

SPECIAL BROOKLYN PARK CITY COUNCIL MEETING

Monday, July 29, 2024
6:07 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North

CALL TO ORDER - Mayor Hollies Winston

PRESENT Mayor Hollies Winston; Council Members Boyd Morson, Xp Lee, Christian Eriksen, Tony McGarvey and Nicole Klonowski; Acting City Manager Dan Ruiz; City Attorney Jim Thomson; Interim Community Development Director Jason Newby; Finance Director LaTonia Green; Recreation and Parks Director Brad Tullberg; Police Chief Mark Bruley and City Clerk Devin Montero.

ABSENT: Council Members Morson and Tran (in the lobby)

Mayor Winston opened the meeting with the Pledge of Allegiance.

2A RESPONSE TO PRIOR PUBLIC COMMENT

Acting City Manager Ruiz stated there was one public comment at the last Council meeting from Collette Guyotte Hempel. He stated she thanked the police and fire departments for their response to a dog attack; expressed that she would like referendum questions placed on the ballot for November for the citizen's support of a new fire station and gyms at the community center; she also expressed a need for a pool in the community center and there was as much to be gained by offering a community pool for the community. She also asked that opportunities be made available for swimming lessons and lifeguard training. He stated there was no need for further follow-up.

2B PUBLIC COMMENT

1. Collette Guyotte Hemple, 9277 trinity Gardens. She thanked the police and Fire staff as well as the mutual aid responding units to Noble Sports park on Friday. She stated it was a terrible event, with 12 shell casings as a minimum, she knew about that occurred with 400 juveniles. She stated the city couldn't keep having that and knew it occurred in other cities. She stated the lack of amenities and activities to do in the city, were needed to divide the kids and give them structure, mentoring of adults and give them a safe place to be. She stated the city needed to hold the Osseo school district accountable regarding the fact they didn't do after school activities. She stated that impacted the attendance of those students. She stated the city needed to try and do different things and hold the juveniles, their parents and young adults doing that accountable. She stated it was a sad state when two blocks from her home, a park where kids frequently rode their bike on until dark to play baseball and sandlot activities. She stated the police and fire departments were doing their best. She stated the city and community needed to provide referendums and might need to do it next spring because it was likely too late to have it on the November ballot since there was no meeting next week or the following week and Hennepin County required all ballot measures to be in by August 23. She stated she had hoped since she had been at Council meetings since January asking to have a different plan for the November's ballot. She asked to include those topics in the listening sessions because no matter who they were, or what district, it impacted everyone.

3A. MOTION MCGARVEY, SECOND ERIKSEN TO APPROVE THE AGENDA AS SUBMITTED BY THE CITY CLERK AND ADDING ITEM 10.1. MOTION PASSED UNANIMOUSLY.

3B PUBLIC PRESENTATIONS/PROCLAMATIONS/RECEIPT OF GENERAL COMMUNICATIONS

3B.1 Mayor's Proclamation Proclaiming August 3, 2024, as the Cathedral School Alumni Association Day in the City of Brooklyn Park.

Mayor Winston read a proclamation proclaiming August 3, 2024, as the Cathedral School Alumni Association Day in the City of Brooklyn Park.

At 6:10 p.m. Council Members Tran and Morson were still in the lobby.

4.0 MOTION KLONOWSKI, SECOND LEE TO APPROVE THE FOLLOWING ADMINISTRATIVE CONSENT ITEM:

4.1 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR HEAVY ROTATION BREWING COMPANY FOR THE HAPPY HOUR ON THE FARM EVENT ON AUGUST 23, 2024, FROM 5:00 P.M. TO 9:00 P.M. AND SEPTEMBER 13, 2024 FROM 5:00 P.M. TO 8:00P.M. AT EIDEM FARM, 4345 101ST AVENUE NORTH.

4.2 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE CHURCH OF ST VINCENT DE PAUL FOR THEIR HARVEST FESTIVAL TO BE HELD SEPTEMBER 15, 2024, AT 9100 93RD AVENUE NORTH

4.3 TO APPROVE A TEMPORARY ON-SALE LIQUOR LICENSE FOR ST. GERARD'S CHURCH FOR THEIR CORN FEST TO BE HELD AUGUST 9 – 10 2024, AT 9600 REGENT AVENUE NORTH

4.4 TO WAIVE THE READING AND ADOPT RESOLUTION #2024-108 TO AMEND THE 2024-2028 CIP AND THE 2024 BUDGET AND APPROVE SUPPLEMENTAL LETTER OF AGREEMENT #13 WITH BOLTON AND MENK, INC., TO PREPARE PLANS AND SPECIFICATIONS FOR THE PARK BROOK ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL INFRASTRUCTURE PROJECT

4.5 TO WAIVE THE READING AND ADOPT RESOLUTION #2024-109 TO AUTHORIZE THE FIRE CHIEF TO ENTER INTO MUTUAL AID AND AUTOMATIC AID AGREEMENTS WITH THE BROOKLYN CENTER FIRE DEPARTMENT.

