

**MINUTES
ADMINISTRATIVE FINE HEARING BOARD**

JULY 29, 2016

The meeting was called to order at 3:00 p.m. Members present were Jean Soine, Kay McDaniel, and Renee Eckerly, City Administrator. Also in attendance were Police Chief Paul Wegner, Police Officer Nathan Johnson, Anthony Kreuter, Rebecca Kreuter, Vonda Christian, Jonah Christian and Pat Christian (via cellphone).

ELECTION OF OFFICERS

Motion was made by McDaniel to appoint Soine as Chairperson, McDaniel as Vice Chair, and Eckerly as Secretary. Seconded by Eckerly and unanimously carried.

ADMINISTRATIVE CITATION APPEAL - \$100.00 BARKING DOG CITATION

Eckerly reviewed for the audience the procedure for the meeting. The Board would hear testimony from all parties, then go into a closed session to deliberate and will make a finding of fact statement for sustaining the citation or for dismissing the citation. This written statement along with a recommendation will be given to the City Council on Monday, August 8, 2016 for final action.

Appealing Administrative Citation #03239 issued on July 19, 2016 for \$100.00 for barking dog. Documentation submitted for review was 70 pages of police reports and citations from Chief Wegner. There were no submissions from the Kreuters.

Paul Wegner, Police Chief gave a summary of the Police Departments responses to approximately 14 – 15 barking dog complaints at 720 Business 23 W, since March 2015. There has been five prior citations issued plus numerous warnings. He introduced Vonda, Jonah and Pat Christian (via cell phone). On July 19, 2016, a little before midnight a barking dog complaint was received by the Paynesville Police Department and Officer Nathan Johnson responded.

Nathan Johnson, Police Officer gave a verbal report that he responded to 720 Business 23 W. This was Officer Johnson's first contact with the residence at 720 Business 23 W. He arrived and sat in the squad car with the windows down to listen for the barking. He heard 5 to 7 continues dog barks coming from behind the residence. He then approached the door and spoke to Anthony Kreuter regarding the barking dogs. He said that Anthony told him he would let the dogs in and then would come back out to the squad car. In the squad car, they discussed options that could be done to keep the dogs from barking. Rebecca Kreuter came to the squad and wanted to know why they were getting a citation. Officer Johnson explained that this has been an ongoing issue and that they would continue to get citations as in the past for the barking dogs.

Pat Christian, neighbor was unable to attend in person so he was speaking on Chief Wagner's' cell phone, which was hard to understand what he was stating at times. He did say that the barking dogs have been going on for 1 ½ years. That he has tried to speak to the Kreuters about the barking, but they don't take any action to stop it. The dogs are locked up in a kennel

outside all day and then taken in the house at night. The dogs never get to run or play or get any attention from the Kreuters. That is why they bark. He has spoken to the neighbors and they complain about the barking also but no one would come to this meeting.

Anthony Kreuter gave a verbal report that these complaints have been going on for two years. That the complaints are unfounded. He read through Chief Wegners' 70 page packet of police calls and citations and noted that they all state "unfounded". He feels he is being harassed by the Christians through the Police Department. Everyone in that block area has dogs; how do you know it is our dogs barking.

Rebecca Kreuter gave a verbal report that she has spoken to the neighbors and they don't have any issues with their dogs.

The Board asked how many dogs they have at 720 Business 23 W. Rebecca Kreuter reported 4 dogs at the ages of 3, 2, 1 ½ and 12; two are Rottweiler/Huskies mix. The kennel outside is 10 x 10.

Pat Christian stated that they run a business out of their house and with the dogs barking they have to go to the other end of the house to speak on the telephone. The Board asked if they had dogs and Pat responded that they did, but got rid of them. They have been living in their house for three years.

Vonda Christian verbally reported their house is a two store/three bedroom, but can't use one of the bedrooms because of the constant barking dogs. She stated that the Police have done everything that they can, but the Kreuters don't get it. They never let the dogs out of the kennel and now heard tonight that when the dogs go in the house they go into another kennel. This is no life for the dogs. They get no attention so they bark to get attention.

Jonah Christian verbally reported that he has two videos of the dogs barking on his phone that he would like to play for the Board. The first video that he played was from July 19, 2016 at 11:15 p.m. The second video he played was from July 27, 2016 at 10:44 p.m. He hardly ever sees the dogs outside of their cage.

The Board asked why there were no police calls from November 2015 until July 2016. Anthony Kreuter stated the dogs were kept inside during that time.

Chief Wegner stated that the wording "unfounded" in his documents that were submitted was automatically generated by the RMS computer software and not related in any way to the case or what the Officers saw or heard at 720 Business 23 W.

The Board asked if a bark collar had been purchased as suggested in one of the citations. Anthony responded that a collar was purchased, but didn't work and felt it was not humane. Rebecca stated she had purchased another anti-barking device and they worked, but she went through three of them and they were expensive.

Chairperson Soine asked if there was any more testimony or comments before the Board went into closed session to deliberate.

Closed session opened at 3:35 p.m.

Regular session re-opened at 3:50 p.m.

Finding of Fact:

City ordinance states that there is a limit of two dogs per household and the Kreuters' have four. The Board's knowledge of Huskies is that they are a vocal dog and like a lot of attention and to bark/howl. The Board did not have any knowledge of the behavior of a Rottweiler except that it is a big dog. The Board believes that a 10 x 10 kennel is not big enough for dogs of this size, nor is the city a good environment for the two Rottweiler/Huskies. The Board discussed that you can't change the nature of the dog, so if the nature of the dog is to be vocal and bark then you shouldn't use a device to stop that. The owner should be in an area where the dog can be itself and be vocal. The Board understands this is a difficult process to rehome your pets, but it is in the best interest of the dogs.

Conclusion: The two Rottweiler/Huskies mixed dogs should be rehomed to an environment that is more conducive to their nature. That would put the residence in compliance with the animal ordinance of two and eliminate the barking complaints and continuous \$100.00 citations.

The Board gave credit to the Kreuters for all the options they have tried to quiet the dogs.

Motion was made by McDaniel to waive the \$100.00 Administrative Fine for barking dogs if the Kreuters rehome the two Rottweiler/Huskies mix to an environment that is more conducive to their nature within the next 30 days. Seconded by Eckerly and unanimously carried.

Since everyone was outside the room when the Board came back in session. Chairperson Soine verbally gave a briefing on the Board's decision and that the Fact and Finding would now go to the City Council for final action.

There being no further business the meeting was adjourned at 3:55 p.m.