELESS COMMUNICATIONS			
E 221-42200-404 Repairs/Maint Machinery/Equip	\$39.60	668438	2-MIN V BATTERIES FOR FIRE DEPT
<b>Total ALPHA WIRELESS COMMUNICATIONS</b>	<b>\$39.60</b>		
<hr/>			
Paid Chk# 9915791 3/3/2014 AMAZON-GE MONEY BANK			
E 211-45500-590 Capital Outlay Books	\$874.37		LIBRARY BOOKS
<b>Total AMAZON-GE MONEY BANK</b>	<b>\$874.37</b>		
<hr/>			
Paid Chk# 9915792 3/3/2014 AVENET, LLC			
E 101-00000-430 Miscellaneous	\$100.00	34254	2 EMAIL ACCTS (UT)-THEY PAID CITY
<b>Total AVENET, LLC</b>	<b>\$100.00</b>		
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Paid Chk# 9915793 3/3/2014 BOUND TREE MEDICAL			

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February 2014 to March 2014

			Check Amt	Invoice	Comment
E 231-42154-210	Operating Supplies		\$115.88	81339314	LEG SPLINTS,OXYGEN MASKS-AMB
	<b>Total BOUND TREE MEDICAL</b>		\$115.88		
<b>Paid Chk# 9915794</b>	<b>3/3/2014</b>	<b>BUSINESS FORMS &amp; ACCOUNTING</b>			
E 101-41400-200	Office Supplies		\$222.79	48407	1500 ACCTS PAYABLE CHECKS
	<b>Total BUSINESS FORMS &amp; ACCOUNTING</b>		\$222.79		
<b>Paid Chk# 9915795</b>	<b>3/3/2014</b>	<b>DAVID SAVAGE</b>			
E 101-41110-308	Training & Instruction		\$169.44	1/31/14	LEAGUE CONF REIMBURSEMENTS
	<b>Total DAVID SAVAGE</b>		\$169.44		
<b>Paid Chk# 9915796</b>	<b>3/3/2014</b>	<b>DEAN JANZEN</b>			
E 101-41110-308	Training & Instruction		\$123.47		ELECTED OFFICIAL CONF REIMBURSE
	<b>Total DEAN JANZEN</b>		\$123.47		
<b>Paid Chk# 9915797</b>	<b>3/3/2014</b>	<b>FRONTIER</b>			
E 211-45500-321	Telephone		\$58.48		LIBRARY PHONE-507-427-2506
	<b>Total FRONTIER</b>		\$58.48		
<b>Paid Chk# 9915798</b>	<b>3/3/2014</b>	<b>INDOFF INCORPORATED</b>			
E 101-41400-200	Office Supplies		\$2.77	2400606	CALCULATOR RIBBON
E 205-46500-343	Busnes Recrut/Comm Dev		\$104.20	2411677	EDA BLACK REPORT COVERS FOR WELCOME BAGS
E 101-41400-200	Office Supplies		\$17.93	2411677	BINDER CLIPS, TAPE
	<b>Total INDOFF INCORPORATED</b>		\$124.90		
<b>Paid Chk# 9915799</b>	<b>3/3/2014</b>	<b>MINNESOTA ENERGY RESOURCE CORP</b>			
E 101-43100-383	Gas Utilities		\$1,230.56		STREET GARAGE GAS-ACCT#4092120-7
E 221-42200-383	Gas Utilities		\$629.97		FIRE DEPT PORTION OF FIREHALL GAS-ACCT#4296165-6
E 101-45186-383	Gas Utilities		\$17.48		SR CTR GAS-ACCT#4010846-6
E 101-41400-383	Gas Utilities		\$502.24		CITY HALL GAS-ACCT#4346780-2
E 211-45500-383	Gas Utilities		\$431.98		LIBRARY GAS-ACCT#4134278-3
E 231-42154-383	Gas Utilities		\$310.29		AMB PORTION OF FIREHALL GAS-ACCT#4296165-6
	<b>al MINNESOTA ENERGY RESOURCE CORP</b>		\$3,122.52		
<b>Paid Chk# 9915800</b>	<b>3/3/2014</b>	<b>MINNESOTA WEST-CANBY</b>			
E 221-42200-308	Training & Instruction		\$350.00	00177364	RIGHT TO KNOW,BLOOD PATHOGENS,HAZMAT-FIRE DEPT
	<b>Total MINNESOTA WEST-CANBY</b>		\$350.00		
<b>Paid Chk# 9915801</b>	<b>3/3/2014</b>	<b>MOUNTAIN LAKE GOLF DEVELOPMENT</b>			
G 230-10620	Loan to Golf Course		\$42,074.88		NEW EDA LOAN
	<b>al MOUNTAIN LAKE GOLF DEVELOPMENT</b>		\$42,074.88		
<b>Paid Chk# 9915802</b>	<b>3/3/2014</b>	<b>MUNICIPAL UTILITIES</b>			
E 101-45200-380	Elec,Water,Sewer		\$25.37		LAWCON PARK LIGHTS
E 608-46330-380	Elec,Water,Sewer		\$4.21		8-PLEX PORTION OF ST LITE ON HERITAGE DRIVE
E 101-45183-380	Elec,Water,Sewer		\$15.84		UT AT CAMPGROUND
E 101-41400-380	Elec,Water,Sewer		\$325.83		CITY HALL UT
E 101-45200-380	Elec,Water,Sewer		\$154.49		CITY PARK RESTROOMS UT
E 101-45186-380	Elec,Water,Sewer		\$270.70		SR CTR UT
E 101-43100-380	Elec,Water,Sewer		\$229.39		ST DEPT UT
E 221-42200-380	Elec,Water,Sewer		\$298.81		FIRE DEPT PORTION OF FIREHALL UT
E 231-42154-380	Elec,Water,Sewer		\$147.17		AMB PORTION OF FIREHALL UT
E 211-45500-380	Elec,Water,Sewer		\$356.01		LIBRARY UT
E 607-46330-380	Elec,Water,Sewer		\$2.17		4-PLEX PORTION OF ST LITE ON HERITAGE DRIVE
E 101-45171-380	Elec,Water,Sewer		\$1,051.97		WATER AT ICE RINK

## CITY OF MOUNTAIN LAKE

## \*Check Detail Register©

February 2014 to March 2014

			Check Amt	Invoice	Comment
<b>Total MUNICIPAL UTILITIES</b>			<b>\$2,881.96</b>		
Paid Chk# 9915803	3/3/2014	MUSKE, MUSKE, SURHOFF			
E 101-41400-304	Legal Fees		\$1,400.00		MARCH LEGAL RETAINER
<b>Total MUSKE, MUSKE, SURHOFF</b>			<b>\$1,400.00</b>		
Paid Chk# 9915804	3/3/2014	PEST PRO			
E 101-41400-401	Repairs/Maint Buildings		\$77.36	270714	QUARTERLY SERVICE AT CITY HALL
<b>Total PEST PRO</b>			<b>\$77.36</b>		
Paid Chk# 9915805	3/3/2014	PRAXAIR			
E 231-42154-210	Operating Supplies		\$124.79	48532402	OXYGEN FOR AMB
E 231-42154-210	Operating Supplies		\$292.64	48567526	OXYGEN FOR AMB
E 231-42154-210	Operating Supplies		\$51.40	48613561	OXYGEN FOR AMB
<b>Total PRAXAIR</b>			<b>\$468.83</b>		
Paid Chk# 9915806	3/3/2014	REAL TIME TRANSLATIONS			
E 101-42100-321	Telephone		\$204.00	103978	PD LICENSE FEE MARCH 14 TO FEB 15
<b>Total REAL TIME TRANSLATIONS</b>			<b>\$204.00</b>		
Paid Chk# 9915807	3/3/2014	SOUTH CENTRAL TECHNICAL COLLEG			
E 231-42154-308	Training & Instruction		\$393.78	00128461	EMT REFRESHER-EMILY ADRIAN
<b>Total SOUTH CENTRAL TECHNICAL COLLEG</b>			<b>\$393.78</b>		
Paid Chk# 9915808	3/3/2014	SOUTHWEST INITIATIVE FOUNDATIO			
E 101-46500-312	Community Develop		\$1,250.00		2014 CONTRIBUTION
<b>Total SOUTHWEST INITIATIVE FOUNDATIO</b>			<b>\$1,250.00</b>		
Paid Chk# 9915809	3/3/2014	UNIFORMS UNLIMITED			
E 101-42100-205	Uniforms		\$79.99	194203	PANTS-KIM HALL
<b>Total UNIFORMS UNLIMITED</b>			<b>\$79.99</b>		
Paid Chk# 9915810	3/3/2014	VERIZON			
E 101-42100-321	Telephone		\$27.00		ADD'L FOR PD DATA LINE
E 101-42100-321	Telephone		\$35.01		PD DATA LINE
E 101-42100-321	Telephone		\$9.81		PD CELL PHONE
E 231-42154-321	Telephone		\$9.11		AMB CELL PHONE
<b>Total VERIZON</b>			<b>\$80.93</b>		
Paid Chk# 9915811	3/3/2014	WINDOM TOWING			
E 101-42100-430	Miscellaneous		\$261.84	813966	TOW POLICE VEHICLE
<b>Total WINDOM TOWING</b>			<b>\$261.84</b>		
<b>10100 United Prairie</b>			<b>\$74,055.39</b>		

