

Mountain Lake City Council Meeting
Mountain Lake City Hall
Monday, August 1, 2016
6:30 p.m.

AGENDA

1. Meeting called to order by Mayor Mike Nelson
 - * Further information on agenda item is attached

2. Approval of Agenda and Consent Agenda
 - a. Approval of Bills: Check #'s and Payroll Checks – will be available at meeting
 - b. Approval of July 18 Council Minutes*(1-3)
 - c. Approval of June 14 Police Commission Minutes*(4)
 - d. Approval of July 14 Utilities Commission Minutes*(5-6)
 - e. Approval of June 8 Library Board Minutes, June Library Report and Expenditures*(7-9)
 - f. Hire Levi Grams effective August 1, Street Dept.

3. Public – A total of ten (10) minutes is allotted for individuals to briefly discuss a topic of concern with the Council.

4. 6:40 PM, Public Hearing and Final Reading, Ordinance #7-16, Opting-Out of the Requirements of MN Statutes, Section 462.3593*(10)

5. First Reading, Ordinance #8-16, Amending Section 7.04 Cemetery Regulation*(11)

6. First Reading, Ordinance #9-16, Establishing Section 9.15 Temporary Family Health Care Dwelling*(12-14)

7. Street Maintenance Discussion, Barga Inc.
 - a. 2016 Paved Streets Budget*(15)

8. Review of Ordinance #3-14, Section 8.12 Regulation of Animals within City Limits*(16-34) *Sections dealing with chickens have been starred.*

9. 2017 Budget Discussion

10. Salaries and Per Diems*(35)

DRAFT
Mountain Lake City Council Meeting
Mountain Lake City Hall
Monday, July 18, 2016
6:30 p.m.

Members Present: Mike Nelson, Dana Kass, David Savage, Andrew Ysker

Members Absent: Darla Kruser

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

Others Present: Andy Kehren, Bolton & Menk, City Engineers; Doug Regehr

Call to Order

Mayor Nelson called the meeting to order at 6:30 p.m.

Agenda and Consent Agenda

Motion by Kass, seconded by Ysker, to amend the consent agenda with the addition of 2j. Appoint Mike James to the Lake Commission; and 4b. Point Source Implementation Grant Application. Motion carried unanimously. Motion by Savage, seconded by Ysker, to approve the consent agenda as amended and the agenda as presented. Motion carried unanimously.

Bills: Check #'s 9918942 – 9919010 & 441E

Payroll Checks # 62556 - 62595

July 5 Council Minutes

May 11 Library Board Minutes, May Library Report and May Expenditures

June 13 Lake Commission Minutes

June 10 EDA Minutes

April 11 Tree Commission Minutes

June 9 Utilities Commission Minutes

Accept resignation of Jay Scheid from Lake Commission effective July 5, 2016

Appoint Mike James to Lake Commission

Public

No one present addressed the council during this portion of the meeting.

Kuechle Underground v. City of Mountain Lake

Motion by Ysker, seconded by Kass, to open the closed meeting to discuss litigation as per MN Statute 13D.05, Subd. 3b at 6:33 PM. Motion carried unanimously. Motion by Kass, seconded by Savage, to close the closed meeting and open the open meeting at 6:58 PM. No action taken. Motion by Savage, seconded by Ysker, to approve the Settlement Agreement and Release and Exhibit B as presented. Motion carried unanimously.

Resolution #19-16 Approving a Point Source Implementation Grant (PSIG) Application

Andy Kehren, Bolton and Menk, city engineer, was present to discuss the MN Public Facilities Authority's (PFA) PSIG program. The upcoming wastewater treatment project should be eligible for the grant. The grant does not increase the amount of grant money the city is eligible to receive, but will enable the city to access another source of funding thereby reducing the city's dependency on Wastewater Infrastructure Fund (WIF) grant dollars. Motion by Savage, seconded by Ysker, to adopt Resolution #19-16 and submit the application to PFA. Motion carried unanimously.

Cemetery

There was discussion on the current ordinance which requires a burial before a tombstone can be placed on a lot. By consensus the council agreed to remove the requirement and directed the administrator to prepare an ordinance for council consideration at their August 1 meeting.

2017 Capital Improvement Plan

The plan was reviewed. Motion by Ysker, seconded by Kass, to adopt the plan. Motion carried unanimously.

