

**CITY OF RUSHFORD VILLAGE MINUTES OF April 2, 2024**  
**REGULAR COUNCIL MEETING**  
**43038 State Hwy 30, Rushford Village, Minnesota 55971-5167**

Pledge of Allegiance to the Flag

The April 2, 2024 Council Meeting was called to order by Mayor Dennis Overland at 7:00 p.m. in the Rushford Village Office. Council Members present: Mike Ebner, Travis Link, Robert Hart and Rick Ruberg: Planning/Zoning Administrator Jon Pettit, City Attorney Joseph O’Koren and Treasurer Judy Graham , Clerk Mary Miner  
Absent: Public Works/Maintenance Supervisor Trenten Chiglo

**AGENDA** was approved as presented

Motion by Hart, 2<sup>nd</sup> by Link, Carried.

**MINUTES** from the March 19, 2024 Regular Council and March 22, 2024 Continued Meetings were approved as presented

Motion by Hart, 2<sup>nd</sup> by Ebner, Carried.

**CITIZENS/OTHERS PRESENT:** Joyce Iverson, Steffanie Iverson, Jared Iverson, Kirsten Zoellner-Fillmore County Journal, Glen Kopperud

- **Jerad Iverson** stated they are having issues with their neighbors keeping his dog under control which has caused hardship and damage to their fence and property. They are hoping to get their residential area added to the animal ordinance
- **Joyce Iverson** stated when she was working with the CRV Zoning Board on the ordinance amendments they did not anticipate this type of issue coming up but she also does not remember limiting the animal control ordinance to R1 and R2. She stated the ordinance needs to be amended to include all other residential areas, those established before the subdivision ordinance and those established since because these issues should not happen. Overland stated he feels everyone is on the same page. CRV will need to amend the ordinance and have a public hearing
- **Steffanie Iverson** shared their experiences with a neighbor’s dog coming onto their property and causing injury to their dog on four different instances and showing aggression when their kids get off the school bus. Fillmore County told the Iverson’s unless there is another act of aggression there is nothing they can do unless the animal ordinance gets updated. Since December 2022 there have been 4 incidents. At first there were 3 dogs and it had to be determined which dog was doing the biting. Once it was determined the pit bull mix was doing the biting it was deemed potentially dangerous by Fillmore County. This dog is no longer at the residence full time. Now that the third dog is gone they are not running throughout the neighborhood as much but continue to go into the Iverson yard. The lab mix has recently bitten the Iverson dog. The Fillmore County Sheriff Department has been in contact with the Iverson’s and is working on having the black lab mix deemed a potentially dangerous dog but she is not sure where that is at. Iverson stated a Fillmore County Officer told her a judge will not do anything about a dog running at large complaint unless there is more than one neighbor filing the complaint, this is why the ordinance needs to be revised. Iverson’s have an invisible fence so their dogs stay in their yard but it does prevent the neighbor’s dog from entering their yard.
- **Joyce Iverson** asked if there are any emergency measures that could be taken to avoid further issues. O’Koren stated the MN State law controls what needs to be done in regards to dangerous dogs and that procedure needs to be followed. Fillmore County cannot issue a running at large citation because CRV does not have an ordinance for them to site.
- Overland assured the Iverson’s CRV will be working on the animal ordinance. O’Koren suggested CRV Animal Control Officer patrol the area more often.
- Hart wanted to know what can be done right away. O’Koren explained time will be needed to revise the ordinance and once that is done a ten day notice has to be posted before there can be a public hearing for the revised ordinance.
- **Glen Kopperud** inquired about the Safe Routes to School zoom meeting held March 29th. Link shared the meeting was to make sure everyone understood CRV and Rushford are two separate cities and to determine areas CRV would like to look at for possible routes and determine which should be the top priority.