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# CITY OF MOUNTAIN LAKE

## \*Check Detail Register©

February 2014 to March 2014

	Check Amt	Invoice	Comment
<b>Fund Summary</b>			
<b>10100 United Prairie</b>			
101 GENERAL FUND	\$21,080.85		
205 ECONOMIC DEVELOPMENT AUTHORITY	\$155.16		
211 LIBRARY FUND	\$1,726.68		
221 FIRE DEPT FUND	\$1,318.38		
230 REVOLVING LOAN FUND	\$42,074.88		
231 AMBULANCE FUND	\$1,445.06		
441 MT POWER CONST ACCT	\$5,600.00		
607 EDA-----4 PLEX FUND	\$2.17		
608 EDA-----8 PLEX FUND	\$652.21		
	\$74,055.39		

Paid Chk#	Date	Account	Amount	Description
000340E	2/24/2014	SELECT ACCOUNT		
E 101-43100-141		Admin Fees-HSA	\$7.60	ST DEPT-JAN & FEB HSA ADMIN FEES
E 101-41400-141		Admin Fees-HSA	\$8.44	OFFICE-JAN & FEB HSA ADMIN FEES
E 101-42100-141		Admin Fees-HSA	\$21.10	PD-JAN & FEB HSA ADMIN FEES
E 101-45200-141		Admin Fees-HSA	\$2.54	PARKS-JAN & FEB HSA ADMIN FEES
E 205-46500-141		Admin Fees-HSA	\$4.22	EDA-JAN & FEB HSA ADMIN FEES
E 101-46200-141		Admin Fees-HSA	\$2.52	CEMETERY-JAN & FEB HSA ADMIN FEES
E 211-45500-141		Admin Fees-HSA	\$4.22	LIB-JAN & FEB HSA ADMIN FEES
		<b>Total SELECT ACCOUNT</b>	<b>\$50.64</b>	

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**DRAFT**  
**Mt. Lake City Council**  
**Mt. Lake City Hall**  
**Tuesday, February 18, 2014**  
**6:30 p.m.**

Members Present: Mayor Dean Janzen, Audi Nickel, David Savage, Brian Schultz, Andrew Ysker

Members Absent: None

Staff Present: Maryellen Suhrhoff, City Attorney, Muske, Muske & and Suhrhoff;  
Wendy Meyer, Clerk/Administrator; Rob Anderson, EDA

Others Present: Doug Regehr, Cindy Garcia, Nathan Harder, Judy Harder, Steve Harder

**Call to Order**

Mayor Janzen called the meeting to order at 6:30 p.m. Motion by Savage, seconded by Schultz, to approve the consent agenda and the agenda as presented. Motion carried unanimously.

Bills: Check #'s 9915710-9915771-; 337-339E

Payroll: Check #'s 60942-60968

Feb. 3 Council Minutes

Jan. 10 and Jan. 30 EDA Minutes

Jan. 9 Police Commission Minutes

Jan. 23 Utility Commission Minutes

Jan. 13 Lake Commission Minutes

Nov. 12, 2013 Tree Commission Minutes

Appoint Brett Lohrenz to Utility Commission, 3 year term, ends 12-31-16

**Public**

No one addressed the council during the public forum.

**Rob Anderson, EDA, Review of 2013 Work Plan**

Anderson reviewed the Work Plan with the council. 2013 highlights included the construction of the Pop'd Kern building, completion of The Lodge assisted living project, completion of the Small Cities Housing Rehab program, assistance to new businesses in Mt. Lake, the sale of two lots in the Lakeview Estates Subd. and visits to nearly all Mt. Lake businesses. The Revolving Loan Fund made loans to BB's Diner and Balzer. The 2014 work plan includes building expansion projects for Mt. Power and Milk Specialties, and addressing the need for a variety of restaurants in Mt. Lake.

**Wells 5 & 6 Update**

A letter from Andy Kehren, city engineer, Bolton and Menk was reviewed. The water levels in Wells #5 and #6, located on the north end of 9<sup>th</sup> St. have dropped limiting the amount of water that can be pumped from the wells. Well #2 was shut down in 2013 because the raw water line connecting it to the treatment plant ruptured. A new well is expected to be dug in 2014. The reverse osmosis filtering system (RO) at the treatment plant requires 400-425 gallons per minute to operate. The city's wells are no longer producing enough water to operate the RO. The RO has been adjusted, half of the water used in the city is being RO filtered.

#### **Food Forest Proposal, Nathan Harder, Jubilee Fruits and Vegetables**

Jubilee Fruits and Vegetables and the Mt. Lake Tree Commission are interested in adding a food forest of fruit and nut trees, fruit-bearing bushes, mushrooms, and other edible perennials to an area near the "plunge pool" in Lawcon Park. Jubilee has received a grant from the Statewide Health Improvement Program (SHIP) to purchase the trees and plants. Nathan Harder discussed the concept with the council. Harder had tentatively set March 27<sup>th</sup> as the date for a public meeting that would allow residents of the city the opportunity to make suggestions as to what types of edible perennials should be included in the food forest. The council gave its support to the idea, agreed that the public meeting should be held, and a design prepared for presentation at a future council meeting.

#### **Second Reading, Animal Ordinances**

**Ordinance #2-14, Establishing Overlay District**

**Ordinance #3-14, Animal Regulation and Regulation of Potentially Dangerous and Dangerous Dogs**

**Ordinance #4-14, Amending Sections of Chapter 9 Relating to Ordinances #2-14 and #3-14**  
The ordinances were discussed. No action taken.

#### **Law Enforcement Labor Services (LELS) Grievance**

A LELS member was denied funeral leave at the death of a step-grandparent and filed a grievance. The police chief and administrator had earlier denied the grievance. By union contract their decision was appealed to the council. The council reviewed the union contract language regarding funeral leave and sick leave. Motion by Nickel, seconded by Savage, to deny the request for funeral leave reimbursement based on the union contract. Voting Aye: Janzen, Nickel, Savage, Ysker; voting Nay: Schultz. Motion by Nickel, seconded by Ysker, to not allow sick leave to be used for the hours of work missed due to the funeral.

#### **Police Dept.**

The MN State Patrol I-Mobile Joint Powers Agreement and the State of MN Criminal Justice Agency Joint Powers Agreement were reviewed. Both are renewals of on-going agreements. Motion by Savage, seconded by Nickel, to approve the agreements and adopt Resolution #5-14. Motion carried unanimously.

#### **Compensation Study**

Three proposals were received. The committee is recommending that Fox Lawson, St. Paul, MN be hired at a cost of \$10,000. Motion by Nickel, seconded by Savage, to hire Fox Lawson. Motion carried unanimously.

**Adjourn**

The meeting was adjourned at 8:30 p.m.

ATTEST:

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Wendy Meyer, Clerk/Administrator

REGULAR UTILITIES COMMISSION MEETING  
THURSDAY, FEBRUARY 13, 2014  
7:00 A.M.

PRESENT: John Carrison  
Mark Langland  
Mike Johnson  
David Savage-City Council Liaison  
Bryan Bergen, Chairman

ABSENT: None

STAFF: Lynda Cowell – Utilities Office Manager  
Wendy Meyer – City Administrator  
Kevin Krahn – Water/Wastewater Supt.  
Dave Watkins – Water/Wastewater  
Pat Oja – Lineman  
Ron Melson – Electric Supt.

OTHERS: None

Bryan Bergen - Chairman called the regular meeting of the Utilities commission for February 13, 2014 to order at 7:00 a.m. Addition: Sale of Nextera Energy capacity to Missouri River Energy Sales. (MRES).

1. Minutes and Bills: Motion by Mark Langland seconded by John Carrison to accept the minutes and bills as presented. Motion carried. Checks #14107-14170.

