

**TAYLORS FALLS CITY COUNCIL
SPECIAL MEETING/HEARING
COUNCIL CHAMBERS
WEDNESDAY, JUNE 4, 2008 – 4:30 P.M.**

MINUTES

The Agenda for this Meeting was posted Friday, May 30, 2008 at City Hall and the Post Office. Copies were e-mailed to residents requesting such, and the Press was notified.

The Taylors Falls City Council met for a Special Hearing on Wednesday, June 4, 2008 at 4:30 p.m. in Council Chambers at City Hall, 637 First Street, Taylors Falls, Minnesota.

CALL TO ORDER

The Hearing was called to order at 4:30 p.m. by Mayor Mike Buchite.

ROLL CALL

MEMBERS PRESENT: Mike Buchite, Ross Rivard, John Tangen, Zara Kinnunen, Larry Julik-Heine

MEMBERS ABSENT: None

OTHERS PRESENT: Clerk-Treasurer Jo Everson, Deputy Clerk-Treasurer Jayna Yeske, Corporal Shane Carroll, Kym Groves, Attorney Barbara Gislason, Barb Young, Karen Vitalis, Janet Dibble, Tyler Kriedler, Heidi Glynn, Amber Timermanis, Jolene Roth, Bob Porter and Denise Martin of the Chisago County Press, Lisa Stratton of the Ledger Press, and Tammi Milberg of the Inter-County Leader

HEARING TO ADDRESS CONCERNS REGARDING DANGEROUS DOG REQUIREMENT VIOLATION

Mayor Buchite explained that the reason for the hearing was to address a dangerous dog muzzle requirement violation by Ms. Kym Groves. Groves requested that the Council address her concerns and to reconsider the seizure of her dog.

Groves' Airedale "Genghis" was designated as a dangerous dog in 2004 and again in 2006 following unprovoked human attacks. The first attack occurred prior to the City's adopting a Dangerous Dog Ordinance, although a *Notice of Potentially Dangerous Dog* and a *Microchipping Order* were served to Groves. Groves complied and had the dog microchipped. Following another unprovoked attack in 2006, a Deputy from the Chisago County Sheriff's Department issued the second *Notice of Potentially Dangerous Dog* and the dog was removed from the residence and placed in a home in Wisconsin. No other action was taken at that time. In March of 2007 Groves began the process required to bring the dog back into the City. Taylors Falls Chapter 345 of the City's Code of Ordinances specifically describes the procedures and requirements that must be followed before this could occur.

Kevin Rivard, whose wife Jodi was the 2nd victim to be attacked by "Genghis", submitted a letter of complaint along with a picture of Groves in her yard with the dog un-muzzled. Public Works Utility Worker Bill Neska also submitted testimony that he had witnessed the dog in the yard without a muzzle.

Mayor Mike requested comments from Groves and anyone presenting testimony on behalf of Ms. Groves.

Attorney Barb Gislason representing Groves stated that she has taken personal responsibility for her actions and is not claiming innocence. Groves has been doing advanced training with "Genghis" and is willing to do more training if directed. The dog has been renamed to "Robin", a less aggressive name that will remind her client that she needs to be more careful. Groves is willing to offer 20 hours to charity or non-profit community service for each of the attack victims and fully expects to pay a fine. Gislason questioned proper enclosure requirements and asked for a more specific definition of the muzzle requirements. Gislason submitted a list of people with signatures who have witnessed Groves walking "Robin", under control, on a leash, and muzzled.

Kym Groves, 396 Colby Street, explained that she has lived in Taylors Falls for 35 years, has six (6) children who have all graduated from Taylors Falls schools. She belongs to the United Methodist Church, volunteers for Together with Friends Day Camp and has been a perfumer since 1977, creating perfumes from her home. Groves stated that “Robin” is eight years old and is like a family member. She has worked with her dog using consistency and repetition and gave examples of his obedience and impulse control. Groves apologizes for the previous attacks and understands the concerns expressed by the complainant and believes that his concerns are legitimate. Groves submitted family pictures of “Robin” and explained that she has not had any problems in the past two (2) years. Groves presented various muzzles and explained how and when they are used. Groves also stated that she has the required insurance policy and has complied with all other requirements that were imposed upon her as a result of the dangerous dog designations. This violation was not a result of anything “Robin” did, but as a result of her actions, and should not warrant his destruction or not allowing the dog to return home. She implored the Council to allow them to be reunited as soon as possible.

Finally, Groves questioned why Animal Control and the Chisago County Sheriff’s Department waited eleven (11) days from the date of the complaint to seize the dog. She also testified that Animal Control Officer Ruzicka stated to her that it was not necessary to muzzle the dog when transporting it to the car from her home.

