

**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

request for a hearing the next day. Chief Klang asked Police Officer Sheri Fyle to give a synopsis of what happened that evening.

Police Officer Sheri Fyle stated that she was called to this address by the child's father Bryce Raduenz. She stated that when she got there Mr. Raduenz was out in the driveway along with the female owner of the dog, Jill Bjornaraa-Rose and the property owner Bud Bjornaraa. Officer Fyle stated that she was informed that the victim was a five year old boy and his mom was bringing him to the ER to get his injuries checked out. She was also told that the child had a bite to his face and his finger. Officer Fyle stated that the story she got from everyone was there was the boy whose name is Riker and he was walking up the stairs on an attached deck in front of the house when he was bit by the dog. She stated that he sustained an injury to his face and his finger and in the process of getting bit he had fallen and hit his head, therefore he also had a bump on his head.

Officer Fyle stated when she got there the dog was in the house in a back bedroom and she learned that his name is Jax, a five year old lab. She stated that during the bite the dog was not provoked. Officer Fyle said the female owner Mrs. Bjornaraa-Rose that she was talking to outside thought that the dog was being protective of the house and the residence, which is typical for most dogs. Officer Fyle said she asked Mrs. Bjornaraa-Rose if the dog had ever bit anyone before and Officer Fyle had said she was very hesitant on answering that question. She stated that she finally rephrased the question and asked if the dog ever been issued a potentially dangerous dog or a dangerous dog paper in the past and Mrs. Bjornaraa-Rose said no. Officer Fyle said she went inside and spoke to Craig Rose and he was then issued the potentially dangerous dog paperwork. She advised that he send in the paperwork for the hearing if he wanted to do that within the 14 days.

Officer Fyle stated that she was told Jax the dog was current on vaccinations and that he had a microchip. She said Craig Rose did supply the rabies paperwork she believed the following day in that same email that he requested the hearing. Officer Fyle stated that once she was done inside she went outside and talked to Mr. Raduenz, the dad of the little boy. She stated that he was very concerned about this dog since apparently the dog has been aggressive in the past but has not been reported to law enforcement. Officer Fyle said it sounded like an offspring of the same dog has bit Mr. Raduenz in the past and that was not reported to any law enforcement agency. She stated that Mr. Raduenz is worried about the continued aggression with this dog.

Officer Fyle said she did get a chance to meet up with the five-year-old when they got back from the ER and he looked pretty scared. She said he did have his injuries bandaged up therefore she has only been able to see the same pictures as in the packet. She said she doesn't know how many stitches he had or how they fixed him up but that is the gist of what happened that day and the information that was given to her.

Chief Klang asked Officer Fyle is she took pictures of the dog that same night and she stated yes. She also said the dog did not seem to want to be too friendly with her and he seemed very timid and did not seem to like her. Chief Klang asked Officer Fyle to elaborate on that. She said the dog went back into the room and did not want to come

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

this hearing it is not A or B, it's whether it be applied and it could very well apply but it is kind of a legal procedural issue that he does not necessarily have the answer to.

Mr. Rose stated that they had a family tragedy that day and he is not trying to shut off any responsibility for it. He said he agreed to pay out medical expenses moving forward and that he just paid some on Sunday and Monday. He stated that there are things that need to happen within the family, take time to heal and give the boy time to heal and take time to figure this out. He said that putting a bunch of legal proceedings in front of this family and these issues which are relevantly small compared to where they have been in the past. He said he has just been kind of staying out of it a little bit, letting things simmer down, not wanting to disrupt the healing process as well. He said he is just letting things cool down a little bit and rightfully so. He stated that the Mr. and Mrs. Raduenz have every reason to be upset and he recognizes that and he is not dismissing that. Mr. Rose stated just let's give it a little time here and he is stepping up to the plate to try to recognize his obligations.

Mr. Rose said their first concern is obviously the boy and this incident has been a topic of many family discussions. He said it was a topic between him and his wife, his wife and Mrs. Randuenz, his wife and family and it is something that has caused them some turmoil in their marriage recently. He also stated that on top of everything else that's going on they laid off 27 employees and there is this confinement and just everything happens at once sometimes.

Mr. Rose stated that if he could undo any of this or rewind it he would and that there is not an amount of money that he wouldn't pay to undo all this but that is the one thing he cannot do. He stated that he is going to try to do everything else and he knows Labs and that he has been around them for 50 plus years. He stated that he has trained three master hunters. Mr. Rose talked about training Labs and making money by putting them in tournaments. He believes his stock of dogs he has now is probably better than any of the dogs he has ever had.

