

**City Council
Supplemental Packet
07-21-2020**

Meeting Date July 21, 2020

Council Action Memo

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

To: Mayor Palmquist and City Council Members
From: Ron Moorse, City Administrator
Date: July 21, 2020
Re: Bridge Inspections Proposal

The City's bridges are required to be inspected periodically. WSB has been inspecting a portion of the City's bridges each year. Two bridges are due for inspection this year. Attached is a proposal to complete the necessary inspections at a cost of \$2,300.

Council Action Requested:

Motion regarding the proposal from WSB to inspect two bridges at a cost of \$2,300.



7/17/2020

Mr. Ron Moorse
3033 St. Croix Trail South
PO Box 219
Afton, MN 55001

Re: 2020 Annual Bridge Safety Inspections
City of Afton

Dear Mr. Moorse:

On behalf of WSB, I am pleased to submit this proposal to provide professional engineering services as they relate to bridge inspections in the City of Afton.

There are seven bridges for which the City has inspection-reporting jurisdiction, two (2) of which are due for inspection during the 2020 inspection cycle. These bridges are:

- Bridge L8167, TRADG PT TR S (22) over STREAM
- Bridge L8170, VALLEY CRK TR (53) over VALLEY CREEK (TRIBUTARY)

WSB is proposing to provide the following scope of services:

- We will perform bridge inspections and submit inspection reports to MnDOT for the two bridges outlined in the attached inspection due report.
- A qualified and certified Bridge Safety Inspector from Minnesota will perform the work as required by MnDOT.
- WSB will update structure information in the MnDOT SIMS system.
- The inspection will be in accordance with current MnDOT and FHWA inspection procedures.
- Program administrator duties as required by MnDOT such as audits and scour reporting.
- WSB will make recommendations for repair and maintenance of the structures and will submit the final reports to the City for their records.

The proposed work will be completed before the required inspection due dates. Your inspection team leader will be one of the following:

Craig Alberg, PE, DBIA

Inspection Team Leader/Underwater Inspection Diver

- FHWA Certified Bridge Safety Inspector
- MnDOT Certified Bridge Safety Inspection Team Leader
- FHWA Certified Underwater Inspector

Shannon Gwost

Inspection Team Leader

- FHWA Certified Bridge Safety Inspector
- MnDOT Certified Bridge Safety Inspection Team Leader

WSB will complete the above tasks for lump sum cost of \$2,300. If you agree with the above proposal, please sign below and return one copy to our office.

Thank you for the opportunity to be of service to you. Please do not hesitate to contact me at (763) 286-6141 with any questions or comments.

Sincerely,

WSB



Craig Alberg, PE, DBIA
Bridge Inspection Program Manager

City of Afton

Date

cc: Nick Guilliams, PE

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date July 21, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members
From: Ron Moore, City Administrator
Date: July 21, 2020
Re: Acquisition of a Used and Reconditioned Skidsteer Loader from the DNR

The DNR has a program through which cities and other governmental units can acquire a used and reconditioned skidsteer loader at a cost of \$4,500. Public Works has a need for a skidsteer loader periodically to accomplish projects more efficiently than with its current equipment. In addition, Tri County Services charges the City \$45 per hour for the use of a skidsteer when it is working on a project for the City. If a City-owned skidsteer was available to Tri County for City projects, the cost to the City for Tri County's work would be reduced by \$45 per hour. If the City would have had a skidsteer when Tri County was repairing the levee and placing rip rap on the levee, the \$4,500 cost of the skidsteer would have been 70% repaid by the \$45 per hour savings.

A skid steer loader has been offered to the City through the DNR program. A description and photos of the loader are attached. The cost would be \$4,500. Ben Thurmes of Tri County Services has reviewed the description of the loader and has indicated he would readily use the loader and that the price is very low. If the Council authorizes the purchase of the loader, staff would inspect it and drive it to determine if it is in good condition. If the City acquires the loader, the City would be able to use it for two months to determine if it meets the City's needs. If the City is not satisfied with the loader after two months, it could be returned with a full refund.

The cost of the loader could be funded from the City Vehicles account in the Special Activities Fund, which has a balance of \$8,155.