2. Water/Wastewater Department:

Wells #5 and #6: The letter from Andy Kehren, Bolton and Menk, about the wells was reviewed and discussed. Water production in Well #5 and #6 appeared to be decreasing in the last several weeks. After checking they seem to be drawing air at the pumps; meaning that the water level in the wells was at the pump intake elevation. The investigation leads to the conclusion that the water level in Well 5 and Well 6 is dropping to the submersible pump intake elevation during extended pumping durations. In response to the observed low-water levels in the wells the two pumps are no longer being pumped simultaneously. In addition, the speed of the pumps have been turned down in efforts to ensure that the water level in the wells remains above the pump intake elevation. With the reduction in water supply from the wells the Water Treatment Plant is no longer capable of operating as originally designed. In efforts to provide RO treated water to the community, the operations computer at the Water Treatment Plant was re-programmed to allow the batching of water. The goal is to provide an approximate 50/50 blend of water to the community until the new well #7 can be built. The City is pursuing two sources of funding: a grant through the MN Small Cities Development Program (SCDP); and if necessary a low interest loan through the MN Public Facilities Authority (PFA). Bolton and Menk has completed work on the PFA application. A well construction application for the well and raw water main has been submitted to the Dept. of Natural Resources (DNR). We should know in April or May and will call for bids thereafter.

3. Electric Department

Green Tags/Renewable Energy Credits (REC) Ben Nelson –CMMPA said that the past couple of years they have based their decision to sell on whether or not a member has excess with the 4 year banking provision of the MN Renewable Energy Standard factored in. Mountain Lake is not showing any excess RECs when looked at in this way. The commission agreed to not sell any RECs at this time.

CIP: Motion by Mark Langland seconded by Mike Johnson to continue the rebate amounts that we had in 2013. Motion carried. CMMPA has hired a company called Energy Insight Inc. to take over the CIP program. Once they get going they will spend one day a month in Mountain Lake. At that time we will have them help us review and adjust rebate amounts.

Blend and Extend contract: Motion by Mark Langland seconded by John Carrison to adopt Resolution #U1-14. Authoring Execution of Documents for a 5-day by 16-hour Fixed Price Energy Purchase for the Years 2014 through 2020. Motion carried.

Energy Audit Meeting: We had 34 households that attended and 30 households signed up to have an audit done.

4. Office:

**MRES:** Motion by Mark Langland seconded by Mike Johnson to sell our capacity from the power we purchase from Nextera Energy to MRES. Motion carried. This will be a 2 year contract from June 2014 to June, 2016.

**Mountain Power Utility Easement:** A map of the Mt. Power site and the proposed expansion was reviewed. The EDA will own the 1 acre of property and the new building will be built on that acre, next to the existing Mountain Power Plant. Easements are needed for access to the new building.

**2013 Budgets:** The year-end budgets were reviewed.

**Kuechle and Koehl Bills:** The bills from damages to the electric system during the 2012-14 Utility and Street Project caused by Kuechle Underground and Koehl Construction were reviewed.

5. Meeting adjourned.

**Regular Meeting**  
**Mon. Jan. 27, 2014**  
**5:30 p.m.**  
**City Hall**

Members Present: Erland Braun, Nathan Harder, Tim Janzen, Doug Regehr, Travis Smith

Members Absent: Shawn Hiebert

Staff Present: Wendy Meyer, Clerk/Administrator

Others Present: None

**Call to Order and Election of Officers**

The clerk/administrator called the meeting to order. Nominations for chair were opened. Tim Janzen was nominated by Smith. There were no other nominations. Motion by Regehr, seconded by Harder, to cast a unanimous ballot for Janzen. Motion carried unanimously. Nominations for vice-chair were opened. Regehr was nominated by Smith. There were no other nominations. Motion by Smith, seconded by Braun, to cast a unanimous ballot for Regehr. Motion carried unanimously.

**Approval of July 29, Aug. 5 and Jan. 6 minutes**

The minutes were reviewed. Motion by Braun, seconded by Regehr, to approve the minutes as presented. Motion carried unanimously.

**Approval of Aug. through Dec. Building/Shingling Permits**

The permits were reviewed. Motion by Smith, seconded by Harder, to approve the permits. Motion carried unanimously.

**2013 Building/Shingling Summary**

The summary was reviewed. Twenty-eight building permits with a value of \$1,192,830 were issued in 2013 along with 138 shingling/siding permits. The majority of the value was due to the construction of the Pop'd Kerns building, in Jenny's Subd., on Hwy. 60. The number of shingling/siding permits was high due to a June hail storm. Only 38 shingling/siding permits were issued in 2012. Forty-seven building permits were issued in 2012 with a value of \$2,937,999.

**Animal Ordinance Review – Section 8.12**

The ordinance was reviewed. It was noted that an impound paragraph had been added to the farm animal section, and language in Subd. 8 was revised to make clear the subdivision controls domestic animals, especially dogs and cats. Subd. 6, Keeping of Farm Animals, Paragraph D.

Setbacks, #4 was discussed. Motion by Harder, seconded by Smith, to remove the 'Required Lot Size' column from the chart. Motion carried unanimously. Motion by Smith, seconded by Braun, to recommend the ordinance as amended to the council for approval. Motion carried unanimously.

**Adjourn**

Motion by Regehr, seconded by Harder, to adjourn at 6:03 p.m.

ATTEST:

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Wendy Meyer, Clerk/Administrator

**Ordinance #2-14**

**An Ordinance of the City of Mt. Lake  
Establishing Section 9.31  
Animal Overlay District (A)**

**The City Council of City of Mt. Lake ordains that Section 9.31 be adopted to read as follows:**

**SECTION 9.31 ANIMAL OVERLAY DISTRICT (A)**

**Subdivision 1. Purpose.** The intent of the district is to provide an overlay district adjacent to the boundaries of the city in which farm animals are allowed as a conditional use in a manner that controls noise, offensive odor, dust and fumes, and prevents nuisances that may disturb neighboring properties..

**Subdivision 2 District Boundaries.** The district is the area described outward from the city street or boundaries given below; see also Map 9.31.

Beginning at the intersection of County Rd. 1 and Mt. Lake Rd.;  
North on Co. Rd. 1 to Prince St.;  
Then west on Prince St. to 11<sup>th</sup> St.;  
Then north on 11<sup>th</sup> St. to Midway Rd.;  
Then west on Midway Rd to 10<sup>th</sup> St.;  
Then north on 10<sup>th</sup> St. to the city boundary.

There is no farm animal overlay district in the northwest portion of the city.

Beginning at the west end of the line extending west from the southwest corner of Lakeview Estates Subdivision to Golf Course Rd.;  
Then south on Golf Course Road to Co. Rd. 27;  
Then south on Co. Rd. 7 to 380<sup>th</sup> St./Mt. Lake Rd.;  
Then east on 380<sup>th</sup> St./Mt. Lake Rd. to intersection of Mt. Lake Rd. and Co. Rd. #1.

Adopted this 3rd day of March, 2014.