4.6 TO WAIVE THE READING AND ADOPT RESOLUTION #2024-110 APPROVING CHANGE ORDERS 1-4 FOR 63RD AVE TRAIL AND MUNICIPAL STATE AID (MSA) MILL AND OVERLAY, CIP 4044.

4.7 TO WAIVE THE READING AND ADOPT RESOLUTION #2024-111 TO ACCEPT A GRANT FROM HENNEPIN COUNTY FOR THE 2024-2025 HEALTHY TREE CANOPY GRANT PROGRAM, AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT.

MOTION PASSED UNANIMOUSLY.

5. PUBLIC HEARINGS-None.

6. LAND USE ACTIONS

6.1 Zoning Code Text Amendments (Chapters 150, 151, 152, and 153); Second Reading.

Paul Mogush, Planning Director, briefed the Council on the zoning code amendments to Chapters 15, 151, 142 and 153.

At 6:17pm Council Members Morson and Tran returned to the Chambers.

He briefed on Land use, Summary of Land use Changes, Consistency with 2040 comp plan, Code Streamlining, Improvement for Businesses, Ordinance by Others, and Recommendation and MRCCA zoning Ordinance,

Council Member McGarvey asked if he was saying the city currently had nonconforming buildings that were within the shore impact zone and those could not laterally expand.

Director Mogush stated the city had properties that were encroaching both on the 100-foot setback and were in the shore impact zone.

Council Member McGarvey asked if anything in the amendments would impact on the current nonconforming structures.

Director Mogush stated if there was a house that existed over one of those lines, no one would be knocking on the door to make them tear down the house. He stated they were legally able to keep it there as it was.

Council Member McGarvey asked if there were references to it in any other part as the contention had been, things were buried in 200 pages of the code and how did they know, if there were any of the changes or all the changes regarding MRCCA contained in the section whose heading MRCCA.

Director Mogush stated they attached to today's item the text of the MRCCA ordinance that was brought to the Planning Commission in February and was the same.

Council Member Lee stated the concern from a resident at a previous meeting was about the transparency and communications with DNR, the fears about the variances and working with city and DNR. He appreciated Director Mogush's work and presentation as it helped to set forward the explanation of the zones and everything. He thought it was clear and thanked the residents who reached out and shared their concerns. He wanted to protect the river and banks and would hate to see any damage that could be caused by not adhering to the DNR zoning recommendations. He supported what they had because if there were variance situations that were needed in the future, there was a process for it. He stated if they had a reason for a flexibility request, they could still do that and work with the DNR later. He appreciated DNR for responding to the questions, and appreciated Director Mogush for the presentation on the zone, measurements, distances and what they could or couldn't do. He stated he would be supporting the MRCCA vote tonight.

Council Member Eriksen asked if they did not adopt the MRCCA language as presented, would the city either be in violation of the state statute or could the state compel the city to make the

changes or enforce the rules anyway.

Director Mogush stated if it got to that point, the DNR would look at legal action against the city. Whether they could start enforcing it on their own, he didn't know, the DNR would not just let it go and let any city avoid adopting the ordinance.

Council Member Morson stated that based on staff's recommendation, asked how much assurance that impacted the residents.

Director Mogush stated they had been talking about one specific part of the ordinance because that was the part that was brought to their attention by property owners about the lateral expansion. He stated if property owners wanted to propose an addition to their home that was not consistent to what they were looking at tonight, they would have to go through the variance process and they might or might not get the answer they were looking for. He stated they would do a technical analysis along with the DNR to see if that was something they could recommend for approval from the Planning Commission and the Council. On how it impacted the residents, he stated there were other provisions in the ordinance, such as they couldn't do mass clearing of vegetation along the river. He stated there was a permitting process put in place to make sure vegetation and clearance happened along the river was going to be something not detrimental to the health of that resource. He stated it went beyond the structural elements.

Council Member Morson asked if the residents independently wanted to do something, would they absorb the costs as opposed to the city.

Director Mogush stated the MRCCA ordinance was just regulations and didn't do anything proactive on its own. He stated if a property owner wanted to do something they had to do it within the confines of the ordinance. He stated it was separate from any proactive efforts by the city, a property owner by the river, individual residents who owned property along the river to make improvements to their property to prevent erosion to make sure there was vegetation in place that was healthy for the river.

Council Member Morson clarified the water eroding a resident's property and causing long term issues and problems, was absorbed by residents. He asked if the city made some type of ordinance to protect those that were living there and being subjected to the property being eroded, whether they wanted to build or not and still eroding, whose responsibility it was if the city didn't put something in place to prevent erosion from happening.

Director Mogush stated it was property owners' responsibility, whether it was the city, as the city owned property along the river or the individual property owner.

Council Member Morson asked if they didn't put erosion prevention, like rocks and other things, to prevent the increased erosion for the residents' backyards, was the city contributing to the problem and could put up barriers to prevent erosion off the banks.

Director Mogush stated most of the property was owned by individual property owners and their property went all the way up to the river. He stated there wasn't public land between the river and the house and it was all privately owned land right up to the water and was their responsibility.

