

PUBLIC SAFETY BOARD

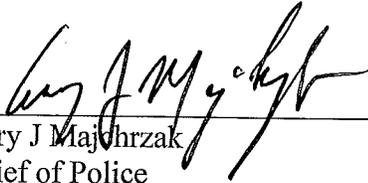
Meeting Agenda

Wednesday, June 5, 2013

4:30 p.m.

2nd Floor Conference Room

1. Approval of Minutes of Special Joint Meeting with Council and Ambulance Commission of April 30, 2013
2. Approval of Minutes of Regular Meeting of May 1, 2013
3. Discuss request for diagonal parking on south side of 100 block of East Lyon Avenue
4. Further discussion on proposed Ordinance Amending Chapter 95 of Municipal Code Relating to Dangerous Dogs
5. Informational:
Clearance rates: April 20%
Budget Report as of April 30, 2013
6. Board Comments/Miscellaneous



Gary J. Majchrzak
Chief of Police

DRAFT

**Lake City Public Safety Board
Tuesday, April 30, 2013
5:00 P.M.
Special Joint Meeting**

Members Present: Chairperson Rev Dave Badgley, Board Members Elwood Gnotke
Dale Nibbe, Steve Swan

Members Absent: Duane King

Others Present: Chief Gary Majchrzak, Sgt. Cory Kubista, Director Gail Riemersma,
Ron Johnson, Kari Schreck, Mayor, City Council & Lake City Ambulance
Commission.

Chairperson Rev Badgley called the Public Safety Board portion of the meeting to order at
5:00 p.m.

PUBLIC SAFETY FACILITY PROJECT

A Department Needs Presentation was made with a power point slideshow by Chief Gary Majchrzak, Ambulance Director Gail Riemersma and EOC Director John Yorde. The presentation included a list of needs from each department currently housed at Public Safety Building at 209 S. High Street in Lake City. Specifically listed were spatial needs for staff, records and vehicles. Other needs mentioned were public and employee parking, ADA compliant entryways, privacy issues in the lobby and concerns for security and accessibility to records. Police, Ambulance and EOC officials requested that they be kept together in any future facility. They advised that sharing several main elements of any building, including a training room and lobby, would be a greater benefit to the services as well as the community.

Discussion and questions followed from the Mayor, Council and some board members.

DECISION TO APPOINT A BUILDING COMMITTEE

The Mayor, with Council approval, decided to appoint a building committee that could explore and make recommendations back to the Council. These recommendations would include whether a future facility should be a joint facility, selection of a site upon which to place a facility and a time frame to try and adhere to in order to complete the process.

Councilmen Matt Powers and Gene Durand volunteered to sit on the new committee. Public Safety and Ambulance Boards were instructed to try and select two members each to also participate.

ADJOURNMENT

AT 6:02 P.M. A MOTION TO ADJOURN WAS MADE BY SWAN AND SECONDED BY NIBBE. ALL AYES, MOTION WAS CARRIED.

Rev Dave Badgley, Chairman

**Lake City Public Safety Board
Wednesday, May 1, 2013
4:30 p.m.
Regular Meeting**

Members Present: Chairperson Rev David Badgley, Board members Elwood Gnotke, Dale Nibbe, Steve Swan

Members Absent: Duane King

Others Present: Chief Gary Majchrzak, Sgt Cory Kubista, Administrative Assistant Kathy Holst, Council Liaison Mark Spence

Chair Rev Badgley called the meeting to order at 4:33 p.m. with a quorum present.

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 3, 2013
MOTION BY GNOTKE AND SECOND BY SWAN TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 3, 2013. MOTION CARRIED 4-0-0.

REVIEW AND DISCUSS PROPOSED ORDINANCE AMENDMENT CHAPTER 95
The Board discussed a proposed Ordinance Amending Chapter 95 of the Municipal Code relating to dangerous dogs. Chief Majchrzak said the state statute on dangerous dogs was challenged and the ordinance has been under review for updating for over a year. Many municipalities and counties had been receiving complaints from dog owners that they had no recourse to contest a first bite. If a dog bites once, the owner is notified that the dog is considered *potentially dangerous*. If a second bite occurs, the dog is termed *dangerous*. Majchrzak said the City Attorney revised things in the old ordinance that were outdated or no longer applied, and that the proposed ordinance is geared towards dangerous dogs rather than dangerous animals. The Board felt they needed more time to review the revisions, and the matter was tabled for further discussion at the next meeting.