Resolution #17-16R, 1406 Third Ave.

The resolution was revised to reflect the changes that have occurred on the property. Motion by Kass, seconded by Savage, to adopt Resolution #17-16R. Motion carried unanimously.

Second Reading, Ordinance #6-16, Temporary Family Health Care Dwellings Opt-Out

The proposed ordinance was considered a second time. No action taken.

Local Temporary Family Health Care Dwelling Ordinance

Various aspects of a possible ordinance were discussed. An ordinance will be drafted for the council's review at the August 1 council meeting.

Revision of Police Department Policies

In response to a MN Board of Peace Officer Training Standards (POST) review of the department revisions to several policies need to be made. Motion by Kass, seconded by Ysker, to adopt revised 'Avoiding Racial Profiling', 'Procession of Property Seized for Administrative

Forfeiture', 'Domestic Abuse Response and Arrest', and 'Police Pursuit'. Motion carried unanimously.

Power Plant Engine Emission Control Project

Three engines need to be brought into compliance with National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocal Internal Combustion Engines (RICE) if they are to be used for back-up generation. The other two engines in the power plant were brought into compliance early this year. Two bids were received, and reviewed by the Utility Commission. The commission is recommending that Farabee Mechanical be awarded the work. Motion by Savage, seconded by Kass, to award the work to Farabee at a cost of \$251,709 (\$203,255 emission controls and \$48,454 for heat shield silencers). Motion carried unanimously. The commission also directed that Utilities Plus Energy Services (UPES) the city's engineers for the project to solicit quotes for replacing Miratech monitors with Johnson Matthey units, and adding silencers to the two engines brought into compliance earlier this year.

Review of the 2016 Budget

Income and expenses for the first half of the year were reviewed. No action taken.

Part-time Parks Position

The council was updated on the work being done to fill the position.

Salaries and Per Diems

The matter was tabled to the August 1 council meeting.

Miscellaneous

Notice of the upcoming Insurance Services Office (ISO) review of the building code department; the approval of the city's update wastewater treatment facility plan by MN Pollution Control Agency (PCA) and the results of a MN Dept. of Health's (MDH) inspection of the city's public water system were briefly reviewed.

Adjourn

The meeting was adjourned at 7:55 PM.

ATTEST:

Wendy Meyer, Clerk/Administrator

July minutes

Doug Bristol

From:
Sent: Tuesday, June 14, 2016 10:09 PM
To: dbristol@mountainlakemn.com
Subject: June Police Commission

14JUNE2016 Police Commission Minutes

Members Present: Christopher Boldt, Norm Kunkel, Garrett Wall, Sue Garloff, Police Chief Doug Bristol, and City Administrator Wendy Meyer

Call to order: Chris B

May minutes read and approved, Motion: Garrett, Second: Sue

Chief's report: 70 calls

Old Business: New squad car in service.

-3700 miles since May 9, 2016

-learning curve with the new camera/recording system in squad, possibly tweak if the issues continue.

Cost of 2016 Ford Explorer

-36,171.99 taken out of savings and reported to new city budget.

-8300.00 received in sale of Dodge squad car.

-21814.79 rolled back into police squad savings account.

Motion to approve: Garrett, Second: Sue

New Business:

Beginning the process of hiring replacement part-time peace officers. When the Pow Wow festivities conclude, Chief Bristol will begin placing ads, these will be ready to circulate or circulating before July 2016 commission meeting.

Motion to adjourn: Garrett, Second: Sue

Sincerely submitted: Christopher Boldt

DRAFT
Regular Meeting
Mt. Lake Utilities Commission
Thursday, July 14, 2016
7AM

Members Present: Commissioners Mike Johnson, Todd Johnson, Mark Langland, Brett Lohrenz

Members Absent: Commissioner John Carrison; David Savage, Council Liaison

Staff Present: Wendy Meyer, Clerk/Administrator; Lynda Cowell, Utilities Office Manager; Patrick Oja, Lineman; Kevin Krahn, Water and Wastewater Supt.; David Watkins, Water and Wastewater Worker

Others Present: None

Call to Order

The meeting was called to order at 7 AM.

Approval of Minutes and Bills

There were no additions to the agenda. Motion by M. Johnson, seconded by B. Lohrenz, to approve the July 9 Minutes and Check Numbers 16305 -16394. Motion carried.

