

Special City Council Meeting September 26, 2023

Present: Mayor John Williams, Councilmembers Rose Hanser, Wayne Dudley, Jack Rosander and Greg Koczur

Also Present: City Attorney Michelle Sullivan, Police Chief Cory Hert, Assistant Police Chief Kris Egan, City Clerk/Treasurer Michelle Richards and Public Works Director Pat Zent

Mayor Williams called the meeting to order at 6:08 pm.

The purpose of the special meeting was to discuss the city code regarding animal control and the possible reinstatement of the Animal Control Officer position. Mayor Williams is concerned about the safety of the community and providing law enforcement the support they need to deal with animal issues. He feels there are some things in the City Code that need to be changed.

Mayor Williams distributed an email from City Prosecutor Hanna Schantz stating she is in support of having an Animal Control Officer and increasing the fines for violations. She is comfortable leaving the running at large section as is that states on a leash or under the immediate control or removing the 'under immediate control' language.

Mayor Williams agrees with Attorney Schantz that having an Animal Control Officer would be helpful to both city residents and the police officers. Having one person handling all issues involving animals will ensure repeat offenders can be dealt with appropriately.

Councilmember Rosander contacted eighteen other cities/towns in Montana comparable in size to Colstrip, only four have animal control officers. He is puzzled that with six police officers, and a position open, that the police department cannot handle an average of 2 calls per week. Jack has talked to numerous city residents and they are not in favor of an animal control officer and feel our police officers should be able to handle it. Councilmember Dudley concurs that no one he has talked to is in favor of having an animal control officer.

Councilmember Koczur feels 20 hours per week would not be enough to be effective. He asked what authority the officer would have when dealing with dog issues. Mayor Williams stated they would be certified and have the same powers as the police officers.

Councilmember Hanser recalls that it was determined years ago that an animal control officer wasn't necessary and that our police officers could handle it. She also stated she doesn't believe that the police officers cannot find out or don't hear about problem dogs.

Next the City Council went through the proposed city code changes. City Council was okay with changes proposed to sections 1 and 4.

Regarding section 6, running at large, Councilmember Hanser is not favor of changing the current language. If a ticket is written and goes to court, obviously the dog was not under the immediate

control as the owner would not be in court if it was under control. Councilmember Rosander stated he is aware of three instances where dogs or people were attacked and leashes would not have prevented the attacks. Dogs can jump out of fences or bolt out of their own yards. Council members were not in favor of any changes to the running large section 6.

Regarding section 7, impounding, an impound fee needs to be established and adopted by the City Council. City Council recommends a \$30 per day impound fee.

Regarding section 8, animal waste, the current code requires a written complaint be filed before violators will be prosecuted. It was agreed to removed the written complaint requirement.

Councilmember Hanser asked about including restitution in the dog at large and nuisance animal sections as suggested by City Prosecutor Hanna Schantz. Council concurred with her recommendations to add restitution and to increase the bond schedule by \$25.00 per offense across the board.

Councilmember Hanser asked about clarification on dogs barking/making noise in the Nuisance Animals section of Chapter 4. It is impossible to have an animal that doesn't ever make any noise. Police Chief Hert responded that the city prosecutor doesn't prosecute dog owners if there is only one complainant. There has to be two or more complainants before she will prosecute.

Councilmember Rosander asked what would be different if an Animal Control Officer is hired? Police Chief Hert responded that an animal control officer's focus would be solely on animals and would be able to spend more time on animal issues than the police officers. They would also have time to provide follow up.

Mayor Williams reiterated his concern for the safety of people in the community. He gets questioned why there isn't enforcement of the leash/under immediate control law. People are afraid to go for a walk or afraid to report to the police department for fear of retaliation from their neighbors. He feels it is his responsibility as Mayor if there is a citizen who does not feel safe. Council members feel people need to call and report issues as nothing can be done if the police department is not aware of the problem.

Public Comment:

Jolene Verlanic was walking to work when a dog came out of its yard and attacked her. She said the owner was in his yard with his dog and both she and the dog's owner were surprised by the dog's actions. A leash would not have prevented the attack as the dog was on the owner's property, not running at large. She doesn't feel it is the local government's responsibility to enact more laws on law abiding citizens when people are not willing to be their own advocate and report. She feels it is people's responsibility to report when something happens. She stated 9 times out of 10 people walking dogs have them under control with or without a leash and are responsible dog owners. If people are unwilling or afraid to report, having an animal control officer won't change that.

Mayor Williams adjourned the meeting at 7:00 pm.