REQUEST FOR STREET CLOSURE AND NON-ENFORCEMENT OF AREA PARKING RESTRICTIONS FOR TOUR DE PEPIN

The Lake City Chamber of Commerce is hosting the Tour de Pepin cycling event on Saturday, June 1, 2013. Registration will be held at the Ohuta Park parking lot. The Chamber has requested closure of East Chestnut Street between Park and Franklin Streets for volunteer parking and placement of route signage. They have also requested non-enforcement of areas designated for two hour parking on the lake side of Park Street.

MOTION BY GNOTKE RECOMMENDING APPROVAL OF THE REQUEST OF THE LAKE CITY CHAMBER OF COMMERCE FOR CLOSURE OF EAST

CHESTNUT STREET BETWEEN PARK AND FRANKLIN STREETS FOR THE TOUR DE PEPIN ON SATURDAY, JUNE 1, 2013. SWAN SECONDED. MOTION CARRIED 4-0-0.

MOTION BY SWAN, SECOND BY NIBBE, RECOMMENDING NON-ENFORCEMENT OF AREAS DESIGNATED AS 2-HOUR PARKING ON THE LAKE SIDE OF PARK STREET FOR THE TOUR DE PEPIN ON SATURDAY, JUNE 1, 2013. MOTION CARRIED 4-0-0.

RETIREMENT LETTER

Chief Majchrzak announced his retirement from the department effective June 29, 2013. Gnotke inquired as to whether there was a process in place for selection of a new Chief. Majchrzak said the Civil Service Commission authorized the internal posting of the position for ten days. Anyone meeting the qualifications will be ranked by the CSC and a list provided to Council for final selection. He said in the past, the CSC made the selection and appointment, but this year the City Attorney was asked by the Mayor for an opinion as to whether Council could make the selection. The City Attorney provided an Attorney General's Opinion and advised it could be done in this manner.

Badgley said he didn't know why Council would want to get involved, especially in view of problems that occurred with the Library, and the fact that it's the Commission's responsibility to hire. Majchrzak explained that it wasn't the Council that sought it out but, rather, the Mayor. This was due primarily to confusion caused with an existing City policy on hiring department heads. Council Liaison Spence added that nothing has come to Council to say to do it this way. He said there's a difference between the boards and commissions as compared to Civil Service Commission; that CSC was put together for the specific purpose of hiring police, and they have not been told by Council that they can't hire. Badgley said when power is shifted away from established commissions they start to feel they don't have a purpose anymore, and a shift of power towards Council may not be a necessary shift.

MOTION BY GNOTKE ACCEPTING THE RETIREMENT ANNOUNCEMENT OF CHIEF MAJCHRZAK WITH THANKS AND CONGRATULATIONS. SECOND BY NIBBE. MOTION CARRIED 4-0-0.

INFORMATIONAL

Clearance rates: March 42.85%

The Budget Report for the three months ending March 31, 2013 was reviewed.

Rev Badgley advised that following the special meeting last evening with Council regarding a joint facility, he was directed by the Mayor to appoint two members of the Public Safety Board to serve on a building committee. The committee will also consist of two members from the Ambulance Commission, two Councilpersons, and a representative from the Fire Department. Nibbe and Gnotke offered to serve on behalf of the Public Safety Board.

MOTION BY BADGLEY TO APPOINT DALE NIBBE AND ELWOOD GNOTKE TO SERVE ON THE FACILITY COMMITTEE AS REPRESENTATIVES FROM THE PUBLIC SAFETY BOARD. SWAN SECONDED. MOTION CARRIED 4-0-0.

ADJOURNMENT

MOVED BY GNOTKE AND SECONDED BY SWAN TO ADJOURN AT 5:28 P.M. MOTION CARRIED 4-0-0.

Rev David Badgley, Chairperson

**CITY OF
LAKE CITY
REQUEST FOR
PSB
ACTION**

**MEETING
DATE:**
June 5, 2013

Agenda Item Description:
Introduction and First reading of
Ordinance __ Amending Chapter 95
of the City Code Relating to
Dangerous Dogs.

Attachments: Yes X No ____
If yes, list: clean copy of ord.