COUNCIL ACTION REQUESTED:

Motion regarding the acquisition of a skidsteer loader through the DNR at a cost of \$4,500, to be funded from the City Vehicles Account.

Transfer document #: 20-21C

Received: 1-24-20

DoDAAC#: 2YF02300038406

Unit#: DODMN 20-21C

DTID: W33DL393530003

Make: JCB

Series or Model: 1110T series 2

Price: \$43750.00

REMARKS ON CONDITION: runs,needs Battery, idler wheels,shop

If SF97 is needed please fill out the following:

VIN: SLD111TS8U1400493

Year: 2008

Body Style: Compact track loader

Fuel type: Diesel

Number of Cylinders: 4

Gross Vehicle Weight: 10,000lbs

Mileage: 1204hrs





City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date July 21, 2020

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moore, City Administrator

Date: July 21, 2020

Re: Heidi Kassenborg and Grant Gugisberg Complaint and Request Regarding Designation of Dangerous Dog.

Attached are information and materials from Heidi Kassenborg and Grant Gugisberg regarding their pet goose being killed by their neighbor's dog. They believe the neighbor's dog should be designated as a dangerous dog. When the Sheriff's Department responded to this incident, they determined that the killing of the goose did not meet the requirements for the designation of the dog as a dangerous dog. The Sheriff's Department determined that, because the City's ordinance definitions of domestic animal do not include animals such as geese, the dog could not be designated as a dangerous dog.

Staff discussed the situation with the City Attorney, who reviewed the City ordinances and the State Statutes regarding definitions of domestic animals, and determined that assigning the dangerous dog designation for the killing of a pet goose would be an uncommon application of the dangerous dog statute, but an argument could be made that the goose was a domestic animal, which could trigger the ability to apply the dangerous dog designation. The City Attorney will be prepared to discuss this issue at the Council meeting. The statutory regulations regarding a dangerous dog are attached.

Requirements Placed on a Dangerous Dog

If a dog is found to be a dangerous dog under state statute, there are a number of requirements that must be met by the dog owner as follows:

- a proper enclosure is required for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children
- a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog
- a certificate of registration for a dangerous dog is obtained
- a microchip identification is implanted in the dangerous dog

Lack of Notification to the Dog Owner Regarding the Consideration of the Dangerous Dog Designation.

Because this item was added to the meeting agenda after the regular agenda was posted, the owners of the dog have not received notice of the Council's consideration of the dangerous dog designation. Staff recommends that, prior to the Council making a decision regarding the dangerous dog designation, the dog owners be given an opportunity to address the Council.

Council Action Requested:

Motion regarding the request to apply the dangerous dog designation to the dog that killed the pet goose of Heidi Kassenborg and Grant Gugisberg.

Timeline of the killing of our beloved domestic goose Hadrian by a dog owned by Erroll and Jodee Sonderegger.

Friday, July 17, 2020

Timeline of the killing of our beloved domestic goose Hadrian by a dog owned by Erroll and Jodee Sonderegger.

Date	Description	Reference
Feb 11, 2020	<ul style="list-style-type: none"> • Grant received a phone call from Jody Sonderegger telling him that that her dog had run into our yard and killed our goose. 	
	<ul style="list-style-type: none"> • Grant contacted next door neighbor Dan Vanelli to evaluate the situation. Mr. Vanelli was scheduled to put the geese in their coop that evening because Grant was working late, and Heidi was returning from Moorhead MN after taking her elderly mother to Dr. Appts. • Grant did not want Mr. Vanelli’s children to see the blood and dead goose as they were very fond of Hadrian. • Mr. Vanelli found Hadrian was still breathing when he arrived at our house but died while carrying it into our hours 	
	<ul style="list-style-type: none"> • Grant called Washington County Sheriff’s office to report incident. 	
	<ul style="list-style-type: none"> • Officers Workman and Palmer investigate 	See Sheriff’s report
	<ul style="list-style-type: none"> • We received a follow-up call from Sergeant Jim Gribble. <ul style="list-style-type: none"> ○ He explains that Officers are new and that they haven’t handled this type of case before. ○ Has concern about domestic definition ○ We requested that the dog be legally classified as a Dangerous Dog as outlined in MN Statute x based upon the acknowledged killing of our pet goose Hadrian. ○ Staff at Sheriff’s office appeared unaware that there were specific breeds of geese that were raised domestically. I offered to send information via email on Domestic Geese and Hadrian to Sergeant Gribble which he accepted. 	See appendix This is the Story of our Pet Goose Hadrian. See Domestic Goose definition in MN statute 31A.02
Feb. Date 12	<ul style="list-style-type: none"> • Received threatening text message from dog’s owner Jody Sonderegger. 	See Texts from Jodee Sonderegger