Council Member Morson asked whose responsibility it was to maintain the river and not causing any detriment, erosion and or problems to the homeowner that lived around the water. He asked

if they didn't own the water, was the city responsible for maintaining it. He stated if residents were responsible for the property to water and there was nothing between the water and property, they were accountable for the property that backed up to the water. He asked if the water outside their property lines that was eroding their property lines, who was responsible.

Director Mogush stated if there was a problem that needed to be addressed and was happening in some cases, where the erosion was taking place, the ordinance was one strategy to try to prevent that from happening, but it did not proactively fix the damage that had already been done. He stated he knew property owners were very interested about public resources for helping to do that. He stated there had been an ongoing discussion for years and tonight's item was related to that but didn't do that, didn't prevent that and was a separate conversation.

Mayor Winston stated the city recently joined the Mississippi River Cities Town Initiative and the issue Council Member Morson was talking about along the Mississippi river was not necessarily the city's responsibly and was expensive. He stated it was a nationwide problem that was affecting people from Minnesota all the way down to New Orleans. He stated there were groups organizing to create federal law which went above what they did at the city. He stated Federal law protected the Mississippi river from pollution and runoff and that's what they did for a living. He stated the city just joined the coalition that assisted with that and joined to respond to what Council Member Morson was trying to bring up. He stated there were grants at the federal level and some from private level organizations. He stated that the organization had special expertise in applying for the grants, whether getting them or not was a crapshoot. He stated it was important along the Mississippi river and why the city joined the coalition. He stated the city also wanted to increase resources along that area and the regulation did not apply to that. He stated he was not aware of any responsibility assigned at the city level to address that runoff.

Council Member McGarvey asked if a retaining wall was considered a structure. He stated he knew a deck was and if someone's yard was eroding due to water, did they have to get a variance to build it.

Director Mogush stated that related to tonight's discussion, no. He stated there were separate regulations in the ordinance for retaining walls.

6.1 MOTION KLONOWSKI, SECOND LEE, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2024-1304 AMENDING CHAPTERS 150, 151, 152, AND 153, TITLE XV: LAND USAGE OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN. MOTION PASSED. (6 TO 1) MORSON ABSTAINED.

6.1 MOTION KLONOWSKI, SECOND TRAN, TO APPROVE THE TEXT OF THE SUMMARY OF ORDINANCE #2024-1304 DETERMINING THAT IT CLEARLY INFORMS THE PUBLIC OF THE INTENT AND EFFECT OF THE ORDINANCE. MOTION PASSED. (6 TO 1) MORSON ABSTAINED.

7. GENERAL ACTION ITEMS.

7.1 Comment Letter on METRO Blue Line Extension Supplemental Draft Environmental Impact Statement (SDEIS).

Paul Mogush, Planning Director, briefed the Council on the Comment Letter on METRO Blue Line Extension Supplemental Draft Environmental Impact Statement. He briefed on the timeline,

about the SDEIS, and Brooklyn Park comments.

Council Member Morson stated he was not anti-blue line. He was for bus transportation for the residents to get in and out of the city and across the city. He stated it was something they could implement right now to get the residents east, west and the central district as well as in and out of the city and right now the residents did not have access. He stated the Blue Line project wouldn't get riders until 2030 and was six years away and was not benefitting anyone that was looking for a job, going to school, or anything they were doing to get in and out of the city. He stated he was excited about the east and west but needed to see it in the plans and was not in conversations. He stated he was always abstaining but not because he was against the Blue Line but because he didn't see the bus line efforts on paper saying it was there for the residents' needs of the community.

Council Member Lee asked if they had any conversations with NHCC about making sidewalk connections from Candlewood through their grassy area next to the pond that could connect to their southern parking lot. He stated people could continue at the sidewalk following the road out to West Broadway. He stated there would be people from the Candlewood and Shingle Creek neighborhoods and if it was further south they could just walk to West Broadway and if they were north, they could take 85th Avenue. He stated if they could have those conversations with NHCC and put a sidewalk there it could be part of the Shingle Creek Trail. He stated it didn't have to be concrete and could be asphalt to connect and make it easier for people going across Candlewood to be able to get through unless it was a safety concern.

He stated he knew people were walking or riding bicycles over the grass hills. He stated he knew the city put in new trail on Brooklyn Boulevard and asked if they had thought about the pedestrian traffic from Green Haven across Highway 81 heading to the proposed stop at West Broadway and Brooklyn Boulevard. He stated the pedestrian's safety was a concern at Bottineau Boulevard and Brooklyn Boulevard.

Director Mogush stated the first suggestion was an excellent suggestion with NHCC and would look back at the records if there had been discussions of that connection and good conversation to have. He stated there were probably other situations like that where there the only official way to get to the station was to take a circuitous route. He stated that it could be one of those opportunities for shortening that route, which was important for making it attractive to use the train. On the opportunities for crossing improvements across Highway 81 and Brooklyn Boulevard coming over from the Green Haven neighborhood. He didn't think they looked at that and stated there were all sorts of east/west trail segments that were in the works or had been recently built that would help with that. He stated the bigger issue was the practical and comfort level of crossing County Road 81 and the staff would talk about it.