Consent Agenda?: Yes ____ No X

CITY COUNCIL ACTION

Approved Denied
 Amended Tabled

Roll call vote:

Beckman __, **Peters**, __ **Spence** __
Waltman, __, **Powers** __, **Gartner** __

Originating Department:

Police

Board/Commission/Committee Action:

PSB/

Action Requested:

Motion _____, second _____ to approve the agenda item regarding the
Introduction and First reading of Ordinance __ Amending Chapter 95 of the City Code Relating to
Dangerous Dogs

Introduction/ Background/Justification/Key Legal Issues:

Chapter 95 of the City Code regulates dangerous animals. In reviewing the current regulations, City staff and the City Attorney noted certain inconsistencies with applicable state law, as well as the absence of a process for appealing potentially dangerous dog designations. Minnesota Statutes section 347.565 requires local law enforcement agencies to enforce the state law, regardless of whether the city has adopted the statutory provisions in a local ordinance. Therefore, it is important that the City's ordinance be consistent with the state law.

The Police Chief and the City Attorney are proposing adoption of the attached Ordinance. The Ordinance amends Chapter 95 of the City Code. It amends certain definitions to be consistent with the definitions in the state statute. It also clarifies the process for designating a dog as potentially dangerous or dangerous and the right for an owner to appeal such a designation to the Public Safety Board. The Ordinance also eliminates the broader category of dangerous "animals" and limits such a designation to dogs only.

Budgetary/Fiscal Impact: Minimal. An average of four incidents a year occur and are largely unchallenged.

Alternatives:

1. Do not adopt
2. Table for more information

Reviewed By:

Preparer: Gary Majchrzak, Chief of Police

ORDINANCE ____

CITY OF LAKE CITY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 95 OF THE LAKE CITY MUNICIPAL CODE RELATING TO DANGEROUS DOGS

THE CITY OF LAKE CITY ORDAINS:

Section 1. Chapter 95 of the Lake City Code is amended as follows:

§ 95.11 DANGEROUS ANIMALS.

(A) *Attack by an animal.* It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

(B) *Destruction of dangerous animal.* The Animal Control Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

§ 95.111 DEFINITIONS.

For the purposes of sections 95.111 through 95.12, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(A) ***DANGEROUS DOG.*** Any dog that has:

(1) Without provocation, inflicted substantial bodily harm on any person or domestic animal on public or private property; or

(2) 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; or

(3) Been determined to be a dangerous dog by the City or any other governmental jurisdiction.

(B) ***POTENTIALLY DANGEROUS DOG.*** Any dog that:

(1) When unprovoked, has bitten a human or a domestic animal on public or private property;

§ 95.112 DESIGNATION AS POTENTIALLY DANGEROUS OR DANGEROUS.

(A) *Designation as potentially dangerous dog.* The Animal Control Officer shall designate any dog as a potentially dangerous dog upon receiving evidence that the dog has, when unprovoked, bitten, attacked, or threatened the safety of a person or a domestic animal as stated in section 95.11(B).

(B) *Designation as dangerous dog.* The Animal Control Officer shall have the authority to designate any dog as dangerous upon receiving evidence of the following:

(1) That the dog has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in section 95.111(A).

(2) That the dog has been declared potentially dangerous and then bitten, attacked, or threatened the safety of a person or domestic animal as stated in section 95.111(A).

(C) *Authority to order destruction.* The Animal Control Officer, upon finding that a dog is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the dog be destroyed based on a written order containing one or more of the following findings of fact:

(1) The dog is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

(2) The owner of the dog has demonstrated an inability or unwillingness to control the dog in order to prevent injury to persons or other animals.

(D) *Procedure.* The Animal Control Officer, after having determined that a dog is potentially dangerous or dangerous, will proceed in the following manner:

(1) The Animal Control Officer shall notify one owner of the dog in writing or in person that the dog is potentially dangerous or dangerous. The notice shall include information giving rise to the potentially dangerous or dangerous designation, including dates, times, places and parties attacked, threatened or bitten. The owner may request a hearing for a review of this determination. The request for a hearing must be made in writing and delivered to the police department within fourteen (14) days of receipt of the notice declaring the animal potentially dangerous or dangerous.

(2) If the owner fails to contest the potentially dangerous or dangerous designation within fourteen (14) days, the owner forfeits the right to a hearing and the designation is final. The owner must immediately comply with all applicable requirements of this chapter or cause the dog to be humanely destroyed or removed from the city.