Timeline of the killing of our beloved domestic goose Hadrian by a dog owned by Erroll and Jodee Sonderegger.

Friday, July 17, 2020

Feb 12, 2020	<ul style="list-style-type: none"> • Heidi sent follow-up email to Sergeant Jim Gribble with information regarding domestic geese. We re-iterated our request for the attacking dog to be categorized as a dangerous dog as the behavior fits the definition under MN Statute: 	<p>See attachment Jim Gribble email</p> <p>See attachment MN Statutes Dangerous Dog MN Statutes 347.50 and 51</p>
Feb 12, 2020	<ul style="list-style-type: none"> • Heidi called the Afton City Manager to notify him of situation. He stated that he would talk with the City attorney and let us know the results of the consultation. 	
Feb. 13, 2020	<ul style="list-style-type: none"> • Heidi sent follow-up email to City Manager summarizing telephone conversation 	See email to City Manager
Feb 14, 2020	<ul style="list-style-type: none"> • Received follow-up call from Sergeant Jim Gribble about next steps in investigation process. • He stated that he had received my email and attached information about domestic geese and Hadrian. • He also expressed concern regarding our safety in light of the threatening text sent by dog's owner and neighbor Jody Sonderegger 	See Text from Jody Sonderegger.
	Follow-up phone messages and emails to Afton City Manager go unanswered. Decide to involve our City Council Member, Lucia Wroblewski.	See Lucia emails 1 and Lucia emails 2.

From: Heidi Kassenborg heidikassenborg2@gmail.com
Subject: Vicious dog
Date: February 12, 2020 at 2:58 PM
To: administrator@ci.afton.mn.us
Cc: Grant Gugisberg grantgugisberg@hotmail.com



Hello:

Thank you for talking with me this afternoon regarding the vicious killing of our Goose, Hadrian on 2/11/2020 at our home (14141 44th Street South) by Pit Bull owned by our neighbors Jody Wrolstad and Erol Sonderegger (14155 44th Street South, Afton MN).

According to your records they do not have a license for either of their two dogs. This is not the first time that animals owned by this couple have attacked and threatened our animals as I have detailed below.

1. A few years ago another dog owned by this couple, attacked and severely injured our two cats. If my husband hadn't been in the yard at the time, our cats would probably been killed. We contacted the neighbors and they claimed that "our dog wouldn't do that". Consequently, we contacted animal control and they gave them a warning and found out that their dogs weren't licensed.
2. This past summer the dog that killed our goose ran onto our property and was attempting to harm our chickens. While I protected our animals, my husband ran over to tell Erol Sonderegger that his dog was loose and threatening to harm our animals. He stated that "our dog wouldn't hurt anything. Apparently he was wrong and now we have a dead beloved pet.

Past behavior is one of the best predictors of future behavior. Our neighbors unwillingness or inability to keep their animals on their property endangers ourselves, our animals, our neighbor's animals, let alone the neighborhood children.

Please let me know what you find out.

Sincerely,

Heidi Kassenborg DVM, MPH, Dipl ACVPM
Kassenborg Consulting LLC
heidikassenborg@gmail.com
+1 651436 2281

From: Heidi Kassenborg heidikassenborg2@gmail.com 
Subject: Domestic Goose Information
Date: February 12, 2020 at 12:37 PM
To: jim.gribble@co.washington.mn.us
Cc: Grant Gugisberg grantgugisberg@hotmail.com



Hello:

The purpose of this message is to:

1. Thank you for contacting us last night regarding the vicious killing of our beloved pet goose Hadrian by our neighbor' s Pit Bull.
2. Provide information regarding domestic geese to aid officer in their evaluation of this case which you promised to attach to the report.
 - As we discussed, the average citizen or average peace officer does not know much about domestic geese having only had experience with wild Canadian Geese.
 - The enclosed document describes and provides references about domestic geese as well describes our relationship with Hadrian and her two flock mates, Clarice and Luther.