Diesel Engine Emission Controls

Two bids for the work were opened on July 12, 2016. The three Fairbanks-Morse engines in the power plant need to be made compliant with National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE). Bob Palmquist, Utilities Plus Energy Services, the engineer for the project is recommending that the work be awarded to Farabee Mechanical, base bid of \$203,255, and Alternative 1- silencer heat shields of \$48,454 with a 98 day completion time. There was discussion on substituting Johnson Matthey monitors for the Miratech monitors in the bid and putting heat shields on the other two engines' silencers. Motion by Lohrenz, seconded by M. Johnson, to recommend to the Council that the bid be awarded to Farabee at a total cost of \$251,709. Motion carried. Motion by Langland, seconded by T. Johnson, to get quotes on replacing the Miratech monitors with Johnson Matthey and the cost of heat shields on the other two engines. Motion carried.

Wastewater Treatment Facility Aerators

The City of Butterfield is interested in purchasing the wastewater department's ten old aerators. They are not being used and the department has no use for them. Motion by M. Johnson, seconded by Lohrenz to sell the aerators at the best price Krahn can negotiate. Motion carried.

Miscellaneous

Letters from MN Pollution Control Agency (MPCA) approving the Wastewater Treatment Facility Plan and MN Dept. of Health (MDH) issuing the Community Public Water System Inspection were reviewed.

Community Solar Project

Discussion was held on several ways the Utility participate in a community solar project driven by Central MN Power Agency and Services (CMPAS). By consensus the commission agreed that at this time the utility will not participate.

Adjourn

The meeting was adjourned at 7:33AM.

ATTEST:

Wendy Meyer, Clerk/Administrator

6

Mountain Lake Public Library Board Minutes
June 8, 2016

Members Present: Marci Hernandez, Dennis Cords, Vickie Krueger, Barrie Wright, Diane Englin, Carol Lehman-Director

Members Absent: None

Others Present: None

The meeting was called to order at 4:00 p.m. by chairman, Barrie Wright.

M/S/P Englin/Cords to approve the minutes of the May 11, 2016 meeting.

Carol presented the May monthly report indicating 2,732 total circulation and expenditures in the amount of \$1,769.86. **M/S/P Krueger/Englin** to accept the report as given and approve the May expenditures.

Old Business: None

New Business: Fall program ideas were discussed. Carol will check into the Laura Ingalls Wilder program presented by historian/performer, Melanie Stringer. Another possible program is a presentation on birds by author and wildlife photographer, Stan Tekiela.

Library Activity Report for May was given.

Meeting adjourned at 4:50 p.m. by chairman, Barrie Wright.

NEXT MEETING: Wednesday July 20, 2016 – 4:00 p.m.

Respectfully submitted,

Marci Hernandez, secretary

CITY OF MOUNTAIN LAKE
PUBLIC LIBRARY REPORT
MONTH OF June, 2016

CIRCULATION AND USE

Adult fiction			_____
Adult nonfiction			_____
Non print (includes videos, cassettes, art prints, etc.)			_____
Juvenile			_____
Periodicals			_____
TOTAL CIRCULATION			<u>3,042</u>
Interlibrary loan sent			<u>332</u>
Interlibrary loan received			<u>204</u>
TOTAL ILL			<u>536</u>
ILL NON SYSTEM			<u>68</u>

RECEIPTS

Cash income			273.36
Donations (monetary)			_____
County Revenue			_____
Misc. Revenue			<u>6.00</u>
Fines			<u>13.50</u>
Meeting room rental			_____
Sale of supplies			_____
TOTAL RECEIPTS			<u>292.86</u>

EXPENDITURES

Books			744.12
Periodicals			_____
Audio-visual			<u>134.13</u>
Supplies			<u>185.50</u>
Postage			_____
Miscellaneous			_____
Telephone			<u>64.75</u>
Repairs & maintenance			<u>345.00</u>
Repairs & maint. of equipment			_____
Project expense			<u>640.20</u>
Capital outlay			_____
Automation			<u>242.00</u>
Gas Utilities			<u>53.52</u>
TOTAL EXPENDITURES			<u>\$2,409.22</u>

(8)