Mr. Rose said the day that the incident happened the kids were playing, everyone was outside and there were no issues and no indication that something like this was going to happen. He said at some point he went inside, Jill went inside and the incident happened in that brief time. He stated they may have been in and out several times, so it that did not cause the incident happened. The dog bite incident happened and there was no indication previously and that is tragic. Mr. Rose said he was inside and there was commotion and yelling. He said he ran to the door, opened the door and he is getting the dogs off the deck. He said he is pushing and he is telling the dogs to get away, get away, get away. He said that two dogs followed him and there are dogs going in and out and they are not sure what's going on. He stated that it was chaos for a while and after stuff happens and it is just like you don't remember everything exactly. He stated that in a matter of minutes many different things were going on. Mr. Rose stated that the Riker was brought to the hospital and they all kind of sat around thinking about what had happened, what do they do. Mr. Rose stated they were scheduled to go home that evening and they waited around a couple of hours. He stated that everybody had settled down a little bit and were discussing what was going to happen and at some point someone said something about pickup truck at the end of the driveway and there were

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

associated with it. She said her daughter loses her mind but her son on the other hand seems to have somehow adapted to it. She said after the incident, he had all of his sutures and his face all swollen and people would look at him. He was like I don't want anybody to look at me, so she says here is a five-year-old who doesn't want people to look at him. She said they took off the bandages off the following day and her son looked in the mirror and said he didn't like what he saw anymore. Mrs. Randuenz said it is clearly her point of view the dog is dangerous. She said when people ask what kind of dog it was and she says Lab and everyone is so surprised it was a Lab. She said any animal can act like this and just because it is a Lab doesn't mean it's going to be a nice, friendly family dog. She said the dog is insane and that it showed no aggression during the day but all of a sudden her five year old kid just gets attacked in the face.

Mrs. Randuenz stated that Mr. Rose and Mrs. Bjornaraa-Rose live in Mound on the lake. She stated from her experience being there that multiple children run through the yard day after day to go from neighborhood house to neighborhood house. She said this is a high risk to leave this dog without a fence or some kind of containment. She stated that she feels so emotional about it and she is trying to contain herself because her son has healed mentally somewhat, but physically he'll never be the same. She said every time he smiles for a picture they are going to know it and see it.

She said it is not something that can just go away and a dog being allowed to survive this is not right. She said it's kind of like a bad person attacking somebody for no reason and not even going to jail or having any repercussion for the actions they made, it's disgusting and it makes her sick and so sad. She stated that she has nightmares and her son comes into her bed a couple of times a week saying he has nightmares. She stated that they are all trying to talk about this and cope with it but at the end of the day it's disturbing.

Mrs. Randuenz stated that her children will never interact with other dogs unless mom and dad say it is okay but it's just so sad because he's five and he's going to have them for the rest of his life. She stated that he will not have his sweet little soft baby face on the right side anymore that he now has a giant L. She said this never should have happened and being told that the dog was going to be taken care of but now here they are arguing that it's not a dangerous dog is absolutely asinine to her.

Council Member Akerson asked if the boy is scared of dogs now. Mrs. Randuenz stated that no, he is not. She stated that they have two dogs themselves, a Golden Retriever and a Basset Hound but he really hasn't even wanted to interact their our dogs much. She said he used to always love on their dogs.

Council Member Pederson stated that they have heard testimony but he is not quite sure what the question is from Mr. Rose. Chief Klang said he was confused on that also. He asked Mr. Rose to clarify what he is asking the Council for. Mr. Rose stated that the whole process is confusing to some degree and he recapped what had happened again and stated that procedurally he is not comfortable with the fact that they were going from potentially dangerous dog to weighing the option of labeling Jax a dangerous dog.

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.

Chief Klang stated the Council has the right to move it up to dangerous dog. He stated that they did not have some of the information back at that time Mr. Rose was served those papers. He said the papers didn't have the information that would really clarify whether or not the marks will leave scars on the child as you heard testimony today. Chief Klang stated after the Council decision he will finish the paperwork and it will be forwarded to the Mound Police Department to ensure that Mr. Rose follows the rules and that he is in touch with their Animal Control Officer at the Police Department there.

**COUNCIL MEMBER SEILS MOVED TO ADOPT RESOLUTION 20-18 FINDINGS, CONCLUSIONS AND ORDER OF PEQUOT LAKES CITY COUNCIL ON HEARING REGARDING PEQUOT LAKES POLICE DEPARTMENT'S MARCH 8, 2020 POTENTIALLY DANGEROUS DOG DECLARATION WITH RESPENT TO JAX IS HEREBY AMENDED TO A DANGEROUS DOG DECLARATION. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 5-0.**

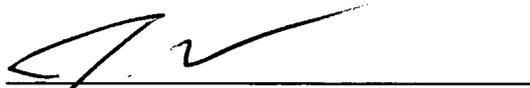
3. Adjournment

There being no further business, **COUNCIL MEMBER SEILS MOVED TO ADJOURN. COUNCIL MEMBER SWANSON SECONDED THE MOTION. MOTION CARRIED 5-0.**

Respectfully submitted,



Angie Dujis  
City Clerk/Treasurer



James Tayloe  
Mayor