Please contact me with any questions.

Sincerely,

Heidi Kassenborg DVM, MPH, Dipl ACVPM
Kassenborg Consulting LLC
heidikassenborg@gmail.com
+1 651436 2281



This is the story
of our...-1.docx

[7.2 MB](#)

Victim Impact Statement Regarding Vicious Pit Bull attack on our Goose, Hadrian on 2/11/2020 at our home, 14141 44th Street North by Pit Bull cross Dog owned by Jody Wrolstad and Errol Sonderegger 14155 44th Street South, Afton MN

By Heidi Kassenborg, DVM, MPH Diplomate, American College of Veterinary Preventive Medicine

This is the story of our pet goose Hadrian, our beloved pet goose, brutally killed by our neighbor's Pit Bull cross on 2/11/2020. We are afraid for ourselves, our pets and the neighborhood children and demand the dog's removal from the neighborhood.



Figure 1 Hadrian, our beloved Roman Tufted goose

When most people think of geese, they picture wild geese such as the Canada Goose. However, geese have been domesticated since ancient times and are depicted on the walls of Egyptian tombs. Geese aren't the first thing when people think of a pet, but they are fascinating, quirky, loveable creatures who we have come to adore.

We became the geese owners in 2009 when one of my staff was moving and had to find homes for his poultry collection. Surprisingly, I offered to take in his female Embden goose. Embden (also spelled Emden) is a common domestic goose breed. I had mildly traumatic experiences with

geese in childhood as the result of being repeatedly chased by my grandmother's geese who lived on the neighboring farm. Despite this history, we quickly became quite fond of Clarice and she became one of the family. Here is a picture of her and our hunting dog Nigel looking in to the kitchen from the deck.



Figure 2 Clarice and Nigel

We renamed her Clarice from a character on Boston Legal, a popular TV show at the time. We thought having chickens as companions would be enough for Clarice, but she needed her flock, so we ordered two domestic goslings from Metzger Farms, a domestic poultry company in California. (<https://www.metzgerfarms.com/RomanTuftedGeese.cfm?affiliate=undef&Breed=Roman%20Tufted&BirdType=Goose&ID=ROM&CustID=24903535>)

The goslings arrived at the Afton Post Office in the spring of 2010, one Roman Tufted who we named Hadrian and a Buff who we

named Luther.



Figure 3 Hadrian (background) and Luther (foreground)

Geese have been bred domestically for centuries and Roman Tufted Geese (sometimes referred to as simply Roman Geese) are thought to have originated in Italy. See Appendix A for more information about Roman Geese



Figure 4 Hadrian as a gosling

They quickly became part of the family. Here is a picture of when they were goslings “helping” my husband Grant dig up the garden. Note that our dog, Nigel, is more concerned with a glove than he is in attacking the goslings. In fact, despite him being a tremendous goose and duck

hunting dog, he left the geese and chickens alone completely. Sadly, he passed away in 2015.



Figure 5 Motley crew: Chicken, goslings, Grant and Nigel

The trio were inseparable as they wandered about the yard and garden. We bought them a separate insulated, heated coop for the winter and a separate building and outdoor pen for the summer. They were always splashing and chasing one another in the pool we provided for them which was heated in the winter to keep it clear of ice.



Geese are extraordinarily curious. They followed us everywhere to see what we were up to. Here they are “supervising” the installers of our new septic system.



They often would spend part of the day on our deck, looking into the kitchen.



We had to make sure that the deck door was always closed as they had been known to wander in and explore the house.

Here is a picture of Hadrian and Clarice in the kitchen checking on what Grant was making for dinner.



would be eating grass and weeds one moment and then decide to waddle elsewhere, always in single file. Now there is only a sad duo. We hope that Clarice and Luther will soon settle down and accept their loss.

We dearly love our geese and Hadrian was the sweetest one. When children visited, it was Hadrian that I picked up to show them the softness of her downy feathers which delighted them.

