



AGENDA ITEM #3.1

REPORT TO CITY COUNCIL

Report Prepared by: Angie Duus

Date: May 5, 2020

Subject: City Council Minutes

Report: The minutes for the April 7, 2020 Special City Council, Regular City Council, and Closed City Council are attached for your review.

Council Action Requested: Council motion approving the minutes for the April 7, 2020 Special City Council, Regular City Council, and Closed City Council meetings.

**SPECIAL MEETING OF THE PEQUOT LAKES CITY COUNCIL
TUESDAY, APRIL 7, 2020
PEQUOT LAKES CITY HALL**

Members Present: Mayor Tayloe and Council Member Seils attended in person. Council Members Akerson, Pederson, and Swanson attended virtually via Zoom.

Staff Present: Nancy Malecha, City Administrator and Angie Duus, City Clerk/Treasurer attending in person. Eric Klang, Police Chief (virtually via Zoom); Tim Houle, City Engineer (virtually via Zoom); and Jason Gorr, Public Works Director (virtually via Zoom); Sheri Fyle, Police Officer attending in person

1. Call Meeting to Order

Mayor Tayloe called the special meeting of the Pequot Lakes City Council to order at 6:00 p.m.

2. Consider Agenda

COUNCIL MEMBER SEILS MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 5-0.

Mayor Tayloe opened the public hearing regarding the potentially dangerous dog situation.

Chief Klang provided the introductory and background comments on the case. He explained to the Mayor and City Council that they are going to be tasked with making a determination on whether or not this dog is going to be considered a dangerous dog or a potentially dangerous dog. He stated initially the dog was claimed or deemed as a potentially dangerous dog but after looking at the case file and pictures, it does look like it meets a dangerous dog. He explained that since the fact that the child received substantial harm to his face and his fingers and that he will be marked for some time the dog meets a dangerous dog.

Chief Klang stated that on March 8, 2020, the Pequot Lakes Police Department responded and subsequently issued a potentially dangerous dog notice to Craig Rose.

Chief Klang stated that he is going to give you the facts and he has no determination whatsoever on what the decision will be. He stated he is just here to let you know what happened with the facts and that the City Council is going to be kind of a jury in this matter. He stated that they will make the determination after everything is presented and after hearing from both sides. He stated that the Council will hear from Heather Raduenz, the child's mother; Mr. Rose, the dog's owner; and Sheri Fyle, the officer who was on the scene.

Chief Klang stated that on March 8, 2020 the Pequot Lakes Police Department responded to a call at 31092 Lakewood Ave in Pequot Lakes where a dog had bit a five year old child and the owner at that time was cited on that date for a potentially dangerous dog, which he was served and he had 14 days to contest it. He did file for the

out. She said that Mr. Rose had to put him on a leash to hold him in there. Officer Fyle said she does realize that dogs do not typically like people in uniform, but most dogs that are friendly will come up and wag their tail. She said this dog was not wagging his tail and he didn't want anything to do with her.

Chief Klang stated that Mr. Rose will speak as well. He also stated that the Council will have the opportunity to determine whether or not the dog was potentially dangerous dog or a dangerous dog. Chief Klang explained that a potentially dangerous dog is when an unprovoked bite on a human or domestic animal on public or private property. He explained substantial bodily harm as it relates to the dangerous dog means bodily harm which involved temporary but substantial disfigurement or which causes temporary but substantial loss or impairment of the functional body member or causes a fracture of any bodily member. Chief Klang stated that you can see through the pictures that the boy did sustain harm and Chief Klang is not sure if those scars on his face will last and he also does not know if they will go away.

Chief Klang explained that if the Council goes for potentially dangerous dog the dog needs to be microchipped and Mr. Rose has already had the dog microchipped therefore that meets that requirement. He stated that if the dog escalates up to a dangerous dog then that's going to put some other requirements on Mr. Rose. He will have to put fence around his yard, post of signage, insure the dog, and the last is to have the dog neutered. Chief Klang said that in six months from the date the Council makes its decision Mr. Rose would be able to come back before the Council and ask to have the dog re-evaluated because the dog has had training or that the dog has changed his demeanor.