(3) If an owner requests a hearing, the hearing shall be held before the Public Safety Board, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Clerk's office shall be admissible for consideration by the Public Safety Board without further foundation. Owners shall have the right

person 16 years of age or older. The muzzle must be of a design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;

(5) The dog must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in M.S. § 347.51 as it may be amended from time to time, and shall have a microchip implant as provided by M.S. § 347.151, as it may be amended from time to time;

(6) All dogs deemed dangerous by the Animal Control Officer shall be registered with the City within 14 days after the date the dog was so deemed and provide satisfactory proof thereof to the Animal Control Officer.

(7) The dog must be licensed and up to date on rabies vaccination.

(8) The owner must have microchip identification implanted in the dangerous dog as required under Minn. Stat. § 347.515.

(9) Beginning six months after a dog is declared dangerous, an owner may request annually that the Public Safety Board 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 Board finds sufficient evidence that the dog's behavior has changed, it may rescind the dangerous dog designation.

(B) *Seizure.* As authorized by M.S. § 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous dog if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the dog is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

(C) *Reclaiming dogs.* A dangerous dog seized under § 95.12(B), may be reclaimed by the owner upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under § 95.12(A), is fulfilled. A dog not reclaimed under this section within 14 days may be disposed of as provided under § 95.112(C) and the owner is liable to the city for costs incurred in confining and impounding the dog.

(D) *Subsequent offenses.* If an owner of a dog has subsequently violated the provisions under § 95.12 with the same dog, the dog must be seized by animal control. The owner may request a hearing as defined in § 95.112(D). If the owner is found to have violated the provisions for which the dog was seized, the Animal Control Officer shall order the dog destroyed in a proper and humane manner and the owner shall pay the costs of confining the dog. If the person is found not to have violated the provisions for which the dog was seized, the owner may reclaim the dog under the provisions of § 95.12(C). If the dog is not yet reclaimed by the owner within 14 days after the date the owner is notified that the dog may be reclaimed, the dog may be

CITY OF LAKE CITY
DETAIL REVENUES WITH COMPARISON TO BUDGET
FOR THE 4 MONTHS ENDING APRIL 30, 2013

FUND 101 - GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>POLICE REVENUES</u>					
101-34110-33162	POLICE DONATIONS	.00	10,000.00	10,000.00	.00 100
101-34110-33321	POLICE COPIES	50.00	98.50	500.00	401.50 19.70
101-34110-33328	POLICE KENNELS FOOD & CARE	.00	.00	400.00	400.00 0
101-34110-33342	POLICE COPS GRANT	.00	.00	34,000.00	34,000.00 0
101-34110-33354	POLICE STATE AID	640.79	640.79	70,000.00	69,359.21 0.92
101-34110-33371	POLICE FINES-PARKING	.00	2,180.00	5,500.00	3,320.00 39.64
101-34110-33372	POLICE FINES-COURT	3,149.12	11,597.77	15,000.00	3,402.23 77.32
101-34110-33524	POLICE MISCELLANEOUS	125.00	125.00	.00	(125.00) 0
	TOTAL POLICE REVENUES	3,964.91	24,642.06	135,400.00	110,757.94 18.20
	TOTAL FUND REVENUE	3,964.91	24,642.06	135,400.00	110,757.94 18.20