Now those same feathers are blood-soaked, she is dead because of a dangerous dog and irresponsible owners. She will never delight anyone again.



Geese are intense about their relationship with one another and get quite upset when separated from their flock. So it was with Hadrian, Clarice and Luther. Anytime one of them got out of the sight of the others, much honking and searching would result until they were reunited.

The combination of their silly waddling walk, coupled with their dignified, arrogant demeanor always made me laugh. The trio

We want justice for Hadrian. The owners of the Pit Bull that killed her are irresponsible. The dog that killed her wandered onto our property this past summer and we are scared of it and what it could do not only to our remaining 2 geese, 14 chickens and 3 cats but the neighbors on the other side of our property 5 children under the age of 11. These same neighbors had another dog that severely injured one of our cats and treed another one. They refused to do anything about it until we contacted animal control.



HERITAGE GEESE

- [Conservation Priority List](#)
- [Breeders Directory](#)
- [Breed Comparison Chart](#)
- [Breed Clubs and Associations](#)



Breed Facts

Status:
Critical

Use:
Meat, Watchdog,
Ornamental

Egg Color:
White

Egg Size:
Large

Market Weight:
9 - 10 lbs

Temperament:
Calm, some males are
aggressive

ROMAN GOOSE

The Roman goose originated in Italy. More than 2000 years ago, Romans considered these geese sacred to Juno (the goddess of marriage). In 365 BC, as the Gauls attempted to steal into Rome under cover of night, it was the honk of a Roman goose that awoke Marcus Manlius and saved the capitol. The Roman goose is a small breed, weighing 10-12 lbs. They are a moderate egg-layer, and breeders can expect 25-35 eggs per year. In Europe, Roman geese are utility birds, bred for a rapid maturing, small, meaty carcass. In North America, many strains are largely ornamental, bred for a distinguishing crest, or tuft. In common North American usage, which is followed here, "Roman" goose is used interchangeably with "Tufted Roman" goose.



Roman geese ought to be pure white, according to the American Poultry Association's *American Standard of Perfection*. Some strains have gray or buff feathers. Goslings may show some gray but this is often molted in the first year. Bills and legs are pinkish or reddish orange, and the eyes are blue.

The Roman goose is fine-boned and plump. The body is round and full, with a uniformly broad back. The breast is full and well rounded, as is the abdomen, and the paunch has dual lobes, though it is not heavy. The tail is short, and wings strong. The neck is of medium length, stout, and only slightly arched. The head is oval. The tuft of feathers on their crown, for which they are named, begins just over the eyes and inclines backward. The tuft appears somewhat like a tiny bicycle helmet perched on top of the goose head.

Roman geese in North America descend from a small group of birds, resulting in a small genetic pool. As a result, special care must be taken when selecting breeders to avoid genetic defects, including crooked toes, wry tails, kinked necks, and lack of vigor. Look for calm, gentle, robust birds with small, compact bodies, and large tufts centrally placed on the head. The front edge of the tuft should be over the back of the eyes. Ganders can be mated with two to four geese.

Roman geese are generally calm and pleasant. Despite their smaller size, Roman geese produce a plump roasting bird. They are alert and make good watchdogs.

You may be interested in...



The Book of Geese
- Dave



Storey's Country Wisdom Bulletin: Raising
An Introduction to Heritage Breeds
- D. Phillip



Office of the Revisor of Statutes

Retrieve by number Statutes GO Statutes Laws Rules Court Rules Constitution Revisor's Office Search Law by Keyword



2019 Minnesota Statutes > AGRICULTURE > Chapter 31A > Section 31A.02

◀ 31A.01

31A.03 ▶

2019 Minnesota Statutes

Authenticate PDF

This section has been affected by law enacted during the 2020 legislative session. [More info...](#)Found 1 match for **goose geese**

31A.02 DEFINITIONS.

Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's delegate.

Subd. 3. [Repealed, [1996 c 310 s 1](#)]

Subd. 4. **Animals.** "Animals" means cattle, swine, sheep, goats, poultry, farmed Cervidae, as defined in section [35.153, subdivision 3](#), llamas, as defined in section [17.455, subdivision 2](#), Ratitae, as defined in section [17.453, subdivision 3](#), horses, equines, and other domesticated animals.