Council Member Swanson asked if there is one charge here or a lesser charge. Chief Klang explained that it is not a charge but the Council would deem the dog potentially dangerous then that means Mr. Rose would have to have the dog microchipped which he has already done and then the dog would just go on being noticed as being a potentially dangerous dog. Then if the dog did bite somebody else then he would move automatically to the dangerous dog classification. Chief Klang explained that the Council has the option since there is the substantial bodily harm to the child to deem it a dangerous dog.

Craig Rose stated that when this incident occurred he has never looked at a statute and is not familiar with the name of it. He stated that he has had Labs for 50 plus years and they currently have four. He stated this is the first time in those 50 plus years they have had a situation like this. He said his understanding of the statute, reading into the legislative intent, and the notices provided by the Police Department in which he was provided notice of a potentially dangerous dog hearing. He stated that it is 347 not 5, subdivision 2 for a dangerous dog designation. Mr. Rose stated that subdivision 3 is a potentially dangerous dog designation and that is what he was served with. He stated that in his mind the question is not whether the dog should be designated dangerous or potentially dangerous, but rather should the dog be labeled as potentially dangerous. He stated that is a procedural issue that they will have to look into a little bit further. He said that as he reads the statute and the notices that were provided to him with regards to

indications that what was about to happen was not end up well so he just remained where he was. He said he just know nothing good would have happened in that timeframe had I gone out so he chose and at that particular point there were two dogs in the house and there were two dogs outside and he took two dogs and put them in the bedroom. He said his son Skeeter said Bryce was opening the doors in the Suburban asking if this black dog was the dog that bit Riker and he was not even sure where the other dog was at that point. Mr. Rose said he had four dogs at that point for sure and two were accounted for but he didn't know where the others were. He said he thought one was in his truck. He stated that it is a tragedy and he talked about the statutes and legislation again.

Heather Raduenz, Riker's mom said that she remembers the whole thing as clear as day it happened and remembers the screams, the blood, all that was going in the house. She stated that she is an RN so she went to check out her son to check how bad it is and assess the situation. She stated that yes he had to go to the hospital and he received six sutures. Mrs. Raduenz stated that the doctor tried to do as few as possible but he had some underlying ones also because of the bite. She said that you could see could see the fat tissue because it folded up so he did underlying sutures too but tried to do as few of sutures as he could and they thought he did a pretty good job of suturing it.

Mrs. Raduenz stated here we are a month later as of tomorrow and he is going to have multiple scars. She stated that when he cries or shows any kind of emotion you can physically see the bite on his face, the white outlining of the teeth when he smiles, when he cries. She said it is like he has extra dimples in his cheek that will never go away. She stated to her knowledge her aunt Jill Bjornaraa-Rose said he will take care of this situation. She said they will take care of this and that they were going to euthanize the dog but they wanted a proper closure with the dog first and now to find out that they are still back at this stage where now the dog is getting neutered, going to a psychological veterinarian to try to see if this dog is fit, when it seems like the only reason they're trying to keep this dog fit is because he's a hunting dog. She stated that just seems insane because she said her son did not provoke a situation. Mrs. Randuenz said that he is a five year old child and he has to live with these marks on his face and his finger for the rest of his life.

She said she asks her son every time they are around a dog asks if he is okay and how does he feel. She said she asks him if he is okay with dogs and he says yes but then he says I just never want to see that mean dog again. She said she promised him they will never ever see any of those four dogs again. She stated that another one of those dogs is not friendly whatsoever to outsiders and these dogs are meant to stay at their home in their circle because they're apparently guard dogs. She said they are not family friendly to others and they should not be allowed to leave the premises. Mrs. Randuenz stated that she is shocked that they are here today to argue this when a five year old has been scarred, not only physically but mentally for life. She stated that her five year old daughter was extremely scared on the drive to the hospital and she was screaming that I can't live like this anymore. She was screaming I can't live like this anymore because she was looking at it and she was right there when it happened. She stated her daughter was right up the steps when the dog barked and lunged at her brother's face, she was right there. Mrs. Randuenz said her daughter can't even talk about it or anything

Mayor Tayloe closed the public hearing.