Council Member Lee suggested having a conversation with Commissioner Lunde and Hennepin County. He stated Hennepin Technical College was out that way and might be student traffic too. He stated Green Haven was the island and the other side of County Road 81. He stated if they couldn't get it as part of the light rail negotiations because it was too far off the line maybe they could add that to the future conversations of the Pedestrian Bike plan.

Mayor Winston stated that the east to west transit would be important and not something coming in the short term because it was dependent on the light rail. He stated Commissioner Reva Chambliss, Met Council, was in attendance and welcomed her to the podium.

Commissioner Reva Chambliss stated she was Vice Chair of Metropolitan Council, Vice of

Transportation Committee and sat on Corridor Management Committee for the Blue Line extension. She stated she knew the Council had a lot of considerations for the project and were in the process of public comment. She appreciated the letter from the city's interest, needs and comments on how long the project had been going on and how the city had anxiously been waiting for an opportunity for the Blue Line extension.

She clarified that based on the latest legislation they had additional funding for transportation now that the ridership had improved and had new ridership requirements from the federal government. She stated it was not always based on existing ridership any longer. She stated they had a Network Next program through Metropolitan Council which addressed existing needs for transportation. She stated she had been working with staff from the city and cities from the northwest suburbs to get attention for the east/west transportation options. She stated she was hoping to see some of those east/west options come to fruition before the light rail and happy to talk to any Council members about that process and would appreciate their feedback and comments.

Mayor Winston stated for the past few years the Council was told that it was dependent upon the light rail hub getting built and asked if they could speed that up because there were some places in the city where people felt landlocked. He stated if there was anything the Council could do, whether providing an additional letter or lobby someone or talk to others to let them now because it was important. He thanked Council Member Chambliss for her work, and she had been at it for some time even before she got on the Metropolitan Council. He stated there had been criticism of the light rail because projects of that size didn't always move quickly. He stated the light rail brought in billions of dollars of development as seen in other locations. He thanked her for attending and speaking to the Council.

Council Member Morson stated he would like to have that conversation on the east/west bus transportation to gain more insight into what was taking place. He stated he also wanted more information on the Network Now committee and what they were working on in relation to the city and blue line.

Council Member Chamblis stated Network Now was an opportunity for them to evaluate what the needs were in the region. She stated if they had additional funds like they did with the metro sale tax funding and other funding that came from legislature recently, they would look at service needs as they were changing because some of the express bus service was a lot slower than it was and might open up local opportunities for bus service. She stated it also included bus rapid transit, micro-transit where people were able to get door to door service. She stated there a lot of options and opened to meet with city and Council members.

Mayor Winston thanked Council Member Chamblis and asked the acting city manager to have a work session or meeting to talk about it.

7.1 MOTION KLONOWSKI, SECOND MCGARVEY TO AUTHORIZE SUBMITTAL OF THE ATTACHED LETTER COMMENTING ON THE METRO BLUE LINE EXTENSION SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT. MOTION PASSED UNANIMOUSLY.

8. DISCUSSION ITEMS – None.

9A COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

Council Member Morson stated he wanted to give a thumbs up to Police Chief, Fire Chief, Deputy Chief and fire department squad that came to give attention to Council Member Tran who was earlier going through a problem and had resolved itself. He thanked them for listening to her and what they did professionally to meet her needs.

He stated it was brought to his attention that Council Member Eriksen, and some people had been participating online, discriminating against, and disparaging Council Member Tran. He stated people sent him some information regarding things that were being posted regarding her. He stated that it needed to be looked into immediately and it was speaking about her character, her mental capacity, and her mental ability. He stated that it was not cool at all.

He stated they needed to hold a meeting regarding the city manager and city attorney and call for their immediate resignation for conduct unbecoming and dereliction of their duties and responsibilities.

Council Member McGarvey called for a point of order. He stated Council Member Morson had been censured for those very types of comments repeatedly and was repeating them again.

He called for a point of order.

Council Member Morson stated it was his report to give.

Mayor Winston stated the point of order was made. He stated Council Member McGarvey was correct that Council Member Morson had been censured and not sure to what effect it had because he continued to exhibit the same behavior. He stated it was inappropriate and per the code of conduct he was not supposed to directly attack staff who could not punch back, he was not to attack them nor their reputation publicly. He stated if Council Member Morson had issues with staff he was supposed to per their procedures reach out to the Council and let them know he had complaints about the city manager or the city attorney. He stated the performance review for the city manager was coming up and was a way to complain about the city manager through that process. He thanked Council Member McGarvey for bringing up the censure and was not sure what the impact of the censure was having. He stated it would be nice if Council Member Morson could move on to something else besides attacking those who could not defend themselves nor could employees defend themselves.

Council Member Morson stated it was his report and not theirs and would say what he wanted to say in his report.

Mayor Winston stated he was censured.

Council Member Morson stated he didn't care about the censure because he worked for the people and didn't work for any of the Council members.

Mayor Winston asked Council Member Morson if he had anything else to say and finish his point.

Council Member Morson stated he was calling for the FBI, Attorney General, State Attorney, and Human Rights Department.