Subd. 5. **Custom processing.** "Custom processing" means slaughtering, eviscerating, dressing, or processing an animal or processing meat products or poultry products for the owner of the animal or of the meat products and poultry products, if all meat products or poultry products derived from the custom operation are returned to the owner of the animal or of the meat products or poultry products. No person may sell, offer for sale, or possess with intent to sell meat derived from custom processing.

Subd. 6. **Meat broker.** "Meat broker" means a person in the business of buying or selling carcasses, parts of carcasses, meat, meat food products, poultry, or poultry products of animals on commission, or otherwise negotiating purchases or sales of those articles other than for the person's own account or as an employee of another person, firm, or corporation.

Subd. 7. **Renderer.** "Renderer" means a person in the business of rendering carcasses, or parts or products of the carcasses of animals, except rendering conducted under inspection under sections [31A.01](#) to [31A.16](#).

Subd. 8. **Animal food manufacturer.** "Animal food manufacturer" means a person in the business of manufacturing or processing animal food derived wholly or in part from animal carcasses or carcass parts or products.

Subd. 9. **Intrastate commerce.** "Intrastate commerce" means commerce within this state.

Subd. 10. **Meat food product; poultry food product.** "Meat food product" or "poultry food product" means a product usable as human food and made wholly or in part from meat or poultry or a portion of the carcass of cattle, sheep, swine, poultry, farmed Cervidae, as defined in section [35.153, subdivision 3](#), llamas, as defined in section [17.455, subdivision 2](#), Ratitae, as defined in section [17.453, subdivision 3](#), or goats. "Meat food product" or "poultry food product" does not include products which contain meat, poultry, or other portions of the carcasses of cattle, sheep, swine, farmed Cervidae, llamas, Ratitae, or goats only in a relatively small proportion or that historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product or poultry food product by the commissioner under the conditions the commissioner prescribes to assure that the meat or other portions of carcasses contained in the products are not adulterated and that the products are not represented as meat food products or poultry food products.

"Meat food product," as applied to products of equines, has a meaning comparable to that for cattle, sheep, swine, farmed Cervidae, llamas, Ratitae, and goats.

Subd. 11. **Usable as human food.** "Usable as human food" means that a carcass, or part or product of a carcass, of an animal (1) is not denatured or otherwise identified as required by rules of the commissioner to deter its use as human food, or (2) is not naturally inedible by humans.

Subd. 12. **Prepared.** "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

Subd. 13. **Adulterated.** "Adulterated" means an item is covered by section [34A.02](#).

Subd. 14. **Misbranded.** "Misbranded" means an item is covered by section [34A.03](#).

Subd. 15. **Label.** "Label" has the meaning given in section [34A.01, subdivision 6](#).

Subd. 16. **Labeling.** "Labeling" has the meaning given in section [34A.01, subdivision 7](#).

Subd. 17. **Federal Meat Inspection Act.** "Federal Meat Inspection Act" means the Federal Meat Inspection Act.

Subd. 17a. **Federal Poultry Inspection Act.** "Federal Poultry Inspection Act" means the Federal Poultry Products Inspection Act, as amended.

Subd. 18. **Federal Food, Drug, and Cosmetic Act.** "Federal Food, Drug, and Cosmetic Act" means the Federal Food, Drug, and Cosmetic Act, as amended.

Subd. 19. **Pesticide chemical; food additive; color additive; raw agricultural commodity.** "Pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" have the meanings given them in the Federal Food, Drug, and Cosmetic Act.

Subd. 20. **Official mark.** "Official mark" means the official inspection legend or other symbol prescribed by rule of the commissioner to identify the status of an article or animal under this chapter.

Subd. 21. **Official inspection legend.** "Official inspection legend" means a symbol prescribed by rule of the commissioner showing that an article was inspected and passed under this chapter.

Subd. 22. **Official certificate.** "Official certificate" means a certificate prescribed by rule of the commissioner for issuance by an inspector or other person performing official functions under this chapter.

Subd. 23. **Official device.** "Official device" means a device prescribed or authorized by the commissioner for use in applying an official mark.