LIBRARY DIRECTOR Carol Lehman

LIBRARY EXPENDITURES - JUNE 2016

Demco	Supplies	\$110.14
Frontier	Telephone Expense	\$64.75
Dennis Hulzebos	Repairs & Maintenance-Janitorial	\$345.00
Ingram	Books	\$744.12
MN Energy Resources	Gas Utilities	\$53.52
Oriental Trading Co.	Project Expense/Supplies	\$385.36
Peterson Drug	Supplies	\$56.84
PCLS	Automation/Tech Expense	\$242.00
Synchrony Bank/Amazon	AV	\$134.13
		<hr/>
		\$2,135.86
	Cash Expenditures	\$273.36
		<hr/>
	Total	\$2,409.22

ORDINANCE NO. 7-16
CITY OF MOUNTAIN LAKE
AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF MOUNTAIN LAKE ORDAINS as follows:

Section 9.15 of Chapter 9 of the Mountain Lake Code is added as follows:

- I.** **SECTION 9.15.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of MountainLake opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

- II.** This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 1st day of August, 2016, by the City Council of the City of Mountain Lake.

CITY OF MOUNTAIN LAKE

By: _____
Mike Nelson, Mayor

ATTEST:

Wendy Meyer, City Administrator

DRAFT

Ordinance No. 8-16

City of Mountain Lake, Minnesota

**An Ordinance Amending Chapter 7
Section 7.04 Cemetery Regulation
Subdivision 10 Monuments and Markers**

THE CITY COUNCIL OF THE CITY OF MOUNTAIN LAKE, COTTONWOOD COUNTY, MINNESOTA ORDAINS that Section 7.04, Subdivision 10 , Paragraph b which reads:

No monument or marker shall be placed on either single or double lot before a burial has occurred.

is hereby repealed in its entirety.

Adopted by the Council this 6th day of September 2016.

Attest:

Mayor

Clerk

Published in the Mountain Lake/Butterfield Observer/Advocate on _____ 2016.

DRAFT
Ordinance #9-16
An Ordinance of the City of Mt. Lake
Establishing Section 9.15
Temporary Family Health Care Dwelling

The City Council of City of Mt. Lake ordains that Section 9.15 be adopted to read as follows:

Subd. 1 Definitions

- a. For the purposes of this section the following terms have the meanings given.
- b. "Caregiver" means an individual 18 years of age or older who:
 - 1. Provides care for a mentally or physically impaired person; and
 - 2. Is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.
- c. "instrumental activities of daily living" has the meaning given in MN Statutes 256B.0659, Subd. 1, paragraph (i).
- d. "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.
- e. "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of a mentally or physically impaired person. Relative includes half, step, and in-law relationships.
- f. "temporary family health care dwelling" means a mobile residential dwelling providing an environment.

Subd. 2 Permit Required

A person may not use a temporary family health care dwelling to house a relative as defined in Subd. 1e without first obtaining a permit.

Subd. 3 Requirements

A temporary family health care dwelling must meet the following requirements:

1. Be limited to one (1) occupant
2. Be occupied no more than six months
3. Provide a site map that shows size and location of health care dwelling and all other construction on the lot
4. Be in compliance with residential setback requirements
5. Be Located on property owned or rented by the care giver
6. Provide written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.
7. Provide documentation that abutting property owners have been notified of the applicant's intent
8. Be primarily assembled at the location other than its site of installation:
9. Be no more than 300 gross square feet:
10. Not be attached to a permanent foundation;
11. Be universally designed and meet state-recognized accessibility standards;
12. Have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;
13. Have a minimum insulation rating of R-15
14. Be able to be installed, removed, and transported by a one-ton pickup truck as defined in MN Statutes section 168.002, subdivision 21b, a truck as defined in MN Statutes section 168.002, subdivision 37 or a truck tractor as defined in MN Statutes section 168.002, subdivision 38

15. Be built to either MN Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and
16. Provide access to water and electric utilities by connecting in some manner approved by the Electric Superintendent and Water/Wastewater Superintendent to Mountain Lake Municipal Utilities.
17. Be equipped with a backflow check valve
18. Provide proof of adequate method of sewage disposal

Subd. 4 Application and Issuance

- a. Application for a permit must be made to the zoning administrator and must demonstrate that the requirements of Subd. 3 have been met.
- b. Upon receipt of a complete application the zoning administrator shall refer it to other departments to determine if requirements have been met.
- c. If it is determined all requirements have been met the matter will be placed on the agenda of the next city council for approval.