Council Member McGarvey called for a point of order. He stated it was in direct violation the Brooklyn Park City Council Code of Conduct he swore to.

Mayor Winston stated that out of respect for everyone he would call for a five-minute recess and when they came back hopefully stop naming off all the lettered government organizations and attacking employees who couldn't defend themselves.

At 7:16 p.m. Mayor Winston called for a five-minute recess to let things cool down. He stated when they returned they would get back to the business of the city versus personal attacks.

At 7:24 p.m. Mayor Winston reconvened the meeting.

Council Member Morson stated he wanted to say, Happy 177th Independence Day to the Liberian community, which was the largest Liberian population, in the city outside of Liberia. He appreciated and acknowledged their contributions to the city and their decision to live in the city and become part of the fabric the city had in the community. He also thanked all of the diverse population in the city who chose to live, worship and live in the city.

Council Member Tran reported on the ride she had with the fire department team on Friday. She stated it was eye opening, and the firefighters worked very hard and were excellent. She stated they didn't know that until she rode with them for hours and witnessed their work was stressful and skipped their meals when they had to go on a call. She was concerned about the firefighters' missing meals and if it continued to happen in the future she stated they could get stomach ulcers.

She stated the Fire Chief said anyone who wanted to ride would be welcomed to show how hard they worked. She stated the firefighters never complained and the facilities were tight and used a storage room for an office. She stated they worked as a team and took care of each other, cooked meals for each other and was like a brotherhood. She stated that was what Brooklyn Park looked like, and America looked like and would have fewer social problems if everyone was like the firefighters, treating each other like a sisterhood or brotherhood. She thanked the fire chief for his leadership and the firefighters.

Council Member Lee gave a shout out to the Green Harbor Chapter, where they practiced in the city. He stated over the summer, Green Harbor was a chapter of the Midwest LARP Association, where they did live action role play. He stated he was a big fan and magic genre and always wanted a local LARP group which he learned of recently. He stated they practiced every Saturday, at 1 p.m. at River Park. He stated it was a great way to get out and burn some calories, get to know some great people and just to enjoy a Saturday afternoon.

Mayor Winston also said happy 177th Liberian Independence Day and thanked them for having him at some of the events. He stated he was looking forward to joining some of their media and having conversations on what they were doing in the city.

9B CITY MANAGER REPORTS AND ANNOUNCEMENTS – None.

At 7:32 p.m. Mayor Winston stated the Council would be going upstairs to Room A203 for a work session.

At 7:37 p.m. Mayor Winston reconvened the work session in Rom A203.

10. Work Session

10.1 Discussion Regarding Dog Incident in the City.

Police Chief Bruley briefed the Council on dog incidents in the city. He briefed on Animal Related Cases, Animal Related Citations, Dog Bites Resulting in Charging, Dangerous Dogs, Dangerous and Potentially Dangerous Dog Breeds in the City, What Happens After a Dog Bite, What are the Guidelines, Licensing Dogs, More Aggressive Enforcements.

He stated there were two significant incidents that happened last week involving pit bulls. He stated one incident that happened with a mother and child and attacked the three-year-old and essentially the child passed away. The other incident involved another child.

Mayor Winston asked what specific issues needed to be addressed. He stated he heard there were concerns about the dog bites and dogs wandering around the city.

Chief Bruley thought the community wanted dogs but had a growing problem of people not taking care of their dogs and had more dogs on the loose.

He stated what they were seeing was the fact that they couldn't give the dogs back. He stated the owners wouldn't pay for them as a sign of them saying they were not good homeowners and didn't care enough to pay the \$200 for the dog when they let it off a leash, it got away or not training it well or will only take it back if the fees were waived. He thought most people were invested in their animals, loved them, cared for them, wanted to take care of them, wanted them to be accountable and be responsible, and would pay \$200.

He stated they also needed to recognize the dog bites were going up and the severity of them were going up. He stated there were two recent issues and one last year and didn't know if the current process was working. He stated he would like to have a conversation about going back to licenses and what the pros and cons of that were. He stated internally, they needed to do a better job of accountability for those dangerous dogs and potentially dangerous dogs.

Chief Bruley thought they could have a more robust process that forced the accountability on owners and thought they should go to the attorney and get more injunctions to take those dogs away and be clear that their dog was legally dangerous, and were not following through, by not sending their rabies shots, which was one of the criteria. He stated every year they had to send their shots if it had been updated, and they didn't do that. He stated they would send letters and didn't respond and so they knocked on their doors.

Mayor Winston asked if that would have prevented those cases or would they still most likely have occurred.

Chief Bruley stated the incident last year with that young girl and that boy, those dogs were never on their radar and had no calls about them.

Mayor Winston asked about the registrations.

Council Member Eriksen stated the last time he did a registration it was \$30.

Mayor Winston stated they could ask the attorney if they could raise the fees or require registration for certain breeds.

Attorney Siobahn stated that it would be ill advised.