Subd. 24. **Poultry.** "Poultry" means any domesticated bird, including, but not limited to, chickens, turkeys, ducks, **geese**, or guineas.

History: [1969 c 225 s 2](#); [1983 c 300 s 17](#); [1985 c 248 s 70](#); [1986 c 444](#); [1988 c 469 art 2 s 1](#); [1993 c 375 art 9 s 9, 10](#); [1999 c 231 s 59-61](#); [2000 c 477 s 35-39](#); [2006 c 212 art 1 s 22](#); [2012 c 244 art 2 s 16-19](#); [2017 c 88 art 2 s 55](#)

Copyright © 2019 by the Revisor of Statutes, State of Minnesota. All rights reserved.

Resources

[Search Minnesota Statutes](#)[About Minnesota Statutes](#)[2019 Statutes New, Amended or Repealed](#)[2019 Table of Chapters](#)[2019 Statutes Topics \(Index\)](#)

Chapter 31A

[Table of Sections](#)[Full Chapter Text](#)[Version List](#)

Section 31A.02

[Version List](#)

Topics

[Adulteration of substances](#)[Animals](#)[Brands](#)[Brokers](#)[Carcasses](#)[Cattle](#)[Chickens](#)[Color additives](#)

Recent History

[2020 Subd. 10 Amended 2020 c 89 art 4 s 22](#)[2017 Subd. 4 Amended 2017 c 88 art 2 s 55](#)[2012 Subd. 13 Amended 2012 c 244 art 2 s 16](#)[2012 Subd. 14 Amended 2012 c 244 art 2 s 17](#)[2012 Subd. 15 Amended 2012 c 244 art 2 s 18](#)[2012 Subd. 16 Amended 2012 c 244 art](#)

ABOUT THE LEGISLATURE

[Historical Information](#)
[Employment/Internships](#)
[Visiting the Capitol](#)
[Disability Access](#)
[Frequently Asked Questions](#)

CONTACT YOUR LEGISLATOR

[Who Represents Me?](#)
[House Members](#)
[Senators](#)

GENERAL CONTACT

Contact a legislative librarian:
(651) 296-8338 or Email
[Phone Numbers](#)
[Submit website comments](#)

GET CONNECTED

[House News](#)
[Senate News](#)
[MyBills](#)
[Email Updates & RSS Feeds](#)

From: Grant Gugisberg <grantgugisberg@hotmail.com>
Subject: Fw: WC 20006033
Date: July 8, 2020 at 5:11 AM
To: Heidi Kassenborg <heidikassenborg@gmail.com>



Grant Gugisberg, D.V.M.
Parkview Cat Clinic
www.parkviewcatclinic.com



Like us on Facebook
<https://www.facebook.com/parkviewcatclinic>

From: ward2 <ward2@ci.afton.mn.us>
Sent: Monday, June 15, 2020 5:35 PM
To: Grant Gugisberg <grantgugisberg@hotmail.com>
Subject: WC 20006033

Grant –

Lucia here. Your Ward 2 rep. So I finally got the Wash Co report of the dog killing your goose. I am going to forward you the report in three scanned emails.

I'm going to be honest here because there is no other way around it. This made me very unhappy. And you will be very disappointed in the way Wash Co handled this. I was a cop in St Paul and that's the only way I know to police. Sometimes at our dpt there was a lack of follow through by an investigator which thoroughly incensed me as a patrol cop who cared about the people I served. I'm just not going to even attempt to figure out how he concluded this.

You provided so much detail about your goose and the incident – about the domestic nature of the goose and its history but also you provided stories and photos relevant to what I see clearly as proving this goose was a domestic pet... and a tame and especially beloved one.

I fired off an email to both our City Administrator and our City Attorney. They likely won't see it until tomorrow since it's the end of the work day. Suffice to say that I shared my feelings of discontent about the lack of follow through as well as about the conclusions arrived at by the deputy tasked with making a decision apparently. I also just spoke to our City Administrator who was at the end of his work day and called me about another matter and I gave him a heads up about what was in the report. He agreed that he and the City Attorney will confer about this and get back to us.