Council Member Pederson said there was no disagreement that Jax was the dog that did the biting so it is definitely his my opinion that the evidence shows that the dog Jax, is already deemed a potentially dangerous dog. He said what they are wrestling with is the Council goes from potentially dangerous dog to a dangerous dog. He stated that he has a clear understanding of what took place and he is also clear with the statutes since they have gone through this before. He stated that they have dealt with a dangerous dog situation before and he understand how that works.

Council Member Akerson stated that he agrees with Council Member Pederson and the damage that was done to the little boy was unfathomable and he has his mind made up.

Council Member Swanson stated that this is a family tragedy and she hopes that the family is not destroyed by this. She said in listening to Mrs. Randuenz it makes perfect sense that the dog was unprovoked and it seems to her that the label of a dangerous dog fits.

Mr. Rose asked to go on record that he is objecting to any of the evidence and statements being considered because they are not provided by Mr. Rose or anyone that witnessed it. He stated that he has issues with the jurisdiction, timing of the hearing and he has procedural deficiencies and any dangerous dog designation is completely contrary to the weight of any evidence provided by the police report or anything at this hearing.

Council Member Seils stated that she agrees with the rest of the Council. She said it really bothers her that a dog that's unprovoked could bite a child and it be as serious as it is and looks. She agrees with Council Member Swanson that it is sad that it has to do with family and it doesn't go away that easy. She stated that she feels so bad for that five-year-old because he is going to be living with this for maybe for the rest of his life and that it may never go away. She stated that she agrees with the rest of the council.

Mayor Tayloe stated that he agrees with the rest of the Council.

Nancy Malecha stated that the City Council will need to make a motion to approve resolution making factual findings and order affirming or overruling the March 8, 2020 potential dangerous dog declaration during open meeting.

Ms. Malecha read the conclusions to the City Council. She said number one says that Jax's inflicted a bite on a five year old child without provocation. Applicant's dog Jax's was a potentially dangerous dog as defined by Minnesota statute and number two the City Police Department's March 8th, 2020 potentially dangerous dog declaration with respect to Jax is hereby affirmed in its entirety.

Council Member Swanson stated that the have determined that the dog is dangerous and then she is unclear on what happens after that.

Mr. Rose stated the order says potentially dangerous.

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1. Call Meeting to Order

Mayor Tayloe called the meeting of the Pequot Lakes City Council to order at 7:01 p.m.

1.1. Pledge of Allegiance

Mayor Tayloe led with the Pledge of Allegiance.

2. Consider Agenda

COUNCIL MEMBER SWANSON MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 5-0.

3. Resolution Restoring Council Member

Nancy Malecha stated that Jerry Akerson has verbally informed Mayor Tayloe and herself that he is able to resume his duties and attend Council meetings as a City Council Member effective April 7, 2020.

Ms. Malecha stated that the City is very appreciative to Pete Clement for his service as interim City Council Member.

COUNCIL MEMBER SEILS ADOPTED THE RESOLUTION RESTORING JERRY AKERSON AS CITY COUNCIL MEMBER EFFECTIVE APRIL 7, 2020. COUNCIL MEMBER SWANSON SECONDED THE MOTION. MOTION CARRIED 4-0. COUNCIL MEMBER AKERSON ABSTAINED.

4. Consent Agenda

COUNCIL MEMBER AKERSON MOVED TO APPROVE THE CONSENT AGENDA AS FOLLOWS:

- 4.1. **MARCH 5, 2020 CITY COUNCIL MEETING MINUTES AND MARCH 17, 2020 SPECIAL COUNCIL MEETING MINUTES.**
- 4.2. **CHECK REGISTER FROM MARCH 4, 2020 TO APRIL 7, 2020.**
- 4.3. **FINANCIAL REPORT ENDING FEBRUARY 29, 2020.**

10.1.A. Award Bond Issuance

Jason Murray presented to the Council the recommendation for the issuance of the bond for the Rasmussen Road Project. He stated that last month the Council authorized David Drown Associates to move forward with a competitive sale but from a couple of weeks ago due to the pandemic and the current situation it started to transition from a competitive sale to a private placement. He said they were finding that competitive sales were running about 30 to 40 basis points higher than private placements therefore they engaged RW Baird as a placement agent to proceed with proposals from banks on the placement of the debt. He said they would like to award the bond of \$2,098,000 to Bremer Bank at an interest rate of 2.14%. If the council wishes to proceed with this issuance, there is a resolution in your packet providing for the issuance of the sale and a term sheet from Bremer as committing to the 2.14% over the 15 years of the bond life. He stated that they started to look at evaluating competitive sales versus placements because they were seeing better interest rates on the private side and it will also eliminate some additional fees. Mr. Murray pointed out that the City will be borrowing a little less and the interest rate is lower with this private placement.