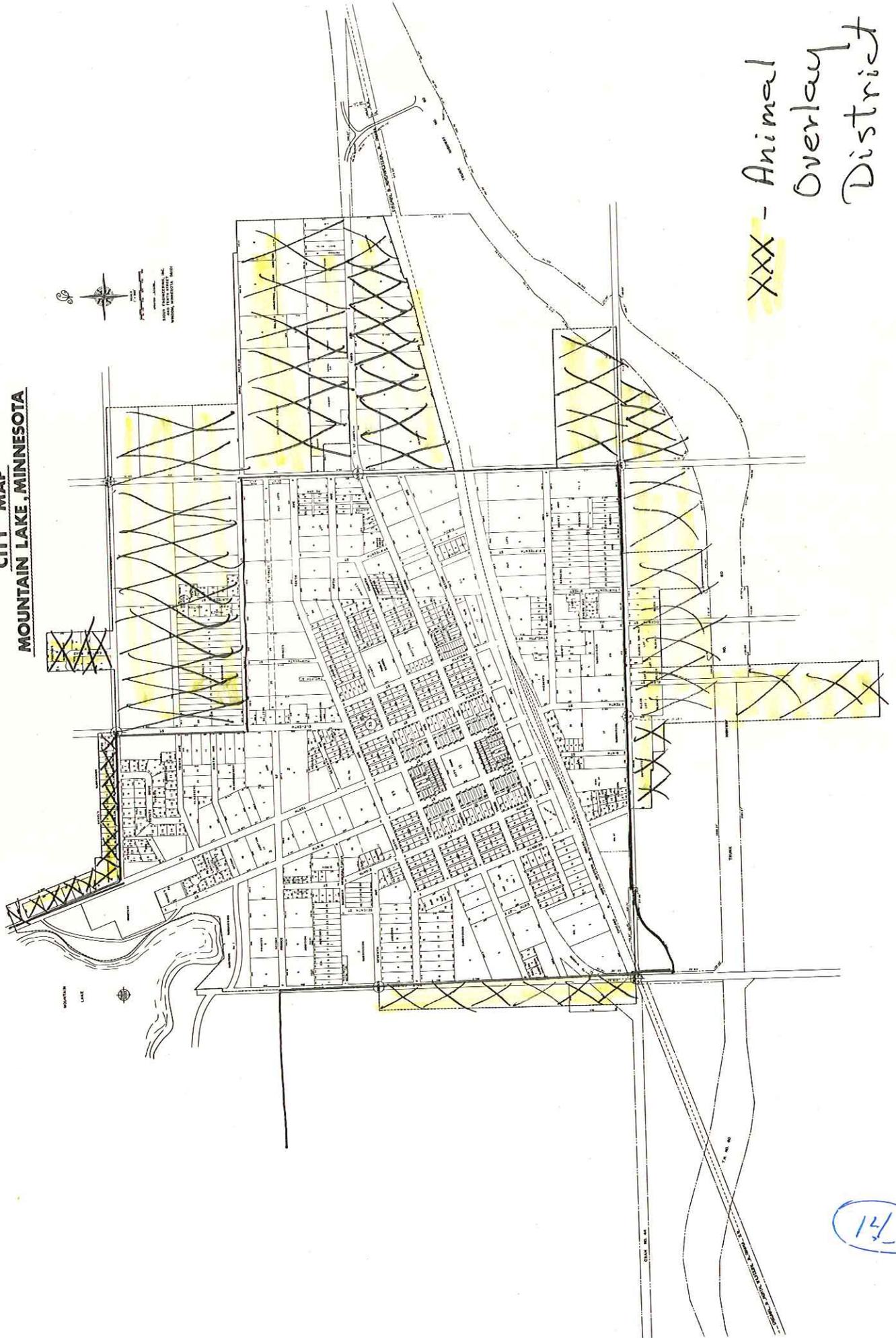
\_\_\_\_\_  
Dean Janzen, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Meyer, Clerk/Administrator

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**CITY MAP**  
**MOUNTAIN LAKE, MINNESOTA**



XXX - Animal  
Overlay  
District

14

**ORDINANCE NO. 3-14**

**An Ordinance of the City of Mountain Lake Amending  
Regulation of Animals within City Limits**

Be it ordained existing Section 8.12 of the Mountain Lake City code is repealed and new Sections 8.12 and 8.13 are adopted to read as follows:

**Section 8.12 Animal Regulation**

Subdivision 1. Definitions.

For the purpose of this Section:

- A. "Animal" shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as part of the animal kingdom. Animals shall be classified as follows:
1. "Domestic animals" shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
  2. "Non-Domestic animals" shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
    - (a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
    - (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
    - (c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
    - (d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

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- (e) Any poisonous, venomous, constructing, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
  - (f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish
3. "Farm animals" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), llamas, sheep, poultry, (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese potbellied pigs), goats, and other animals associated with a farm, ranch or stable.
4. "Bees" shall mean any stage of the common honeybee, *Apis mellifera*, or other Bees kept for the production of honey or wax.
- B. "Dangerous Animal" shall mean an animal which has caused damage to property or injury to a person, or which animal, but its actions, exhibits a propensity for causing imminent danger to persons or other domestic animals.
- C. "Running at Large" shall mean off the premises of the owner and not under the custody and control of the owner or his agent, either by leash, cord, chain, kennel or otherwise restrained or confined.

Subdivision 2. Ownership of Animals.

- A. Domestic. The keeping of domestic animals is allowed provided the standards required in Subd. 8 are met.
- B. Non-Domestic. It shall be illegal for any person to own possess, harbor or offer for sale any non-domestic animal within the city's limits. Any owner of such an animal shall have thirty days once notified in which to remove the animal from the City after which time the City may remove the animal. An exception shall be made to this prohibition for animals brought into the City as part of an operating zoo, scientific research laboratory, or a show or exhibition.
- C. Farm. The keeping of farm animals, with the exception of bees, will be allowed as a conditional use in the Farm Animal Overlay District when the requirements of Subdivision 6 are met. An exception shall be made for animals brought into the City as

part of an operating zoo, scientific research laboratory, veterinarian clinic, or show or exhibition.

- D. Bees. The keeping of bees will be allowed as a conditional use in the Residential (R) and General Commercial (C-2) Districts when the requirements as found in Subdivision 7 are met.

Subdivision 3. Animals in Transit. It is unlawful for any person to transport animals unless they are:

- A. Confined within a vehicle, cage or other means of conveyance, or,
- B. Restrained by means of bridles, halters, ropes or other means of individual restraint.

Subdivision 4. Treatment. It is unlawful for any person to keep any animal as herein defined, or any other animal, in any structure infested by rodents, vermin, flies or insects or inadequate for protection against the elements.

Subdivision 5. Trespass. It is unlawful for any person to herd, drive or ride any animal over and upon any grass, turf, boulevard, city park, cemetery, garden or lot without specific permission from the owner.

Subdivision 6. Keeping of Farm Animals.

- A. Definitions.

For the purpose of this Section:

1. Animal Unit. Animal unit is a standard measure for animals used for agricultural purposes. One thousand pounds equals one animal unit. Animal type and unit factor assigned to that animal are as follows:

<b>Dairy Cattle</b>		<b>Beef Cattle</b>		<b>Chicken</b>	
Cow over 1,000 lbs.	1.4	Slaughter steer of stock cow	1	Laying hen or broiler (liquid manure system)	.033
Cow under 1,000 lbs.	1	Feeder cattle or heifer	0.7	Chicken over 5 lbs. (dry manure system)	.005
Heifer	0.7	Cow & Calf Pair	1.2	Chicken under 5 lbs.	.003

				(dry manure system)	
<b>Swine</b>		<b>Horse</b>	1	<b>Turkeys</b>	
Over 300 lbs.	0.4	<b>Sheep &amp; Lambs</b>	0.1	Over 5 lbs.	0.018
Between 55 and 300 lbs.	0.3	<b>Llamas</b>	0.4	Under 5 lbs.	0.005
Under 55 lbs.	0.05			<b>Ducks</b>	0.01

2. Grazing Area. A supervised fenced area that provides space for exercise and foraging.

**B. Ownership of Farm Animals.**

1. The keeping of farm animals will be allowed as a conditional use in the Farm Animal Overlay District when the requirements found in this Subdivision are met. An application for a Conditional Use Permit shall be made to the City upon forms furnished by the City prior to the acquisition of any farm animal.
2. Farm animals are prohibited on property of less than one acre.
3. The minimum number of acres needed per animal unit for all animals with the exception of poultry and fowl is as follows:

Number of Animal Units	Minimum Number of Acres Required
1	1 – 2.5
2	2.5 – 5
3	5 - 7.5
4	7.5 – 10
5	10 – 14
6	14+

4. Fowl and poultry shall be limited to 10 per acre, up to a maximum of 120 animals.
5. The unit factor of thirty (30) or less fowl/ poultry will not be included when determining total number of animal units allowed on a property. The unit factor will be included when there are thirty-one (31) or more fowl/ poultry.

**C. Permit Application Requirements**

An application shall be filed with the Zoning Administrator on a form prescribed by the City. The following information is required:

1. Names and address of property owner, parcel number and legal description of the property.
2. Types and number of animal units for the intended farm animals.
3. A site plan or survey showing size of property, location of house(s), other buildings, fences and grazing areas.
4. If the fence is electrically charged, the location(s), dimensions and text of signage that notifies the public.
5. A detailed description of the manner in which feed will be stored, hay, straw and other bedding materials will be stored, manure and dead animals will be removed and odor and noise controlled.

D. Setbacks

1. Existing structures in place on the date of ordinance enactment shall be exempt provided the structure meets structure standards as found in Section E of this subdivision.
2. All structures and grazing areas shall be located on the rear lot.
3. Structures shall be no more than two and one half (2 ½) stories or thirty (30) feet maximum height.
4. Side and Rear Yard Setbacks required for all farm animals including fowl and poultry:

No. of Animal Units	Structure Setback	Grazing Area Setback
1	20'	10'
2	20'	15'
3	20'	15'
4	20'	20'
5	20'	20'
6	20'	30'

E. Structures

1. Any new structure or existing structure proposed for conversion to house farm animals shall be located in the rear yard of the lot.
2. The structure shall be designed and constructed to provide safe and healthy living conditions for farm animals while minimizing adverse impacts to neighboring lot owners.
3. The structure shall be well maintained. The use of scrap, waste board, sheet metal or similar materials as construction material is prohibited.