Subd. 5 Duration

The term of the permit is no more than six months. Permits cannot be renewed or in any way extended. The dwelling shall be removed no more than 60 days after it is vacated by the occupant so identified in the permit application.

	Budget	July spent	Y-T-D spent	Balance	% of Budget
Dept 43121 Paved Streets					
101-43121-224 Street Maint Materials	\$20,000.00	\$7,121.46	\$12,980.34	\$7,019.66	64.90%
101-43121-225 Seal Coat/Crack Filling	\$30,000.00	\$0.00	\$8,433.53	\$21,566.47	28.11%
101-43121-403 Improvements Other Than	\$0.00	\$0.00	\$0.00	\$0.00	0.00%

\$30,859 one-time Small Cities Assistance Program

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 11th St.;
Then north on 11th St. to Midway Rd.;
Then west on Midway Rd to 10th St.;
Then north on 10th 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 380th St./Mt. Lake Rd.;
Then east on 380th St./Mt. Lake Rd. to intersection of Mt. Lake Rd. and Co. Rd. #1.

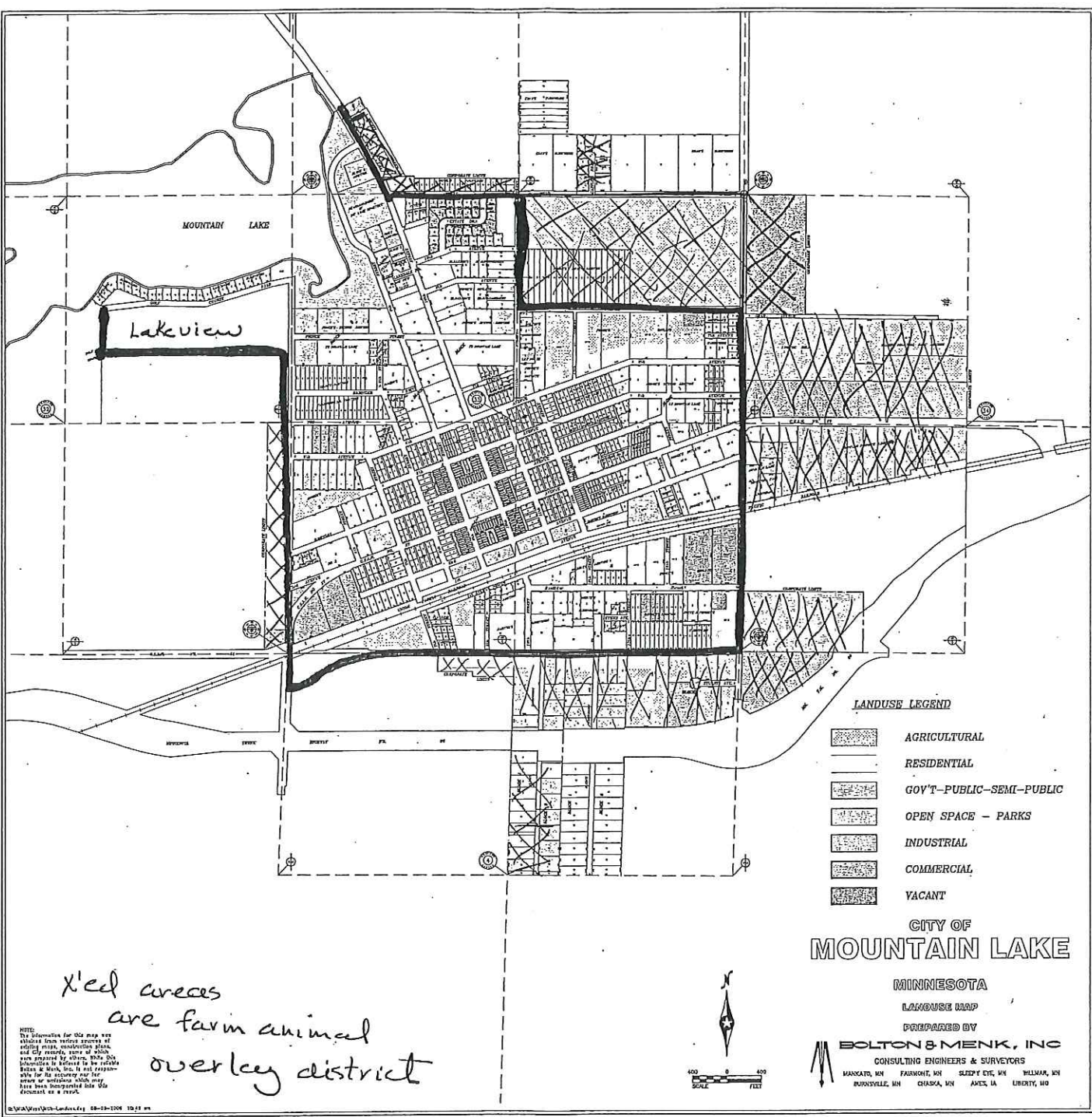
Adopted this 3rd day of March, 2014.