Council Member Morson stated he had seen some homes with warning signs about a dog in the house. He stated his concern was the doors did not have screen doors and those with dogs should be required to have screen doors as barriers to protect someone from visiting the home. He didn't know how aggressive they were, and some opened the door and if that dog was aggressive was one step from getting out and attacking someone. He stated they should make it a requirement to protect people and there was an extra level of protection if they had to inspect their yards on a weekly basis. He stated he saw vulnerable points in the fencing to be corrected with a dog unattended. He stated he had video coverage of dogs getting out of yards and should require them to fix areas where dogs were getting out.

He stated he was called to a dog bite scene, and a man was bit in the face, bicep and back. He stated there were two roaming dogs and he was just doing his daily morning walk. He stated three attacks in matter of couple of weeks where dogs got out and attacked people was a concern. He thought the screen door would serve as an initial barrier to help stop those things.

Police Chief Bruley stated they would have to do some homework and understand the legality if the city could require that screen door. He stated there were a lot of dogs in apartment complexes and people complying with rules living in an apartment.

Council Member Klonowski asked what the city did in response to a traumatic event or a tragic event, what kind of statements were issued by the city, did the city have the community engaged in conversations instead of phones calls or Facebook postings and if city officials visited the family that has been impacted.

She asked about the cadet involved who held a child over their head, it was an act of extreme bravery, and if they were recognized by the city. She asked how the city helped with the emotional trauma for the staff that had been impacted. She stated also by participating in the euthanizing of a dog was traumatic along with having a child and a person viciously attacked and seeing it.

Acting City Manager Ruiz stated when the city had traumatic events, the police department would go out in the neighborhood and hold meetings to address it.

Police Chief Bruley stated they had a wellness program and the LMC invited the police department to present to many groups across the state on how they were doing wellness in the city for the first responders. He stated that on the cadet's bravery, they would be put in for an award and a ceremony would be held for that bravery.

He stated on the wellness portion, on a traumatic event where the child was killed, the officer was sent home and encouraged to see a mental health expert and would be one on one. He stated all attended a debrief four days later coordinated by a mental health professional and was just a healing session.

Council Member Klonowski asked about the guidelines for potentially dangerous dogs and if they were state, county or city guidelines.

Police Chief Bruley stated there were state guidelines.

Council Member Klonowski asked if someone was breeding dogs, did they have to register the dog.

Police Chief Bruley stated there was a lot in the ordinance and didn't believe they needed to register they were breeding dogs. He stated the ordinance only talked about breeding more than two litters, and then something had to be done. He stated if they were periodically having puppies, then no, it was very unregulated.

Council Member Klonowski asked if that could be regulated and require someone to get a license to breed dogs. She stated there had to be some regulations on puppy mills.

Police Chief Bruley stated they could license them and would tell what type of breed, name, address and would have to do more research on it.

Council Member Tran stated she saw on TV where people were breeding dogs and sold to another state or breeding them from Mexico and brought them to sell in the city. She stated there needed to be a law on documentation and rules harsher for accountability for the owner. She stated anyone could buy a dog, was unsafe in the neighborhood and didn't know if the dogs were vaccinated. She stated there needed to be a letter, spot checks if not following guidelines or fine them to protect the public.

Council Member Morson asked where the police department got the identity of the dogs that were presented in the slides.

Police Chief Bruley stated in 2023, the cadet supervisor, animal control, created a database to identify every dog, dangerous and potentially dangerous.

Council Member Morson asked if dog owners who were not taking care of their pets, if there could be language about that, being charged and not being able to own another dog for their lack of care of the dog, found roaming or bit someone.

Attorney Siobahn stated they would have to do some research on it and sounded like it was dog neglect and different than having a dangerous dog. She stated they would have to look at case laws.

Council Member Morson stated he was talking about both neglect and dangerous dogs, where the city would not let someone own more animals because they demonstrated they were not good caretakers.

Police Chief Bruley stated the law said, they had an inherent ability to own dogs and could be regulated reasonably by the city, through potential licenses and requirements to make sure they were vaccinated, etc. He stated anytime they were declared they were unfit to have a dog or taken it away now there was due process that needed to be interjected and couldn't be unilaterally from the police. He stated the police only handled emergencies. If a dog was attacking someone the police had the ability to make that immediate decision to step in and save a life. He stated when talking about going to courts and petitioning the courts with an affidavit of probable cause for a judge to say yes because of neglect and taking the dogs away, viewed it as a constitutional issue to make sure there was due diligence and didn't think they would ever get in the realm of creating a process and ordinance that would intertwine automatically.

Council Member Lee asked about enforcement where owners didn't want to pay, and the city dealt with them to take the dog back or those owners of potentially dangerous dogs didn't pay

and the city was not able to enforce anything. He asked what ideas the city had in terms of what the city could do or was there nothing the city could do.

Police Chief Bruley stated they sent the owner a stern letter saying they were in violation and were told to turn in their annual items. He stated a big share responded to the letters or phone calls. He stated there was still a fair amount that didn't do it and asked if a judge would sign a court order for it. He stated a lot of times the city took the dog, neutered it, spayed it and would give it back to the owner, even though they didn't pay the city for it.