F. Fencing of Roaming and Grazing Areas.

1. Roaming and grazing areas shall be securely enclosed with suitable fencing materials that meet the requirements of Section 9.51, Permits and Requirements for Fences, Walls or Hedges.
2. Fences used to enclose grazing and roaming areas may be barbed wire or charged with electric current.
3. Fences charged with electric current shall have a warning sign of suitable size on each side of any roaming and grazing area.

G. Storage of Feed. Farm animal feed with the exception of hay or similar feed must be stored in leak-proof containers with a tight-fitting cover to prevent the attraction of vermin.

H. Hay, Straw and Other Bedding Materials

1. Hay, straw and other bedding materials must be stored in a structure or screened in a manner so they are not visible off the property.
2. Hay, straw and other bedding materials must be stored in a manner that does not attract rodents or other vermin.

I. Waste Storage and Removal

1. The property on which farm animals are kept shall be clean from filth, garbage, and any substance that attracts rodents or other vermin. The property must be cleaned frequently enough to control odor.

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2. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on neighboring properties.
3. Dead animals shall not be composted.
4. Dead animals must be removed from the property within 72 hours of death.

J. Odor and Noise

1. Excessive odor shall not be perceptible at the property boundaries
2. Excessive noise shall not be perceptible at the property boundaries.

K. Impounding

1. Any farm animal found in the City running at large, or otherwise in violation of this Section, shall be placed in an Animal Pound, and an accurate record of the time of such placement shall be kept on each animal.
  - a. Every animal so placed in an Animal Pound shall be held for redemption by the owner for a period of at least five regular business days.
  - b. Impoundment records shall be preserved for at least six months and shall show:
    - i. The description of the animal by specie, breed, sex, approximate age, and other distinguishing traits;
    - ii. The location at which the animal was seized;
    - iii. The date of seizure;
    - iv. The name and address of the person from whom any animal was received; and,
    - v. The name and address of the person to whom any animal three months of age or over was transferred. If unclaimed, such animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71
2. Notice of Impounding. Upon the impounding of any animal, the owner shall be notified by the most expedient means, or if the owner is unknown, written notice shall

be posted for five days at the City Hall describing the animal and the place and time of taking.

3. Release From Animal Pound. Animals shall be released to their owners, as follows:

- a. If such animal is owned by a resident of the City, after determination that the owner has a conditional use permit to own farm animals within city limits, and impounding maintenance cost has been paid.
- b. If such animal is owned by a person not a resident of the City, after payment of the impounding fee and maintenance.

4. Seizure by a Citizen.

- a. It is lawful for any person to seize and impound a farm animal so found running at large and shall within six hours thereafter notify the Police Department of said seizure.
- b. It shall be the duty of the Police Department to place said farm animal in the City Pound. If the name of the owner of such animal so seized is known to the person who first takes such animal into custody, he or she shall inform the Police Department of the name of the owner, and the address if known.

5. Immobilization of Animals.

For the purpose of enforcement of this Section any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching a farm animal.

6. Summary Destruction.

If a farm animal is diseased, vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after a reasonable effort or cannot be impounded without serious risk to the person attempting to impound, such animal may be destroyed in a humane manner.

L. General Provisions

1. Outdoor slaughtering and processing is prohibited.
2. No person shall keep roosters, or adult male chickens.
3. Cockfighting is prohibited.

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4. Breeding farm animals with the intent of establishing a business that regularly sells farm animals is expressly prohibited. The incidental sale of farm animals or sales to maintain animal unit limits or limits established by this ordinance is permitted.

#### Subdivision 7 Keeping of Bees

##### A. Definitions.

For the purpose of this Subdivision:

1. Apiary - Any place or location where one or more Colonies or Nuclei of Bees are kept
2. Beekeeper - A person who owns or has charge of one or more Colonies of Bees.
3. Beekeeping Equipment - Anything used in the operation of an Apiary, such as Hive bodies, supers, frames, top and bottom boards and extractors.
4. Bees - Means any stage of the common Honeybee, *Apis mellifera*, or other Bees kept for the production of honey or wax.
5. Colony - Means an aggregate of Bees consisting principally of workers, but having, when and at times drones, brood, combs, and honey.
7. Hive - The receptacle inhabited by a Colony that is manufactured for that purpose. One Hive houses one swarm consisting of one queen and worker Bees
8. Honey Bee - All life stages of the common domestic Honey Bee, *Apis mellifera* species, or other Bees kept for the production of honey or wax.
9. Nucleus Colony - A small quantity of Bees with a queen housed in a smaller than usual Hive box designed for a particular purpose.

##### B. Ownership of Bees.

The keeping of bees will be allowed as a conditional use in the Residential (R) and General Commercial District (C-2), when the requirements as found in this Subdivision are met. An Application for a Conditional Use Permit shall be made to the City upon forms furnished by the City prior to installing, altering or establishing a Colony of Bees within a Hive.

##### C. Permit Application Requirements:

An application shall be filed with the Zoning Administrator on a form prescribed by the City. The following information is required:

1. Names and address of beekeeper and property owner, parcel number and legal

description of property.

2. Number of hive(s) to be placed on property.
3. Current zoning of the property.
4. A site plan or survey, showing size of property, location of house(s) and other buildings on the property, location of structures on abutting properties, location of sidewalk(s), location of required water source, and location, dimensions, and text of sign notifying the public that bees and hive(s) are present.
5. Location of any schools or licensed child day care center within 200 feet.

D. Requirements for Hives:

1. Honey Bee Colonies may be kept only upon a Lot containing not more than a single dwelling unit, and within the Residential (R) and General Commercial (C-2) Districts, with the exception of Block 2, 3, 4, 5, Original Townsite.
2. Each Beekeeper shall ensure that a convenient source of water is available within twenty-five (25) feet of the Hive, stand boxes or apiaries.
3. No Bees shall be kept upon any land not owned or possessed by the keeper of such Bees.
4. A conspicuous sign(s) of suitable size and text identifying the site as housing Bees and warning of danger shall be posted in suitable location(s).
5. No person shall establish or maintain any Hive or keep any Bees on any premises within 50 feet of any occupied dwelling, except the dwelling of the owner of such Bees, or within 25 feet of any property line, sidewalk, alley or other public way as measured from the nearest point on the Hive to the property line, sidewalk, alley or other public right of way.
6. No Hive shall be kept or maintained within 200 feet of a school or licensed child day care center.
7. No Colony or Hive shall be kept or maintained within any front yard.
8. Colony Density.
  - a. The number of colonies on any residential or general commercial tract shall be determined by the Planning and Zoning Commission during the Conditional Use Public Hearing in consultation with the beekeeper. The following tract size and number of colonies guidelines shall be considered:

- i. One quarter-acre or less tract size: 2 colonies
  - ii. More than one-quarter acre but less than one-half acre tract size: 4 colonies
  - iii. More than one-half acre but less than one acre tract size: 6 colonies
  - iv. One acre or larger tract size: 8 colonies
- b. Regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
  - c. Regardless of tract size, so long as all property other than the tract upon which the hives are situated, that is within a radius of at least 200 feet from any hive, remains undeveloped property, there shall be no limit to the number of colonies.

#### E. Standards of Practice.

1. Each Beekeeper shall maintain Beekeeping Equipment in good condition, including keeping the Hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a Beekeeper's unused equipment attracted a swarm and that the Beekeeper is not intentionally keeping Bees.
2. Nothing in this article shall be deemed or construed to prohibit the keeping of Bees within a school for the purpose of observation, or within a physician's office or laboratory for the purpose of medical research, treatment, or other scientific purposes.
3. If the Beekeeper serves the community by removing a swarm or swarms of Honey Bees from locations where they are not desired, the Beekeeper shall not be considered in violation of the portion of this ordinance limiting the number of Colonies if they temporarily house the swarm on the Apiary Lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.
4. Honey Bee Colonies shall be kept in Hives with removable frames, which shall be kept in sound and usable condition.
5. Each Beekeeper shall ensure that no wax comb or other material that might encourage robbing by other Bees is left upon the grounds of the Apiary Lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
6. For each Colony permitted to be maintained under this ordinance, there may also be

maintained upon the same Apiary Lot, one Nucleus Colony in a Hive structure not to exceed one standard 9-5/8 inch depth 10-frame Hive body with no supers.