He explained the revenue in the Master Cash Flow sheet to the Council which shows how the City is planning to cover the debt on the project with 25% of the water revenues, 25% of sewer revenues and then 50% from tax levies. He stated that this corresponds directly with how the Council wanted to pay for this project with the Capital Financial Plan. Commissioner Swanson verified with Mr. Murray that this bond issuance fits in with the original strategy with the City's Capital Financial Plan.

COUNCIL MEMBER SELLS MOVED TO ADOPT RESOLUTION 20-15 PROVIDING FOR THE ISSUANCE AND THE SALE OF \$2,098,000 IN GENERAL OBLIGATION UTILITY REVENUE AND DISPOSAL SYSTEM BOND, SERIES 2020A AND PLEDING FOR THE SECURITY THEREOF NET REVENUES AND LEVYING A TAX FOR THE PAYMENT THEREOF. COUNCIL MEMBER SWANSON SECONDED THE MOTION. MOTION CARRIED 5-0.

Discussion ensued about assessments in the future and the revision to the Assessment Policy that was done last year.

10.1.B. Update

Tim Houle updated the City Council on activities that have occurred on the project since the March 5th City Council meeting. He stated that they did have a pre-construction meeting on Friday, March 20th via conference call. He said the contractor RL Larson, WSN, and City met with utility companies since then to plan and start necessary utility relocates. He said schedule wise RL Larson did submit a preliminary schedule at the pre-construction meeting just for background. Mr. Houle stated the original contract called for the project to be

want to encourage gathering people in one spot therefore another contract requirement is to have newsletters weekly, roughly weekly newsletters. He stated they will also have a webpage that will have a link to the City's website to communicate and provide updates on the project.

10.2. Maintenance Facility Landscaping Quotes

Jason Gorr presented the Maintenance Facility landscaping quotes. He stated that they had approached multiple companies in the area to provide quotes but they only received four viable quotes back. He stated of the four they were very competitive and only two offered back with the detailed responses they were looking for. He said ultimately the quote selected had the best rate, communication and watering plan. Mr. Gorr stated that quote 1 was offered by Moe's Landscaping for a cost of \$36,575 and quote 2 was offered by The Woods Landscaping for a cost of \$34,208. He is recommending that quote 2 from The Woods be accepted as it is \$2,367 less and offers a better watering plan which allows the City to use their 1,000 gallon trailer mounted watering tank for the year. He stated that this allows the City to best protect the investment.

Mr. Gorr also stated that since this landscaping component is a part of the overall Maintenance Facility Project it is recommended that the attached resolution be adopted authorizing and documenting an interfund loan between the Highway 371 Fund and the Capital Improvement Fund. He stated a similar resolution was adopted on February 5, 2018 for the construction of the Maintenance Facility.

Mr. Gorr presented a drawing to the Council to show how the landscaping plan will be laid out, there will be two rows of trees at the Highway 371 border and the trees will be staggered to block their view the best that they can. He stated that they picked different species of trees and some will grow thicker and faster than others to help with screening. He stated that they ran it by Planning and Zoning to ensure that they are staying within requirements.

Council Member Swanson asked if there was a one year guarantee on growth and trees. Mr. Gorr stated that he recalls reading something along those lines and it is similar to most of these tree sales places. Council Member Akerson questioned the watering plan and Mr. Gorr stated that the company will provide a tank that they could use all summer long to water all the trees.

Discussion ensued about getting local bids and the process that was taken.

Council Member Pederson stated as he understood that this is a zoning issue and that the City was out of compliance until there was screening along the highway and he is wondering if this screening is required all the way down the cornfield. He stated that if putting in this screening is necessary according to our ordinance he would look at changing the ordinance. He believes we are shooting ourselves in the foot because people that will want to move in onto that 80 acres will want high visibility and not have to spend money on screening. He is against spending \$38,000 at this time with what is going on in our Country and City.