**FINANCIALS:** March Expenses \$69,616.52, March Receipts \$9,274.85, Outstanding Checks as of 3/31/2024 \$34,565.56, Bank Balance as of 3/31/2024 \$168,994.21  
Estimated April Receipts \$12,000.00/Estimated April Expenses \$38,000.00  
CD's renewing at current advertised rates

**Motion** made to approve the Financials as presented

**Motion** by Link, 2nd by Ruberg. Carried.

**PLANNING/ZONING:** Pettit: New Permits/Inquiries/Updates:

**New Permits:** None Written

**Permit Status / Projects in Process / Inquiries:**

- Pettit has permits from Ben Bernard for a new home and shed. He will meet with Bernard to deliver and discuss the permits
- Pettit has several permits from Jen Scheck and is waiting for project value information before they will be signed
- Pettit has received calls from landowners asking what they can do with their property

**ROADS/WATER/SEWER:**

- **Roads/Utilities Update:** Chiglo was absent (available by phone), Overland Reported
  - Chiglo plans to get a lift next week to complete the maintenance shed insulation and tin
- **Spring Road Tour Date:**
  - Date will be Tuesday May 7, 2024 at 5:30 pm which will be before the regular council meeting at 7:00 pm
  - Miner will contact Rolling Hills Transit to reserve a bus that will leave from the CRV office at 5:30 pm
  - Public is invited to attend the road tour

**Motion** made to set the date for the spring road tour as May 7, 2024 at 5:30 pm

**Motion** by Hart, 2<sup>nd</sup> by Ruberg, Carried.

**OTHER:**

- **Animal Ordinance #1:**
  - Last changes to Ordinance #1 state R1 and R2 as the areas covered in regards to dogs running at large. This covers South Rushford only. This was not the intent when the ordinance was amended
  - It was suggested Rural Residential (RR) be added to R1 and R2. This would cover the other CRV subdivisions as well as other CRV areas. Protected Ag areas would not be included
  - Until CRV revises the Animal Ordinance to include RR in regards to dogs running at large CRV Animal Control Officer Robert Brand cannot pick up any dogs running at large outside of the R1 and R2 areas unless he witnesses the dog attacking a person or other animal
  - The dangerous dog and attack by animal parts of the ordinance pertain to all CRV districts
  - Fillmore County has been dealing with the Iverson complaint regarding their neighbor's dogs and according to Steffanie Iverson has started the process to have the black lab mix deemed potentially dangerous. O'Koren stated he was told by the Sheriff Department because CRV does not have a contract with Fillmore County they will not issue citations on behalf of CRV for ordinance violations but make it extremely clear they will respond to emergency situations like they have always done in the past and can enforce State law.
  - Ebner asked if having an electronic containment system is an accepted way to keep pets under control. It was felt this would be an acceptable way to keep your pet under control
  - Hart wanted to know when things can be implemented regarding the Iverson issue. O'Koren explained Fillmore County has issued the potentially dangerous dog paperwork so if it happens again the dog would be designated a dangerous dog which brings up a whole lot of other issues and the animal could be seized and destroyed. The issue in this situation is there are multiple different dogs and it has to be determined which dog did it and there has to be evidence showing which dog did it
  - Link asked if the ordinance is able to be changed to include rural residential (RR) would Fillmore County then issue citations. O'Koren explained he was told because CRV does not have a contract with the Fillmore County Sheriff Department they will not enforce CRV ordinances. Right now there are State ordinances, mainly the attached by animal ordinance, that can be cited right now but it is clunky on how it is administered.
  - The attack by animal ordinance covers all of the CRV districts. The only thing changing the current CRV Animal Ordinance to include rural residential (RR) will do is allow animal control officer Brand to be able to pick up an animal in a RR district for running at large. If the ordinance is changed Brand could then enforce the running at large if the neighbor's dog enters Iversons yard even if there is not an attack