### Subdivision 8. Domestic Animals

#### A. Licensing of Dogs and Cats

1. License Required. It is unlawful for the owner of any dog or cat, six months of age or more, to fail to obtain a license therefore from the City.
2. Exceptions, Police Dogs and Service Animals. The provisions of this subchapter shall not apply to the ownership or use of seeing-eye dogs by blind persons, or dogs used in police activities of the city, such as canine corps or tracking dogs used by or with the permission of the Police Department. If the animal owned is a service animal which is capable of being properly identified as from a recognized school for seeing-eye, hearing ear, service or guide animals, and the owner is a blind or deaf person, or a person with physical or sensory disabilities, then no license shall be required.
3. License Issuance, Term and Renewal. All dog and cat licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies immunization of the animal for at least the term of the license. All dog and cat licenses shall expire on July 31 every second year, licenses being issued biennially. Application for license renewal, accompanied by a veterinarian's certificate, shall be made at least thirty (30) days prior to expiration of the license. Licensing shall not apply to the ownership or use of Seeing Eye dogs by blind persons, dogs used in police activities of the City, dogs whose owners are non-residents temporarily within the city, or dogs brought into the city for the purpose of participating in any dog show.
4. Tag Required. All licensed dogs and cats shall wear a collar and have a tag firmly affixed thereto evidencing a current license. A duplicate for a lost tag may be issued by the City upon presentation of the receipt showing the payment of the duplicate license fee. Tags shall not be transferable, and no refund shall be made on any license fee because of leaving the City or death of the animal before the expiration of the license. This provision shall not apply to animals that never leave the home.
5. Number Domestic Animals Permitted. It is unlawful for an owner of domestic animals to own more than a combination of three (3) animals, except that a fresh litter of animals may be kept for a period of six (6) months.

#### B. Running at Large Prohibited.

It is unlawful for any person who owns, harbors, or keeps a dog, cat or any other domestic animal to permit that animal to run at large. Dogs or cats on a leash and

accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."

C. Impounding.

1. Any dog, cat or other domestic animal found in the City without a license tag, running at large, or otherwise in violation of this Section, shall be placed in the Animal Pound, and an accurate record of the time of such placement shall be kept on each animal.
2. Every dog, cat or other domestic animal so placed in the Animal Pound shall be held for redemption by the owner for a period of at least five regular business days. A "regular business day" is one during which the Pound is open for business to the public for at least four hours between 8:00 o'clock A.M. and 7:00 o'clock P.M.
3. Impoundment records shall be preserved for at least six months and shall show:
  - a. The description of the animal by specie, breed, sex, approximate age, and other distinguishing traits;
  - b. The location at which the animal was seized;
  - c. The date of seizure;
  - d. The name and address of the person from whom any animal three months of age or over was received; and,
  - e. The name and address of the person to whom any animal three months of age or over was transferred. If unclaimed, such animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the animal, or a statement by the animal's owner after seizure specifies that the animal should not be used for research, such animal shall not be made available to any such institution but may be destroyed after the expiration of the five-day period.

4. Notice of Impounding.

Upon the impounding of any dog, cat or domestic animal, the owner shall be notified by the most expedient means, or if the owner is unknown, written notice shall be posted for five days at the City Hall describing the animal and the place and time of taking.

5. Release From Animal Pound.

Dogs, cats and other domestic animals shall be released to their owners, as follows:

- a. If such domestic animal is owned by a resident of the City, after purchase of a license, if unlicensed, and payment of the impounding fee and maintenance.
- b. If such domestic animal is owned by a person not a resident of the City, after immunization of any such animal for rabies, and payment of the impounding fee and maintenance.

6. Seizure by a Citizen.

- a. It is lawful for any person to seize and impound a dog, cat or other domestic animal so found running at large and shall within six hours thereafter notify the Police Department of said seizure.
- b. It shall be the duty of the Police Department to place said dog, cat or other domestic animal in the City Pound. If the name of the owner of such animal so seized is known to the person who first takes such animal into custody, he or she shall inform the Police Department of the name of the owner, and the address if known.

7. Immobilization of Animals.

For the purpose of enforcement of this Section any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog, cat or other domestic animal.

8. Summary Destruction.

If a dog, cat or other domestic animal is diseased, vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after a reasonable effort or cannot be impounded without serious risk to the person attempting to impound, such animal may be destroyed in a humane manner.

D. Rabies Control - Generally.

- 1 Every dog or cat which bites a person shall be promptly reported to the Police Department and shall thereupon be securely quarantined at the direction of the duty officer for a period of fourteen (14) days, and shall not be released from such quarantine except by written permission of the City. In the discretion of the duty officer, such quarantine may be on the premises of the owner or at the veterinary hospital of duty officer's choice. If the animal is quarantined on the premises of the owner, the City shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the case of a stray animal or in the case of an

animal whose ownership is not known, such quarantine shall be at the animal pound, or at the discretion and designation of the Chief of Police the animal may be confined in a veterinary hospital

2. The owners, upon demand made by the Police Department or its designee, shall forthwith surrender any dog or cat which has bitten a human, or which is suspected as having been exposed to rabies, for the purpose of supervised quarantine. The expenses of the quarantine shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in this Section and upon compliance with licensing provisions set forth in this Section.
3. When a dog or cat under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the City shall immediately send the head of such animal and rabies data report to the State Health Department for pathological examination and shall notify all persons concerned of the results of such examination.
4. The City shall issue such proclamation and take such action when rabies is suspected or exists as is required by Minnesota Statutes.
5. Reports of Bite Cases.

It is the duty of every physician, or other practitioner, to report to the Police Department the names and addresses of persons treated for bites inflicted by dogs or cats, together with such other information as will be helpful in rabies control.

6. Responsibility of Veterinarians.

It is the duty of every licensed veterinarian to report to the Police Department the diagnosis of a dog or cat observed by the licensed veterinarian as a rabies suspect.

#### E. Animals in Heat.

Except for controlled breeding purposes, every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contact with other animals.

#### F. Animal Waste.

1. It is unlawful for any owner to:

- a. Suffer or permit a dog, cat or other domestic animal to defecate upon public property, or the private property of another, without immediately removing the excrement and disposing of it in a sanitary manner;
- b. Suffer or permit a dog, cat or other domestic animal to be upon public property, or the private property of another, unless such animal is in the

- custody of a person of suitable age and discretion having in his possession equipment and supplies for excrement removal;
- c. Permit excrement to accumulate for a period in excess of seven (7) days on premises occupied by the owner without removal and sanitary disposal.

#### G. Habitual Barking.

It shall be unlawful for any person to keep or harbor a dog, which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least three (3) minutes with less than one (1) minute of interruption. Such barking must also be audible off of the owner or caretaker's premises.

#### H. Damage to Property.

It shall be unlawful for any person's dog or cat to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this subdivision may be impounded as provided in this Section or a complaint may be issued by anyone aggrieved by an animal under this Section, against the owner of the animal for prosecution under this Section.

#### I. Staking of Dogs.

1. Any owner who chooses to restrain or control a dog by affixing a leash to a stake, picket, or other immobile object must do so in a manner that restrains the animal as follows:

10 feet from any property line;

10 feet from any sidewalk.

#### J. Regulations of Kennels.

1. Any owner who chooses to restrain a dog in a fenced or caged area, also known as a kennel, must do so in a manner as follows:
  - a. Locate such kennel 10 feet from any property line;
  - b. Such kennel may not be located in the front yard;
  - c. The minimum floor size of such kennel must be 32 square feet;
  - d. The side walls of the kennel shall have a minimum height of 5 feet and be constructed of 11 gauge or heavier wire;
  - e. The kennel area shall provide for some coverage to protect the animal from the elements;

- f. The entrance or gate shall be equipped with a device capable of being secured in a fashion suitable to prevent the animal from escaping.

Subdivision 9. Adoption of Fees.

All fees for conditional use permitting, licensing, impounding and maintenance of animals, including penalties for late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Administrator and open to inspection during regular business hours.

Subdivision 10. Penalty.

Any violation of this section is punishable as a petty misdemeanor.

## **Section 8.13 Regulation of Potentially Dangerous and Dangerous Dogs**

### Subdivision 1. Terms.

- A. Dangerous dog. “Dangerous dog” means any dog that has:
1. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
  2. Killed a domestic animal without provocation while off the owner’s property; or
  3. Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- B. Potentially Dangerous Dog. “Potentially dangerous dog” means any dog that:
1. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
  2. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner’s property, in an apparent attitude of attack; or
  3. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- C. Proper Enclosure. “Proper enclosure” means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog 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 obstacles that prevent the dog from exiting.
- D. Owner. “Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.
- E. Substantial Bodily Harm. “Substantial bodily harm” has the meaning given it under Minn. Stat. Section 609.02, Subdivision 7a.
- F. Great Bodily Harm. “Great bodily harm” has the meaning given it under Minn. section 609.02, subdivision 8.
- G. Provocation. “Provocation” means an act that an adult could reasonably expect may cause a dog to attack or bite.