Dean Janzen, Mayor








ATTEST:


Wendy Meyer, Clerk/Administrator

Published in
O/A on 3-12-14.



LANDUSE LEGEND

-  AGRICULTURAL
-  RESIDENTIAL
-  GOV'T-PUBLIC-SEMI-PUBLIC
-  OPEN SPACE - PARKS
-  INDUSTRIAL
-  COMMERCIAL
-  VACANT

CITY OF MOUNTAIN LAKE

MINNESOTA

LANDUSE MAP

PREPARED BY

BOLTON & MENK, INC
 CONSULTING ENGINEERS & SURVEYORS
 WANGATA, MN FAIRMONT, MN SLEEPY EYE, MN MILLMAR, MN
 BUONVILLE, MN CHASKA, MN AMES, IA LIBERTY, MO

NOTE:
 The information for this map was obtained from various sources of existing maps, cadastral plans, and City records, some of which were prepared by others. The accuracy is guaranteed by the Engineer Bolton & Menk, Inc. It is not responsible for its accuracy nor for errors or omissions which may have been incorporated into this document as a result.

*X'ed areas
 are farm animal
 overlay district*

ORDINANCE NO. 3-14

CITY OF MOUNTAIN LAKE, MN

**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.

- (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, by 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:

Dairy Cattle		Beef Cattle		Chicken	
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)	
Swine		Horse	1	Turkeys	
Over 300 lbs.	0.4	Sheep & Lambs	0.1	Over 5 lbs.	0.018
Between 55 and 300 lbs.	0.3	Llamas	0.4	Under 5 lbs.	0.005
Under 55 lbs.	0.05			Ducks	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.

~~X~~ 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.

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 the impounding fee and maintenance cost have 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.



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. 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. 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.

Springfield - Mayor- \$3,960 and Council-\$3,180. Special meetings of the council are \$30 each. No extra compensation for outside meetings representing the City.

Tracy – Mayor - \$2,500 and Council \$2000. No additional pay for special meetings of the council or outside meetings representing the City.

St. James – Mayor - \$4,000 and Council \$3000. No additional pay for special meetings of the council or outside meetings representing the City.

Slayton – Mayor \$3,000 and Council \$2,000. No additional pay for special meeting of the council or outside meetings representing the City.

Windom Mayor - \$4,600 and Council \$4,000. \$50 for special council meetings and \$75 if the council attends an out of-town meeting (LMC, CGMC). *A note from Steve Nasby – Please note no Windom Council member has claimed a \$75 reimbursement (except one time) in my 10+ years with the City and we use special council meetings sparingly.*

Lakefield – Mayor\$ 4000 and Council \$65/meeting. Nothing for a council committee meeting. If they serve on another board that gets paid they get the same as the other board members. They get \$50 per out of town meeting less than four hours in length per day, or \$75 per day if it is longer than four hours.

Jackson - Mayor \$5,300 and Council \$4,200. No additional for special meetings of the council. Attendance at meetings representing the city - \$50 half day and \$100 full day. Adopted effective 1-1-14. Only used once because council members rarely attend these types of meetings.

Lake Crystal - \$3,900 Mayor and \$2,700 council. No additional pay for special meeting of the council or outside meetings representing the City.

Madelia – Mayor \$2,500 and \$2,000 council. Special meetings of the council - \$35 council/\$40 mayor.