He stated now the owner had the dog but was still not complying and staff hadn't tested, going to a judge and saying now they were not paying the \$200. He stated it was uncharted territory, and the culture was such they were lenient with people that chose not to follow those rules. He stated they would give so many chances to comply and in light of all dangerous dogs there could be, and how it was growing, if they were contributing to it by taking a soft approach. He stated the soft approach was well intended, but there were a lot of poor people in the community that loved to have dogs and didn't want to be the police of taking away the dog who they loved.

He stated they were trying to do the right thing for the community, but they were also faced with a significant problem that was growing year after year. He stated they were seeing it commensurate with bites and wondered about the soft approach, well intended, that was yielding bad results in other places.

Council Member Lee suggested looking at the soft approach, where they could push in terms of being harder and increasing leverage in an equitable way. He stated not necessarily increasing fees but what were levers legally to do something to hold the owner accountable. He asked if there was a state pound program.

Police Chief Bruley stated there were the humane societies in different locations. He stated they had the consortium they used, their pound was the PUPS, police under police security, and had served the police very well and was at capacity now. He stated he was not aware of a state type pound.

Council Member Lee stated that was something they could have a conversation with at the county level. If the incident were growing in region and becoming an area problem, whether it was dangerous pets, feral pets or other animals. He stated there had to be somewhere they could go if PUPS were maxed out, or the adoption program partners were maxed out and the animals continued to be a nuisance.

He stated they had to push the issue up higher to county and state to get more help for municipalities and thought that conversation should be kept on the table. He stated for the chickens, they were going to have a permit process, where they had guidelines around the coop, and where it was governed. He stated that on dogs, there might be a lot more of a process.

Council Member Lee stated that on the breeding aspect, if the owners decided to sell the puppies, then that created a transaction, where members of the public would go to their residence or create a situation where there could be interaction. He thought that it would give the city leeway to say, if the owners were going to sell, then they needed to apply for something from the city, pay a nominal fee, or an inspector would go out to inspect their property for safety or the house for safety, while they were in that process.

He asked if they could make a flyer in terms of education or a workshop and have recommended safety measures. He stated all dogs in public areas in the city should be leashed except for off-leash designated areas. He stated the education could have recommended safety concerns if they had a fence, best practices if they had young children, and having a dog over 100 pounds. He stated with the particular breeds that could be potentially dangerous based on data, could provide extra steps to keep their interactions safe. He stated that it could be a booklet or a trainer.

Police Chief Bruley stated he liked the opportunities to do the education. He stated the city still did the New Connect program, when people moved into the community, they would get information and would be a place for that education. He stated the city had dog parks throughout the community and heavily used and could post the information or have signs. He stated everyone knew there was not one thing that could fix it but collectively, in education, it would be a big part of it. He stated they could move the meter of doing better than what they were doing now, and the education ideas were a part of it. He stated they also touched a lot of residents through the year in different ways, such as National Night Out, where people got packets of information and would be a great place to give out, the flyer to help residents understand the rules.

Mayor Winston stated with the two incidents this year they were concerned about, if they leaned into the enforcement or followed up with the fines, asked if would have an impact on those people. He asked if the city was aware they had dangerous dogs. He stated the community was nervous about it and thought it made sense to increase the enforcement in terms of getting a dangerous dog that if they didn't stay in touch, then there would be a \$200 fine. He asked if the judge would know why that was important to the city. He liked the idea that if someone was going to sell dogs, could the city request them to register to have an extra layer of security so someone couldn't just go in the back and open the fence themselves. He asked if that was something the city could request and look into that because it would solve that particular situation, 50% of the issue the city had dealt with was having that security in place when it came to the dogs.

He stated he struggled with the other cases when they didn't know who the dog was and with people being concerned about seeing those dogs loose. He stated he didn't know where the city was in terms of educating residents or how to report it so people felt they were being proactive. Then, get a map of the sightings of the loose dogs and over time find out who the offenders were. He stated it wouldn't solve the problem right away but could start getting people to take care of more of those loose dogs. He stated that looking into that approach could have some impact.

He thought it had to be a multifaceted approach when they rolled it out and needed to be research done and to look into if people were selling what the city could do. He thought staff needed to look into those various approaches and then have them presented to the Council and then they could home in on the final approach to address it.

Council Member Morson suggested residents be notified such as when a child went missing, and everyone got an alert on their phone. He stated if dogs were roaming in the community, thought the alert to people that a dog was roaming in the community was important. He stated many houses didn't have fences and with dogs roaming and children being left unattended for a brief second was an opportunity for something to happen.

Mayor Winston stated when it was brought back to the Council, it would cover the dog bites and didn't need to go into detail but give some background in terms of what occurred. He stated then the solutions could speak to the separate aspects. A dog sale happened, a dog was loose, a person got bit, there was a policy for it and could be addressed.

Police Chief Bruley thought the idea of the breeder was spot on and was an area they had not gotten to before and needed to as they were seeing it more frequently. He stated dog bites around their puppies were very common.