Subdivision 2. Requirement. No person may own a dangerous dog.

Subdivision 3. No person may own a potentially dangerous dog unless the dog is registered as provided in this section.

- A. The police dept. or its agent acting as the animal control authority shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner presents sufficient evidence that:
1. An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration. The owner must have a posting on the premises with a clearly visible warning sign that there is a potentially dangerous dog on the property, including a warning symbol to inform children;
  2. A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the police department in the sum of at least \$300,000, payable to any person injured by the potentially dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the potentially dangerous dog.
- B. Warning symbol. If the police department issues a certificate of registration to the owner of a potentially dangerous dog pursuant to subdivision 3.A., the police department must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a potentially dangerous dog on the property. The warning symbol must be the uniform symbol provided by the Minnesota Commissioner of Public Safety. The police department may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.
- D. Tag. A potentially dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

- E. Fee and Registration. The registration must be renewed annually. The police department may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a potentially dangerous dog under this section.
- F. Potentially dangerous dog designation review. Beginning six months after a dog is declared a potentially dangerous dog, an owner may request annually that the police department review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the police department finds sufficient evidence that the dog's behavior has changed, the authority may rescind the potentially dangerous dog designation.
- G. An owner of a potentially dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.
- H. A person who owns a potentially dangerous dog and who rents property from another where the potentially dangerous dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a potentially dangerous dog that will reside at the property.
- I. A person who transfers ownership of a potentially dangerous dog must notify the new owner that the animal control authority has identified the dog as potentially dangerous. The current owner must also notify the police department in writing of the transfer of ownership and provide the police department with the new owner's name, address, and telephone number.

Subdivision 4. Exemption. Dogs may not be declared dangerous or potentially dangerous if they threaten, injure, or damage was sustained by a person:

1. Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
2. Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

3. Who was committing or attempting to commit a crime.

Subdivision 5. Hearing. The owner of any dog declared dangerous or potentially dangerous has the right to a hearing by an impartial hearing officer.

Subdivision 6. Notice. The authority declaring the dog dangerous or potentially dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

1. A description of the seized dog; the authority for and purpose of the dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous or potentially dangerous; and the telephone number and contact person where the dog is kept;
2. A statement that the owner of the dog may request a hearing concerning the dog declaration and, if applicable, prior potentially dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;
3. A statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of section 8.13, until such time as the hearing officer issues an opinion;
4. A statement that if the hearing officer affirms the dog declaration, the owner will have 14 days from receipt of the decision to comply with all other requirements of Section 8.13.;
5. A form to request a hearing under this subdivision; and
6. A statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds the seizure or impoundment was not substantially justified by law.

Subdivision 7. Right to hearing. Any hearing must be held within 14 days of the request to determine the validity of the dog declaration. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the hearing. In the event that the dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The

hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the police department.

Subdivision 8. A person who violates a provision of Section 8.13 is guilty of a misdemeanor.

Subdivision 9. Extreme Circumstances. Notwithstanding, a dog may be destroyed in a proper and humane manner by the animal control authority if the dog:

1. Inflicted substantial or great bodily harm on a human on public or private property without provocation;
2. Inflicted multiple bites on a human on public or private property without provocation;
3. Bit multiple human victims on public or private property in the same attack without provocation or
4. Bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

Subdivision 10. Hearing. The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker.

### **Section 8.13 Regulation of Potentially Dangerous and Dangerous Dogs**

#### Subdivision 1. Terms.

A. Dangerous Dog. "Dangerous dog" means any dog that has:

1. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
2. Killed a domestic animal without provocation while off the owner's property; or
3. Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

B. Potentially Dangerous Dog. "Potentially dangerous dog" means any dog that:

1. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
2. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

3. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- C. Proper Enclosure. "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog 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 obstacles that prevent the dog from exiting.
  - D. Owner. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.
  - E. Substantial Bodily Harm. "Substantial bodily harm" has the meaning given it under Minn. Stat. Section 609.02, Subdivision 7a.
  - F. Great Bodily Harm. "Great bodily harm" has the meaning given it under Minn. Stat. Section 609.02, Subdivision 8.
  - G. Provocation. "Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite.

Subdivision 2. Requirement. No person may own a dangerous dog.

Subdivision 3. No person may own a potentially dangerous dog unless the dog is registered as provided in this section.

- A. The police dept. or its agent acting as the animal control authority shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner presents sufficient evidence that:
  1. An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration. The owner must have a posting on the premises with a clearly visible warning sign that there is a potentially dangerous dog on the property, including a warning symbol to inform children;

2. A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the police department in the sum of at least \$300,000, payable to any person injured by the potentially dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the potentially dangerous dog.
- B. Warning Symbol. If the police department issues a certificate of registration to the owner of a potentially dangerous dog pursuant to subdivision 3.A., the police department must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a potentially dangerous dog on the property. The warning symbol must be the uniform symbol provided by the Minnesota Commissioner of Public Safety. The police department may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.
  - C. Tag. A potentially dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.
  - D. Fee and Registration. The registration must be renewed annually. The police department may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a potentially dangerous dog under this section.
  - E. Potentially dangerous dog designation review. Beginning six months after a dog is declared a potentially dangerous dog, an owner may request annually that the police department review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the police department finds sufficient evidence that the dog's behavior has changed, the authority may rescind the potentially dangerous dog designation.
  - F. An owner of a potentially dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

G. A person who owns a potentially dangerous dog and who rents property from another where the potentially danger dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a potentially dangerous dog that will reside at the property.

H. A person who transfers ownership of a potentially dangerous dog must notify the new owner that the animal control authority has identified the dog as potentially dangerous. The current owner must also notify the police department in writing of the transfer of ownership and provide the police department with the new owner's name, address, and telephone number.

Subdivision 4. Exemption. Dogs may not be declared dangerous or potentially dangerous if they threat, injury, or damage was sustained by a person:

1. Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
2. Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
3. Who was committing or attempting to commit a crime.

Subdivision 5. Hearing. The owner of any dog declared dangerous or potentially dangerous has the right to a hearing by an impartial hearing officer.

Subdivision 6. Notice. The authority declaring the dog dangerous or potentially dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

1. A description of the seized dog; the authority for and purpose of the dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous or potentially dangerous; and the telephone number and contact person where the dog is kept;
2. A statement that the owner of the dog may request a hearing concerning the dog declaration and, if applicable, prior potentially dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;

3. A statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of section 8.13, until such time as the hearing officer issues an opinion;
4. A statement that if the hearing officer affirms the dog declaration, the owner will have 14 days from receipt of the decision to comply with all other requirements of Section 8.13.;
5. A form to request a hearing under this subdivision; and
6. A statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds the seizure or impoundment was not substantially justified by law.

Subdivision 7. Right to Hearing. Any hearing must be held within 14 days of the request to determine the validity of the dog declaration. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the hearing. In the event that the dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the police department.

Subdivision 8. A person who violates a provision of Section 8.13 is guilty of a misdemeanor.

Subdivision 9. Extreme Circumstances. Notwithstanding, a dog may be destroyed in a proper and humane manner by the animal control authority if the dog:

1. Inflicted substantial or great bodily harm on a human on public or private property without provocation;
2. Inflicted multiple bites on a human on public or private property without provocation;
3. Bit multiple human victims on public or private property in the same attack without provocation or
4. Bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

Subdivision 10. Hearing. The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker.

Passed and approved this 3<sup>rd</sup> day of March, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

Motion Carried  
Ayes  
Nays  
Abstain

Published in the Mountain Lake Observer on \_\_\_\_\_, 2014.

**Ordinance #4-14**

**An Ordinance of the City of Mt. Lake**

**Amending Sections 9.10 Zoning Use Districts; 9.11 Residential District; 9.21 General Commercial District; 9.30 Industrial District; 9.50 General Requirements; and 9.51 Permits and Requirements for Fences, Walls, or Hedges; Regarding the Ownership of Farm Animals**

The City Council of the City of Mountain Lake does ordain:

That Section 9.10 in hereby amended to include an additional paragraph, designated as Paragraph #7 *Animal (A) Overlay District*.

That Section 9.11 Subd. 3 Residential (R) Conditional Uses is hereby amended to include an additional paragraph, designated as #18 *Farm Animals when in the Animal (A) Overlay District*.