CITY OF LAKE CITY
DETAIL EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 4 MONTHS ENDING APRIL 30, 2013

FUND 101 - GENERAL FUND

		PERIOD		BUDGET		% OF
		ACTUAL	YTD ACTUAL	AMOUNT	VARIANCE	BUDGET
<u>POLICE</u>						
101-44110-100	POLICE SALARIES-REGULAR	52,054.40	232,927.59	720,207.00	487,279.41	32.34
101-44110-110	POLICE SALARIES-OVETIME	2,157.72	7,692.40	28,000.00	20,307.60	27.47
101-44110-120	POLICE SALARIES-TEMPORARY	1,286.53	7,547.54	28,500.00	20,952.46	26.48
101-44110-140	POLICE PERA	7,692.73	33,854.49	111,846.00	77,991.51	30.27
101-44110-150	POLICE FICA	1,036.43	4,820.45	15,000.00	10,179.55	32.14
101-44110-160	POLICE GROUP HEALTH INSURANCE	12,221.13	49,751.23	165,000.00	115,248.77	30.15
101-44110-170	POLICE LONGEVITY	499.20	2,704.00	5,533.00	2,829.00	48.87
	PERSONNEL	76,948.14	339,297.70	1,074,086.00	734,788.30	31.59
101-44110-210	POLICE OPERATING SUPPLIES	2,692.52	8,687.13	31,500.00	22,812.87	27.58
101-44110-220	POLICE MAINT & REPAIR	699.32	1,037.20	17,000.00	15,962.80	6.10
101-44110-230	POLICE TOOLS/EQUIP	.00	233.30	6,500.00	6,266.70	3.59
101-44110-240	POLICE BOOKS/PERIODICALS	.00	32.00	300.00	268.00	10.67
101-44110-270	POLICE UNIFORM	2,775.00	5,455.00	14,800.00	9,345.00	36.86
	SUPPLIES	6,166.84	15,444.63	70,100.00	54,655.37	22.03
101-44110-300	POLICE PROFESSIONAL SERVICES	840.82	1,285.78	2,000.00	714.22	64.29
101-44110-310	POLICE COMMUNICATION	646.46	2,602.73	10,500.00	7,897.27	24.79
101-44110-320	POLICE TRAVEL, CONF, SCHOOL	819.02	3,719.88	10,500.00	6,780.12	35.43
101-44110-340	POLICE PRINTING/PUBLISHING	.00	175.20	400.00	224.80	43.80
101-44110-380	POLICE RENTAL	.00	.00	100.00	100.00	0
101-44110-390	POLICE CONTRACTUAL	832.25	2,145.37	17,500.00	15,354.63	12.26
101-44110-400	POLICE MISCELLANEOUS	22.75	704.75	1,200.00	495.25	58.73
101-44110-900	POLICE PROJECTS/PROGRAMS	.00	731.50	2,000.00	1,268.50	36.58
	OTHER SERVICES	3,161.30	11,365.21	44,200.00	32,834.79	25.71
101-44110-530	POLICE CAPITAL OUTLAY-MACH/EQUI	.00	26,932.84	30,500.00	3,567.16	88.30
	CAPITAL	.00	26,932.84	30,500.00	3,567.16	88.30
	TOTAL POLICE	86,276.28	393,040.38	1,218,886.00	825,845.62	32.25

ANIMAL CONTROL

CITY OF LAKE CITY
DETAIL EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 4 MONTHS ENDING APRIL 30, 2013

FUND 101 - GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
101-44196-100 ANIMAL CONTROL SALARIES-REGULA	312.42	1,407.57	4,100.00	2,692.43	34.33
101-44196-140 ANIMAL CONT EMPYR CONT P E R A	22.66	102.05	590.00	487.95	17.30
101-44196-150 ANIMAL CONTROL FICA	21.84	99.44	314.00	214.56	31.67
101-44196-160 ANIMAL CONTROL-GROUP HEALTH IN	78.41	306.12	1,100.00	793.88	27.83
PERSONNEL	435.33	1,915.18	6,104.00	4,188.82	31.38
101-44196-210 ANIMAL CONTROL OPERATING SUPPL	.00	.00	250.00	250.00	0
101-44196-220 ANIMAL CONTROL MAINT & REPAIR	.00	.00	100.00	100.00	0
101-44196-230 ANIMAL CONTROL TOOLS/EQUIP	.00	.00	50.00	50.00	0
SUPPLIES	.00	.00	400.00	400.00	0
101-44196-320 ANIMAL CONTROL TRAVEL, CONF, S	.00	.00	300.00	300.00	0
101-44196-340 ANIMAL CONTROL PRINTING/PUBLIS	.00	.00	75.00	75.00	0
101-44196-390 ANIMAL CONTROL CONTRACTUAL	.00	.00	400.00	400.00	0
101-44196-400 ANIMAL CONTROL MISCELLANEOUS	.00	.00	50.00	50.00	0
OTHER SERVICES	.00	.00	825.00	825.00	0
TOTAL ANIMAL CONTROL	435.33	1,915.18	7,329.00	5,413.82	26.13
TOTAL FUND EXPENDITURES	86,711.61	394,955.56	1,226,215.00	831,259.44	32.21
NET REVENUES OVER EXPENDITURES	(82,746.70)	(370,313.50)	(1,090,815.00)	(720,501.50)	33.95-