He stated the American Bullies dogs were outlawed in the United Kingdom and couldn't have them because of their aggressive nature and how much damage they could cause. He stated it was a giant pit bull and bred to be big. He stated with quality control checks they would have been made aware of it and thought it was time to do that.

He stated 288 dogs were impounded in 2023 and those were loose dogs and the first order to the cadets was to try and return them. He stated there were another 106 where people had called and said it was a dog loose, but the cadet couldn't find it. Or if they did, they brought it back and were never labeled as an impounded dog. He stated those numbers were high.

He stated this year; they focused more on citations when it seemed to be there was negligence and had 17 citations. He stated in 2023, it was three to four hundred times the cadets were picking up a dog that was loose in the community and issued 6 citations and that disparity was too often. He stated everyone needed an opportunity to explain themselves and looking at the circumstances to change the behavior and not everybody needed a ticket. He stated they told people that it didn't matter if they were negligent with their dog, the police would bring the dog back and there was no accountability. He stated that if only 6 out of the three hundred plus times were writing a citation for a loose dog, thought they were missing the mark and that needed to change.

Police Chief Bruley stated people would get mad when they got a ticket and would hear that they got a ticket for a loose dog when there were kids getting shot on the street or, there were 40 shots being fired at Noble Sports Center during a baseball softball game and trying to give them a ticket for a loose dog. He stated the community would push back and would be frustrated. He stated dogs were a problem and they could do better, and the cadets could issue more citations.

Mayor Winston stated that some of that relied on the communications division to get that message out and relied on the Council. He stated when it was brought back to the Council that maybe the media could cover that particular approach. He stated it was incumbent on the communications division to let people know the policy was changing in response to the horrific incidents.

Police Chief Bruley stated what he heard from the Council was support for more smart enforcement more than what they had now. He stated they would do a media blitz on the policy, let the community know why they were doing it but beware, if their dog was loose, they would likely get a ticket. He stated it was giving a fair warning to the community that it was a concern and needed to do better.

Council Member McGarvey suggested that someone in the police department look online and everywhere possible before public awareness, to find out how many actual breeders there were in the city. He believed that online was where they would advertise it.

Police Chief Bruley stated the crime analyst did the mining of social media for different things related to parties, crimes, etc., and would be able to do searches about breeding dogs in the community.

Council Member Klonowski stated there were people active on social media with dog fights. She asked if they had seen anything in the community and if that was something they could also look for on social media.

Police Chief Bruley stated those cases were heavily prosecuted and drew a lot of attention and got a lot of the police's attention because of the violent nature around them. He stated when they heard about it, they took it very seriously and so did the county when they went to charge them. He stated because of the nature of those fights they were done outside of the city in rural areas and farm areas.

Attorney Siobahn stated the Council should also take into consideration the gap between buying or selling dogs and people just giving away dogs. She stated there were people that had dogs who would breed them and gave them to the neighbors and friends and would still have the same problem. She stated they couldn't regulate it because they were not selling them. She stated she didn't know if there was a way to get around that.

Mayor Winston stated he didn't think they could overregulate everything but knew people who were making it their business or if they were just planning on selling, thought they could get them in the system. He stated there would always be someone who gamed the system and just needed to be ready to deal with that.

Police Bruley clarified that on the breeder, there would be an ordinance change, on enforcement, the police department would do better and was a matter of changing the culture and working with the media was easy. He stated he didn't get the flavor from the Council whether they should explore licensing of dogs in the city.

Council Member Eriksen asked what the penalty was for an unlicensed animal versus a dog wandering around in the city.

Police Chief Bruley stated it would be up to the Council to write the ordinance, if they had an unlicensed animal, there was a punishment, a citation and would have a fine schedule.

Attorney Siobahn asked if the city completely abolished the licensing.

Police Chief stated they would have to redo the ordinance, and a lot of cities had it and would bring Council the information to look at if the Council wanted to explore it, what the license and fines would look like, and what authority the cadets had if they found an unlicensed dog.

Mayor Winston and Council members stated it was worth exploring.

Mayor Winston stated he didn't want it to be \$200 because for some people it was cost prohibitive, but the Council would talk about it.

Police Chief Bruley thought it was nominal, under \$50, to show they were vaccinated and chipped. He stated the \$200 was the annual fee for dangerous dogs.

Attorney Siobahn stated what she had for Kennedy and Graven, was to explore the breeding/sales of dogs and potential licensing ordinance.

Council Member Lee asked if the Council could look at the old ordinance

Council Member Morson asked if the registration for a normal dog was different than the potentially dangerous dogs.

Police Chief Bruley stated they would explore that and thought that if they went down that road of specifically identifying a breed, they were going to get into trouble. He stated the statute was clear by legislation they couldn't be picking on a specific breed and regulate them specifically. He stated if they did that, they would lose the community's will. He stated there were groups out there who were passionate that there were no bad dogs, just bad owners and thought it would be better to license all dogs, treat them all fair, treat all people fair and be smart about how they did it.

ADJOURNMENT - With consensus of the Council, Mayor Winston adjourned the meeting at 9:02 p.m.

HOLLIES WINSTON, MAYOR

DEVIN MONTERO, CITY CLERK