That Section 9.21 Subd. 3 General Commercial (C-2) Conditional Uses is hereby amended to include an additional paragraph, designated as #14 *Farm Animals when in the Animal (A) Overlay District*.

That Section 9.30 Subd. 3 Industrial (I) Conditional Uses is hereby amended to include an additional paragraph, designated as #6 *Farm Animals when in the Animal (A) Overlay District*.

That Section 9.51 Fences, Subd. 2 .B. be repealed and a new 2. B. is adopted that reads as follows:

*'No fence shall contain barbed wire except those used to enclose grazing and roaming areas in the Animal Overlay District, or those areas used for open storage, or requiring public protection, which may be enclosed with industrial chain link fence of at least seven (7) feet topped with three (3) strands of barbed wire, provided it projects over the property on the private side of the fence.'*

That Section 9.51, Fences Subd. 2. C. is repealed and a 2.C. be adopted that reads as follows:

*'No fence shall be charged with electric current, except those used to enclose grazing and roaming areas in the Animal Overlay District.'*

That Section 9.51, Fences, Subd.3. A. be repealed and a new 3. A. be adopted that reads as follows:

*'No fence or wall shall be constructed of any electrically charged element or barbed wire except those used to enclose grazing and roaming areas in the Animal Overlay District.'*

That Section 9.51, Fences, be amended to Subd. 4.5 *Animal Overlay District Regulations* that reads as follows:

- A. *Farm animal roaming and grazing areas in the Animal Overlay (A) District shall be securely enclosed with suitable fencing materials that meet the requirements of Section 8.12 Animal Regulation, Subd. 6. Fencing of Roaming and Grazing Areas.*
- B. *Fences in the Animal (A) Overlay District used to enclose grazing and roaming areas may be barbed wire or charged with electric current.*
- C. *Fences in the Animal Overlay (A) District charged with electric current shall have a warning sign of suitable size on each side of any roaming and grazing area.*

Passed and approved on this 3<sup>rd</sup> day of March, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk/Administrator

Published in the Mt. Lake Observer/Advocate on \_\_\_\_\_, 2014.

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## Status of Private Sewer Line Replacements

In 2012 115 properties received letters. Those that needed replacement were given one year.

As of 2-24-14

33 properties met city ordinance and did not need to replace.

21 properties received a recommendation to replace.

29 properties required to replace have had the work done.

12 properties required to replace are on either Lohrenz's or Nickel's list.

17 properties required to replace have taken no action that the utility is aware of.

3 properties first sent a 'meets the ordinance' letter were sent 'required to replace' letters in 2013 after further inspection. The work does not have to be done until 2014.

At their Feb. 27 meeting the Utility Commission discussed the 17 properties that received a 'required to replace' letter in 2012 that have taken no action that the utility is aware of. The Commission directed the administrator to send letters to these properties giving them 30 days to notify the utility that the line has been replaced by someone other than Lohrenz and Nickel, or to get their property on a contractor's 2014 project list and notify the utility that they are now on a list.

\*\*\*\*\*

In 2013 139 properties received letters. Those that needed replacements were also given one year. That deadline falls from August to November of 2014.

As to 2-27-14

49 properties met city ordinance and did not need to replace.

10 properties received a recommendation to replace.

12 properties required to replace have had the work done.

34 properties required to replace are on either Lohrenz's or Nickel's list.

34 properties required to replace have taken no action that the utility is aware of.

STATE OF MINNESOTA  
EMERGENCY MEDICAL SERVICES REGULATORY BOARD

BOARD ORDER NUMBER: PSA-2014-02-EMSRB

SUMMARY APPROVAL OF PRIMARY SERVICE AREAS

SUMMARY APPROVAL OF PRIMARY SERVICE AREA CHANGES FOR THE FOLLOWING AMBULANCE SERVICES:

- Fulda Ambulance – EMSRB #0367
- Heron Lake Ambulance – EMSRB # 0106
- Lamberton Ambulance – EMSRB # 0131
- Mountain Lake Ambulance – EMSRB # 0171
- Springfield Ambulance – EMSRB # 0236
- Walnut Grove Ambulance – EMSRB # 0257
- Westbrook Ambulance – EMSRB # 0264
- Windom Ambulance – EMSRB # 0270

I. Authority: Minnesota Statutes 144E.07

Minnesota Statutes 144E.07 provides a process for licensed ambulance services to change primary service areas (PSAs). Upon receipt of a complete application demonstrating compliance with the criteria specified in this statute, the EMSRB may approve the proposed PSA changes without requiring a contested case hearing.

II. Background Information

The above listed ambulance services have requested changes in each of their respective PSAs within Cottonwood County to improve coverage, improve coordination with the 911 Public Safety Answering Points (PSAPs) and to improve efficiency of ambulance service operations. The application for PSA changes was received by the EMSRB following a meeting with Jeffers Ambulance Service - License #0119 in December 2013, regarding Jeffers ability to provide continual service in their PSA due to staffing shortages. As a result of this meeting and the final approval of these PSA changes, Jeffers Ambulance will relinquish their ambulance service license #0119. The summary approval changes are considered complete as of the date of this Board decision.

III. Staff Comment

Staff review of the application affirms that statutory criteria specified in Minnesota Statutes 144E.07 have been met. The proposed PSA and/or change for each of the affected licensed ambulance services are attached to this EMSRB action. Revised PSAs will be forwarded to each ambulance service and to the Public Safety Answering Point (PSAP) upon approval of this Board Order.

Through the PSA summary approval process, all licensed ambulance services included in this Board Order have agreed to eliminate current PSA overlaps in Cottonwood County and accept PSA in area that was previously assigned to Jeffers Ambulance Service – License #0119, to ensure all areas are covered by ambulance service in Cottonwood County. Approval of this Board Order will result in Jeffers Ambulance Service – License #0119 relinquishing their current license. Staff recommends the PSA Summary Approval changes for the above listed ambulance services be approved.

IV. EMSRB Action

Approve     Deny     Other

2/18/14  
Date

Pamela Biladeau  
Pamela Biladeau, Executive Director

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Minnesota Emergency Medical Services Regulatory Board (EMSRB)  
PRIMARY SERVICE AREA

Ambulance Service: MOUNTAIN LAKE AMBULANCE SERVICE, MOUNTAIN LAKE

EMS#: 0171

Region: Southwest

Service Level: Basic Life Support

The Primary Service area is within the following Counties: Cottonwood, Jackson & Watonwan

Townships:

In Cottonwood Co.:

Mt. Lake Township	T105NR34W
Lakeside Township	T105NR35W - sections 1 through 3, 10 through 15, 22 through 27, 34 through 36
Midway Township	T106NR34W
Carson Township	T106NR35W - sections 1 through 5, 10 through 15, 22 through 27, 34 through 36
Selma Township	T107NR34W
Delton Township	T107NR35W - sections 1 through 3, 10 through 15, 20 through 29, 32 through 36

In Jackson Co.:

Kimball Township T104NR34W - sections 1 through 5, 9 through 16, 21 through 24

In Watonwan Co.:

Odin Township	T105NR33W – sections 3 through 10, 15 through 22, 27 through 34
Butterfield Township	T106NR33W – sections 3 through 10, 15 through 22, 27 through 34

This primary service area is the legal primary service area designated by the EMSRB. Any proposed changes must be reported to the EMSRB for prior approval.

Revised: 2014-02.21 approved

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## Law Enforcement Labor Services, Inc.

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327 YORK AVENUE | ST. PAUL, MN 55130-4090  
(651) 293-4424 Fax (651) 293-0203

February 26, 2014

Josh Tilsen, Commissioner  
BUREAU OF MEDIATION SERVICES  
1380 Energy Lane, Suite 2  
St. Paul, MN 55108

Dear Commissioner Tilsen:

Law Enforcement Labor Services, Inc. hereby requests a list of arbitrators in the matter of L.E.L.S. and the City of Mountain Lake involving a grievance filed by Officer Ken Bradford.

On January 7, 2014 Officer Bradford filed a grievance according to provisions in Article 7 of the grievance process defined in the collective bargaining agreement regarding the denial of paid funeral leave surrounding the death of his grandfather. The grievance was denied at every level of the grievance process. The Union will now pursue this issue to arbitration.

The Employer Representative is:

Attn: City Administrator Wendy Meyer  
930 Third Ave., Box C  
Mt. Lake, MN 56159

We appreciate the attention you give to this request.

Respectfully submitted,

Len McFarland  
L.E.L.S. Business Agent  
651-293-4424

cc: Officer Bradford  
Steward Officer Mathiowetz