COUNCIL MEMBER SWANSON MOVED TO APPROVE THE PURCHASE OF THE SENSUS MODEL 5602 HANDHELD WATER METER READER FROM CORE & MAIN IN THE AMOUNT OF \$6,700 TO BE PAID FROM THE WATER AND SEWER FUNDS. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 5-0.

10.5. Cole Memorial & City Hall Buildings Update

Jason Gorr provided the Council with an update of issues that occurred last winter on the roofs at the Cole Memorial Building and City Hall. He also listed the steps they did to combat the issues as well as steps being taken to reduce chances of similar issues in the future. Mr. Gorr stated that heavy and wet snows in the early and mid-winter led to significant ice damming and all kind of issues prompting his department to contract a roof steamer to steam away ice and remove snow. The following were the issues that occurred and solutions for the issues:

Cole Memorial Building

- gutters were being damaged
- walls/roof/facia looks to be a candidate for damage if not removed, over 20" thick in many areas
- Worried about stucco and other hard to repair/match items such as specifically designed trim boards on this state historical certified building
- Melting and dripping causing slick walkways, and potential for falling ice on pedestrians
- Too steep and inaccessible for our staff to be expected to maintain

City Hall Building

- Gutters being damaged
- Seams all leaking onto critical areas (Fire/PD Doorways, entrances)
- Staff and FD Staff spent hours removing ice, applying salt
- Doors were reported to be frozen closed repeatedly
- Downspouts frozen
- Person reported a 200# chunk of ice falling near a walkway area

Solutions

- Steamed all ice dams, removed all snow at Cole, ~10' from edges at City Hall
- Added heat tape the entire length of gutter and all downspouts at City Hall – this should allow downspouts to remain operational and drain away freeze/thaw issues
- Insulation assessed and bids coming in to add a vapor barrier and insulation at the Cole to help prevent building heat loss and ice dam formation in the future

Discussion ensued about the proper ventilation with potential insulation.

2018	\$1,693,065	\$1,637,785	\$2,866,273	57.140%
2017	\$1,597,230	\$1,597,230	\$2,823,123	56.577%
2016	\$1,666,772	\$1,553,352	\$2,719,522	57.119%

(Final Levy + Net Tax Capacity = Tax Rate)

Council Member Pederson asked what the City can do to help our business community since almost all have shut their doors for this pandemic for an undetermined amount of time. He is afraid with the lost revenues that some businesses are not going to make it. He stated that we need to ask how we can help as a local government to provide help to our businesses.

Council Member Pederson recommends the City talk about how to financially help our businesses and then reach out to some professionals, maybe gathering information and ideas. He suggested that the City immediately do a three months freeze on not imperative spending and purchasing. He stated that we don't know what the future is and every project item that's on there is important, but it's a horrible situation therefore we need to take some proactive leadership here and then review monthly. He also recommended the City look at the 2020/2021 budget and cut most every expenditure and eliminate or/and put on hold purchases of any new equipment to 2021.

Council Member Pederson stated that we can't just assume the federal or state government is going to take care of our businesses. He believes one of the ways we can help is lower their property taxes and the City can do that by lowering the expenses of the City.

Council Member Seils stated that there are all kinds of SBA loans and disaster loans and things like that that people can apply for right now. She stated that employees can go on unemployment even though it's not a lot of money, but it doesn't go against the employer right now either.

Ms. Malecha asked for some direction from the Council on the 2021 preliminary budget. Council Member Seils recommended that they should just put the directive on hold for another month. The Council agreed to table it until the next month.

11.2. Close Converse Commercial Listing Contract

Nancy Malecha stated that included in the packet is the Close Converse Commercial Listing Contract to sell the City property known as the Heart of the Good Life Development. She stated at the March EDC meeting it was recommended that the City Council enter into this contract for a minimum of one year with the stipulation that any current property acquisition discussions with the company not be subject to this contract and broker services. She said the EDC felt that having a broker or real estate company help the City market this development would reach a broader audience.