- If a dog is designated dangerous a hearing would be held, the owner has a right to appeal that designation, testimony is heard from the parties with the complaint, evidence is looked at, an order is written and the Council would decide if the dog is to be designated a dangerous dog, if so the Council could order seizure of the dog
- Pettit asked if the ordinance is changed and there is no one to enforce the ordinance could animal control Brand enforce it. O’Koren asked if CRV would want Brand administering the dangerous dog ordinance that has several legal requirements on it? Overland stated that could get sticky
- Ebner asked if the dog went on the Iverson property right now could Brand remove the dog from the property. Overland stated he could if the ordinance gets changed to include RR. O’Koren said right now RR is not included in running at large so there is not a violation he could enforce unless he sees the dog attack, then it falls under the attack by animal and could be cited as a dangerous dog, he could pick the dog up but this could involve a lot of legal issues
- Ruberg asked what the contract fee with the Fillmore County Sheriff department would be. O’Koren stated it was made very clear to him Sheriff DeGeorge would be happy to come and talk with CRV about a contract. The price O’Koren was quoted was \$61.00 per day for one hour every day of the year which amounts to \$22,265.00 for a year
- O’Koren stated the whole Animal Ordinance needs to be reviewed and revised. O’Koren stated the quickest thing that could be done right now is to add RR to the sections of the ordinance as it pertains to dogs running at large so that would become a finable offense.
- O’Koren suggested having Brand patrol the area during the times the dogs may be out like when the kids get off the bus and to try to get the Sheriff’s department issue the citations.
- O’Koren stated last year CRV added citations to the Sheriff Department E-Charging system but now has been told they will not write citations out of the E-Charging system for CRV
- In the past O’Koren has sent letters to the dog’s owner, the Sheriff department has talked to him and nothing seems to get through to him
- Council would like to have the ordinance amended now to include RR as it pertains dogs running at large. The rest of the ordinance can be reviewed and revised at a later date.
- A public hearing will need to be held before the any ordinance amendment could be adopted by the Council and then it would need to be recorded with Fillmore County before it would become effective

**Motion** made to allow O’Koren and Miner to move forward with amending CRV Animal Ordinance #1

Motion by Hart, 2<sup>nd</sup> by Ebner, Carried.

- Overland will contact Sheriff DeGeorge
- **Rebecca Charles-CEDA Monthly Report:**
  - Charles was unable to attend the meeting due to bad road conditions but is available by phone if needed. She is able to attend the April 16<sup>th</sup> meeting
- **LMC 2024 Safety & Loss Control Workshop, April 16, Rochester:**
  - This workshop is for Chiglo, Michel and Miner. It is unknown at this time if anyone will be able to attend
  - Cost is \$20.00 per person and includes a meal

**Motion** made to allow Chiglo, Michel or Miner to attend the workshop if they are able to attend

Motion by Link, 2<sup>nd</sup> by Ebner. Carried.

- **LMC 2024 Annual Conference June 26-28, Rochester:**
  - This conference is for City Officials
  - Cost is \$275.00 for Cities with populations under 2,500/ \$475.00 after May 3<sup>rd</sup>
  - Anyone wanting to go must let Miner know before May 3<sup>rd</sup>
- **MN DNR Floodplain Workshop, May 7, 2024, Rochester:**
  - Miner has attended in the past
  - Anyone wanting to go must let Miner know before May 7<sup>th</sup>

#### **OTHER UPDATES / MEETINGS:**

- April 8-10, 2024-Monday thru Wednesday-Miner on vacation
- May 4, 2024-Saturday-CRV Spring Clean-Up, 8:00 am to Noon-Maintenance Shed Area

**Next Meetings: Council:** April 16 and May 7, 2024 (5:30 Road Tour) @ 7:00 at CRV Hall Office

**Zoning:** April 16, 2024 @ 5:30 pm at CRV Hall Office

**Motion made to Adjourn** Regular Council Meeting at 7:42 pm by Hart, 2<sup>nd</sup> by Ruberg. Carried