**Dutton Town Council Meeting Minutes**

**September 9, 2019**

**Call to Order**

Mayor Fleshman called the meeting of September 9th, 2019 to order at 7:05 pm at the Dutton Town Hall.

**Present**

**Mayor** Susan Fleshman; **Councilpersons**: Bob Dauwalder, Pete Klein, and Pat Bayala. **Public Works Director /Finance Officer/Clerk** Jeremiah Kjensmo; **Assistant Clerk** Becky Hagen. **Public:** Attorney Kenny Olson,Kari Bartow. **Councilwoman** Candace Ellsworth was excused.

**Public Comment**

Kari Barstow inquired how to obtain a dump key and was instructed she needs to attend a refuse meeting.

**August 5, 2019 Town Council Meeting Minutes**

Motion by Councilman Klein, Second by Councilman Bayala, to approve the Minutes of the August 5, 2019 Town Council Meeting. Motion carried unanimously.

**Current Bills**

Motion by Councilman Dauwalder, Second by Councilman Klein, to pay the current bills as presented and those yet to come in. Motion carried unanimously.

**Citizen Request for Dog Waiver**

Mayor Fleshman recused herself from this topic of the agenda. Councilman Dauwalder and the Town’s attorney, Kenny Olson, discussed the dog waiver requested by Kari Barstow. Kenny Olson mentioned he became aware of Kari Barstow’s dogs by being contacted by Zach Kitchin on behalf of Kara Fuhringer. Mr. Olson mentioned he became aware of Kari Barstow’s attempt in keeping her dogs confined to her property through additional fencing in her back yard as well as her attempt to keep noise, from barking, down through use of extra insulation. Mr. Olson mentioned there was a local complaint on barking dogs from her residence. He said he also had a copy of a police report that dogs from her property were aggressive with her neighbor’s father. It was brought to Kenny Olson’s attention that the dog ordinance explicitly states there are no dog kennels allowed in the town of Dutton. Mr. Olson sent Ms. Barstow a letter stating she was in violation of Dutton’s dog ordinance. Ms. Barstow called Mr. Olson after receiving her letter from him and had an equitable request for a waiver. In addition to extra fencing around her property, and sound proofing for barking dogs, she registered her dogs and puppies at the Town Office and provided copies of vaccinations. Mr. Olson told Ms. Barstow that considering a waiver is at the Town Council’s discretion.

Mr. Olson mentioned that dogs can also be considered a nuisance if they are noisy causing neighbors’ enjoyment of their property difficult. Mr. Olson discussed disagreement about Ms. Barstow’s letter to him, and how the Town employees might have been misrepresented by her. Mr. Olson stated he thought it was in the best interest of all involved to have the Town Council handle the waiver. Councilman Dauwalder asked Kari Barstow if she had any questions or had any comments. She said she did not want to cause the Town any problems, and that she has invested money in insulating areas for noise and has purchased bark collars. She mentioned the dogs are her means of income and would appreciate the waiver to stay financially stable. She cannot afford to suddenly move, but at the same time does not want to cause problems in town. Councilman Dauwalder suggested making a motion to approve or reject the waiver. Councilman Klein said he wanted time to decide to be able to discuss options within the community. Councilman Dauwalder mentioned the dog issues came up after she already purchased her home and said Ms. Barstow should have had the kennel situation figured out first. Councilwoman Bayala mentioned the dog ordinance forbidding kennels. She mentioned after she read Ms. Barstow’s letter to Kenny Olson, that she should have investigated further before moving all the dogs to Dutton. Councilwoman Bayala also wanted to wait to make a decision on the waiver. Councilman Dauwalder suggested to table the decision until the next council meeting, and Councilpersons Klein and Bayala thought that was most appropriate. Motion made by Councilman Klein, Second by Councilwoman Bayala to table waiver topic. Councilman Dauwalder opposed. Motion carried with two voting yes, and one opposing.

**Final Draw Request Phase One Water Project**

* Motion by Councilman Dauwalder, Second by Councilwoman Bayala, to approve the WRDA draw # 13 in the amount of $3,152.94. Motion carried unanimously.
* Motion by Councilwoman Bayala, Second by Councilman Klein, to approve the SRF A draw # 9 in the amount of $25,387.44. Motion carried unanimously.
* Motion by Councilman Dauwalder, Second by Councilman Klein, to approve the SRF B draw #8 in the amount of $26,350.46. Motion carried unanimously.

**Award CCC Bid for Phase Two Water Project**

Motion by Councilman Klein, Second by Councilman Dauwalder, to award CCC bid for phase 2 of water project. Motion carried unanimously.

**City Judge Contract**

Mayor Fleshman discussed the City Judge Contract cost increased, and each payment is a total of $925.00. The Mayor mentioned Dutton pays one third of the City Judge’s education, travel, etc. Mayor Fleshman said the Judge will also get a cost of living increase after the second payment. Motion by Councilman Dauwalder, Second by Councilman Klein to approve the City Judge Contract. Motion carried unanimously.

**Water Tank Update**

Mayor Fleshman discussed that on September 19th, a conference call will take place with Anna Miller to discuss funding for the tank crises. The Mayor mentioned the Town Office has not heard anything from the insurance adjuster.

**Mayors Report**

Mayor Fleshman discussed the pool is shut down and was successful. There were no incident reports. Finance Officer/Clerk Jeremiah Kjensmo said the pool works received their last paychecks. Mayor Fleshman mentioned she wants to speed up winterization in the parks because the meters from there have to be removed. She mentioned the upper park is still being watered. The Mayor mentioned the porta potty would remain at the upper park until the end of the month, and that the bathrooms will be shut down at the park will shut down once winterization starts. PACE is supposed to clean the sewers on September 10th, and they did not show up when originally scheduled in August. The Mayor said the pivot is still running and is now at six feet. She would like to get it down to four feet before the pivot has to be shut down. Mayor Fleshman mentioned she might have to call the Council for an emergency budget meeting.

**Adjourn**

The next Dutton Town Council Meeting will be October 7, 2019 at 7:00 p.m. at the Town Hall.

The Mayor adjourned the meeting at 8:15 pm.

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**Susan Fleshman, Mayor** **Becky Hagen, Assistant Clerk**