COUNCIL MEMBER SEILS MOVED TO APPOINT BONNIE EASTVOLD FOR A FIVE-YEAR TERM EXPIRING ON DECEMBER 31, 2024 TO THE HOUSING & REDEVELOPMENT AUTHORITY. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 5-0.

11.5. Resolution Extending Mayor-Declared Local Emergency

Nancy Malecha stated that Mayor Tayloe has executed a declaration calling a local state of emergency in response to the COVID-19 pandemic. She stated that his declaration can only continue for a period of not more than three days from the date of execution unless extended by the Council. Ms. Malecha stated included in the packet is a resolution to extend the period of the declaration for Council consideration.

COUNCIL MEMBER AKERSON MOVED TO ADOPT RESOLUTION 20-17 ENACTED PURSUANT TO MINNESOTAS STATUTES SECTION 12.29 EXTENDING THE PERIOD OF THE MAYOR-DECLARED LOCAL EMERGENCY. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 5-0.

12. Other Business

Council Member Akerson asked about what is happening with the Splash Park. Ms. Malecha stated the Park Commission had it on the agenda to talk about at their March meeting but that meeting was cancelled due to the pandemic therefore they decided they would be talking about that at their May 14th meeting. Ms. Malecha stated that they will be inviting the City Council to the meeting and the will be posting a notice of quorum. She also stated that it will be a virtual meeting.

13. Closed meeting pursuant to Minn. Stat. § 13D.05, subd. 3(c) to develop or consider offers or counteroffers for the purchase of real property permanent easements

Mayor Tayloe announced that this agenda item is to develop or consider offers or counteroffers for the purchase of real property permanent easements, pursuant to Minnesota Statutes, Section 13D.05, Subdivision 3(c). This portion of the meeting will be closed because the City Council develop or consider offers or counteroffers for the purchase of real property permanent easements located at 31124 Rasmussen Road, 31094 Rasmussen Road, 31064 Rasmussen Road, 31018 Rasmussen Road, 31011 Rasmussen Road & Parcel ID 29102005001W009, 30950 & 30918 Rasmussen Road, 30744 Rasmussen Road, and Parcel ID 290142300GA0009

Mayor Tayloe further noted that only the officials and consultants of the City who reasonably require access to this data may be in attendance at any portion of the closed meeting for this agenda item.

**CLOSED MEETING OF THE PEQUOT LAKES CITY COUNCIL
TUESDAY, APRIL 7, 2020
PEQUOT LAKES CITY HALL**

Members Present: Mayor Tayloe and Council Member Seils attended in person. Council Members Akerson, Pederson, and Swanson attended virtually via Zoom.

Staff Present: Nancy Malecha, City Administrator; Angie Duus, City Clerk/Treasurer; Tim Houle, City Engineer (virtually via Zoom); and Jason Gorr, Public Works Director (virtually via Zoom)

1. Closed meeting pursuant to Minnesota Statute 13D.05, Subd. 3(c) to develop or consider offers or counteroffers for the purchase of real property permanent easements located at 31124 Rasmussen Road, 31094 Rasmussen Road, 31064 Rasmussen Road, 31018 Rasmussen Road, 31011 Rasmussen Road & Parcel ID 29102005001W009, 30950 & 30918 Rasmussen Road, 30744 Rasmussen Road, and Parcel ID 290142300GA0009

The Council went into closed session at 8:13 p.m.

Present at the closed session included Mayor James Tayloe, Council Member Cheri Seils, Council Member Jerry Akerson (virtually via Zoom), Council Member Scott Pederson (virtually via Zoom), Council Member Mimi Swanson (virtually via Zoom), City Administrator Nancy Malecha, City Clerk/Treasurer Angie Duus, City Engineer Tim Houle (virtually via Zoom), and Public Works Director Jason Gorr (virtually via Zoom).

The Council discussed the agenda item.

COUNCIL MEMBER SEILS MOVED TO ADJOURN THE CLOSED MEETING OF THE PEQUOT LAKES CITY COUNCIL. COUNCIL MEMBER SWANSON SECONDED THE MOTION. MOTION CARRIED 5-0.

The Council went into open session at 8:41 p.m.

Respectfully submitted,

Angie Duus
City Clerk/Treasurer

James Tayloe
Mayor