Mayor Buchite stated that the City had not received any documentation or requests demanding that the dog be destroyed. The question of what action the Council should take was going to be tough since they are all animal lovers.

Zara Kinnunen stated that she respects and is sympathetic as to how hard Groves is trying to comply with the ordinance(s) and does not believe that destruction is the answer; that the dog did not bite anyone. Kinnunen also questioned what a proper enclosure is, and if the muzzle was required in a car?

John Tangen stated that there was an act of violation and that it needs to be addressed accordingly.

Larry Julik-Heine stated that it appears that Groves is working very hard to comply with the requirements and to keep the public and community safe by providing the proper enclosure. However, it is clearly stated that the dog must be muzzled at all times and agreed that a violation had occurred, but that it did not warrant destruction or removal of the dog. He agreed that a citation should be issued.

Ross Rivard opposed the idea of allowing the dog to return to the City, stating that for the good of the citizens in Taylors Falls it should be relocated.

Clerk Jo Everson read aloud section 345.11 of Chapter 3 defining Proper Enclosure.

Proper Enclosure. Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance...

Discussion continued as to what the consequences should be since the Council was in agreement that a violation had occurred. The differences between a petty misdemeanor and misdemeanor were established (petty requiring only that a fine be paid and does not become part of one’s record. A misdemeanor by statute requires a court appearance, possible jail time and fine to be paid. If found guilty, becomes a part of the person’s record).

MOTION BY JULIK-HEINE/KINNUNEN TO DIRECT CORPORAL SHANE CARROLL TO ISSUE A \$300.00 FINE TO KIMBERLY GROVES, 396 COLBY STREET, FOR A PETTY MISDEMEANOR, FOR

VIOLATION OF SECTION 345.12(4) OF THE TAYLORS FALLS CODE OF ORDINANCES WITH REGARD TO DANGEROUS DOG REQUIREMENTS.

FURTHER MOVED TO ORDER THE RELEASE OF THE AIREDALE "GENGHIS/ROBIN" OWNED BY KIMBERLY GROVES FROM THE MINNEAPOLIS KENNEL, UPON PAYMENT OF BOARDING FEES AT SAID KENNEL, AND TO ALLOW THE DOG TO RETURN TO HIS HOME IN TAYLORS FALLS.

MOTION CARRIED, WITH RIVARD VOTING NAYE.

MOTION BY JULIK-HEINE/KINNUNEN TO DETERMINE THAT ANY FURTHER VIOLATIONS BY KIMBERLY GROVES WITH REGARD TO THE DANGEROUS DOG REQUIREMENTS AS DEFINED IN SECTION 345.12 OF THE TAYLORS FALLS CODE OF ORDINANCES, WOULD REQUIRE THAT THE DOG GENGHIS/ROBIN BE REMOVED PERMANENTLY FROM THE CITY OF TAYLORS FALLS WITHOUT ANY FURTHER ACTION REQUIRED BY THE CITY COUNCIL.

THE MOTION WAS AMENDED BY KINNUNEN/JULIK-HEINE, TO CLARIFY THAT ANY OTHER SIMILAR VIOLATIONS DUE TO ACTIONS TAKEN OR NOT TAKEN BY KIMBERLY GROVES FOR VIOLATION OF THE DANGEROUS DOG REQUIREMENTS, WOULD ENTAIL THE ABOVE ACTION. IF A VIOLATION WOULD OCCUR AS A RESULT OF SOMETHING THE DOG GENGHIS/ROBIN PHYSICALLY DID (IE: ANOTHER BITE), THE DOG IS TO BE PERMANENTLY REMOVED FROM THE CITY AND PLACED IN A FACILITY SIMILAR TO "HOME FOR LIFE", A PERMANENT HOME FOR INCORRIGIBLE DOGS.

IT WAS FURTHER MOVED THAT KIMBERLY GROVES BE INVOICED FOR ALL COSTS OF SEIZURE, CONFINEMENT, ATTORNEY AND STAFF TIME ASSOCIATED WITH THIS DOG VIOLATION ISSUE AND HEARING.

MOTIONS CARRIED UNANIMOUSLY.

ADJOURNMENT

MOVED BY TANGEN/KINNUNEN TO ADJOURN THIS JUNE 4, 2008 SPECIAL MEETING OF THE TAYLORS FALLS CITY COUNCIL. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Council, the Meeting adjourned at 5:28 p.m.

Michael D. Buchite, Mayor

Jo Everson, Clerk-Treasurer

Jayna Yeske, Deputy Clerk-Treasurer

APPROVED: JULY 14, 2008