

## **Unapproved Minutes of the Montrose City Council**

A Special Montrose City Council meeting on animals was held April 1<sup>st</sup> in the Community Center, Montrose, SD. The meeting was called to order by Mayor Doris Sager at 10:00 am. The Pledge of Allegiance was recited. Present were Brent Deters, Peggy Jesse, Susan Painter and Lenice Wingen.

Mayor Sager made a short statement. The City had recently been receiving animal complaints. Three major areas of concern were licensing, noise nuisance and animals at large. Mayor Sager was looking for suggestions on how to get all pet owners to control their animals and show respect for all Montrose residents.

Jordan from the Sioux Falls Humane Society then gave a short talk. The City of Montrose contracts with the Humane Society to assist with animal complaints. The Humane Society will pick-up and impoundment animals as well as investigate complaints. Later in the discussion, Jordan mentioned that most ordinances and the courts require 7 minutes of uninterrupted barking to be considered a noise nuisance. Also, in most cases, there has to be three separate incidents to be considered a nuisance. Jordan said that barking is very difficult to prosecute. He explained that, in many cities, the issue has to go to the courts, and many complaints are dropped because complainants are not willing to testify in court. He also said that some cities require 2 neighbors on the initial complaint before those cities will investigate the complaint. Some neighbors do not get along, and sometimes, one will complain to the city to cause problems for the other. Requiring 2 neighbors on the initial complaint avoids this issue.

Finance Officer Healy then explained what the US Dept of Agriculture defines a pet animal to be. "Pet animals mean ... dogs, cats, guinea pigs, rabbits and hamsters." Healy then went on to point out which the current ordinances relate to the topics of concern. Ordinance 5.0201 and 5.0202 define running at large, and which animals are considered strays. Any animal not having a visible tag and running at large may be deemed a stray and destroyed immediately. 5.0210 limits the number of pets to six or fewer. 5.0211 thru 5.0213 outlines the license requirements and fees. Owners must have a valid rabies certificate to obtain a license, and all pet over 6 months of age must be licensed and vaccinated. 5.0216 C requires owners to clean up after their pets, and 5.0216 E does not allow pets to disturb the peace. Extra copies of the full animal ordinances are available in the office.

The floor was then opened to parties that wanted to talk about the pet ordinance. The first speaker was Tyler McCoy from Central Farmers Coop. He wanted to make the residents aware of the recent changes in government regulations. Feed and food used to have different regulations. Now, feed is treated the same as food. The same FDA officials that review the Irish Pub or CJ's also review Central Farmers. The government is requiring Central Farmers to come up with a Food Safety Plan and Hazard Analysis. Central Farmers has hired a pest control operator that uses bait boxes to control the mice and rats. The one hazard that they need help with is cats. Central Farmers would like to work together with the City to prevent cats from entering their facility.

Charla Cope then spoke briefly. She thought that 5.0216 E regarding disturbing the peace should be clarified as far as what the City considers reasonable hours. A dog barking in the middle of the night is different than the same dog barking briefly in the middle of the day. She also thought 6 pets per household were a little high. Other towns limit the number of pets to 4.

Paul Klaudt spoke next. He said he understood that animal complaints take time to resolve, but the City of Montrose needs to start enforcing their ordinances. He said that he had bought a bark collar for one of his previous pets to control their barking. He wondered what had happened with the multi-town enforcer that the City had looked into a while back. The Council explained that this had fallen thru. He recommended people get a picture of the animals that are running at large as proof. Maintenance Supervisor Sieverding mentioned that Humboldt had lost a court case when he was working there because they did not have any pictures

proving the animal was running at large. Paul mentioned that people know whose animals are causing the problems. At this point, Deters disagreed. Deters has heard complaints from people, but when they are asked for the specific address they don't know it. Healy added that he will give a person that complains to him the complaint form to fill out that starts the process. Most of the people that are given the form never fill it out.

Jackie Cleveland could not make the meeting but did have some discussion comments. Jackie had concerns about the cats running around on main street, and did not appreciate the surprises they left behind.

Mayor Sager then stated that the City would publish the minutes from this meeting in the paper, and give the residents two weeks to: get their licenses and tags, to control their animals, to start picking up after them. On April 28th, the City would start enforcing the ordinances.

A general discussion followed. Several points were made during this discussion.

- Wingen stated that barking during the day is tolerable, but the barking late at night, in the middle of the night, or very early in the morning is a problem.
- Deters thought, in general, the City's ordinances were okay. He asked Healy to rewrite the ordinances so the steps that the City takes, and the various fines that will be imposed are summarized at the end at one place.
- Healy asked about changing the expiration date for pet licenses. The current ordinance states that all pet licenses expire on June 30<sup>th</sup>. It is hard to tell if an animal with a 2017 tag has an expired tag/license or a valid tag/license. Healy asked to change the expiration date to December 31<sup>st</sup>, and the council agreed.
- Wingen mentioned to Healy that the City belongs to SECOG, and SECOG could help rewrite the ordinance. Healy and Wingen both mentioned that there are very specific steps you have to go through to change an ordinance. Healy will research the necessary steps required to change these ordinances.
- Painter asked about the size of the tags. Healy said that they are bigger than a quarter. Painter asked Healy to get smaller tags for cats.
- Jordan with the Humane Society wondered if the City wanted to require an impounded animal to have a current tag / license (and pay all fines) before the animal could be retrieved.
- A resident asked Healy how many tags are issued in a year. Healy was not certain, because he had still been using 2015 tags as valid tags. He guessed that maybe 70 animals had current tags / licenses (Healy later verified it was closer to 50 animals that are issued licenses in a year).
- A new resident in one of the apartments described the complaint she had received from one of her neighbors. Deters asked Healy if the neighbor had filed a complaint with the City. Healy said no. As far as the City is concerned, there is no issue.
- Deters mentioned that people will talk around town, but few actually fill out a complaint. As far as he is concerned, if they don't fill out a complaint, then there is no issue for the City to deal with.

---

Dennis Healy  
City Finance Officer

---

Doris Sager  
Mayor

Published once at the approximate cost of \_\_\_\_\_