Unless there is something I'm missing I see no reason to think that if our City Attorney concludes that the deputy didn't examine all the facts and came to an erroneous conclusion that the City Attorney disagrees with, that the matter can't still be pursued especially in light of the covid

crisis.

I advised them both to examine all your emails and mine and read the report and review State Statute and then to inform you and me about their own decisions regarding if there is a case to be made. I will tell you that I asked the City Administrator about our licensing enforcement as well – or lack thereof - and that perhaps these things need to be reviewed and fines and violation protocols enhanced by action of the CC.

I did all the research for them and highlighted State Statute definitions and codes. The only reference I could see in State Statute for definition of Domestic Animal and I searched and searched was under 609.599: 1. Those species of animals that live under the husbandry of humans 2. Livestock within section 35.01 sub 3 (poultry) 3. Farm raised deer, game bird or fish 4. Animal listed as domestic by rule adopted by Dpt of Ag Under this statutory definition your goose meets the standard. That should be the definition for the State statute for Dangerous or Potentially Dangerous dog.

Anyway I don't want to ruin your day or night but wanted to let you know what's up. I'll send the report in three parts now...

Lucia

From: Grant Gugisberg grantgugisberg@hotmail.com
Subject: Fw: Dog killing goose incident - update
Date: July 4, 2020 at 7:55 AM
To: Heidi Kassenborg heidikassenborg@gmail.com



Grant Gugisberg, D.V.M.
Parkview Cat Clinic
www.parkviewcatclinic.com



Like us on Facebook
<https://www.facebook.com/parkviewcatclinic>

From: Ward 2 Council Member ward2 <ward2@ci.afton.mn.us>
Sent: Friday, July 3, 2020 5:26 PM
To: grantgugisberg@hotmail.com <grantgugisberg@hotmail.com>
Cc: Ron Moorse <rmoorse@ci.afton.mn.us>
Subject: Dog killing goose incident - update

Hi Grant and Heidi –

I had a partial knee replacement last week and man that surgery took me out of the game for a bit. I decided I needed to try to get back in the game despite my oxycodone brain. Here's what I know thus far.

I did speak with Ron earlier in the week about the follow up on your goose being killed. The City Attorney has taken the matter and issues I brought up regarding state statute and definitions – and the lack of information in the follow up deputy's report and mixing of ordinance and statute in his reasoning under consideration as well. I asked Ron what our next steps are and I believe he will be putting the incident and discussion of it as an agenda item for our next CC meeting which is the third Tuesday in July at 7 pm. It will be up to the whole CC and Mayor to make a decision on moving forward. We should be getting information from our City Attorney before then. I believe he is still looking at definitions of domestic animal and was looking into issues involving animal husbandry or some such. Like I said I found that definition I am working off of in state statute and that coupled with your detailed information and history should be a no brainer. My opinion of course. I'll be prepared to mount that argument.

With that in mind Grant, you might want to ask Mr Moorse to forward your emails on the incident, about Hadrian, the photos, reports, etc... to the Mayor and the entire CC so they can examine all the information well ahead of the meeting and be prepared to discuss. I can only speak to one other CC member about a specific agenda item or I violate open meeting law but Ron can send the entire group information as a whole as informational as it relates to city business. I think everyone should know about what happened ahead of time so they know why it's become an issue. So put together an email with attachments regarding the incident and

what's happened and your request for city action and enforcement to Mr Moore to distribute to all – or send it directly to the Mayor and every CC member clearly stating your concerns and expectations.

I did mention my concern about the statute of limitation on this incident to Ron and he didn't think that was a problem in this case.

I hope you enjoy the 4th holiday weekend!

Lucia

From: **Grant Gugisberg** grantgugisberg@hotmail.com 
Subject: Texts
Date: July 17, 2020 at 7:53 AM
To: Heidi Kassenborg heidikassenborg@gmail.com



7:51



Jodee >

Hey Grant, after we talked yesterday I got a visit from the sheriff's office and a call from animal control. R u trying to have me charged with something? I tried to do the right thing and told u to tell me if there was anything we could do. I don't understand this escalation.

Wed, Feb 12, 2:33 PM

We and the remaining two geese are heartbroken that your dog came into our property and viciously killed our beloved goose Hadrian. Just calling me and telling me about it doesn't make it Ok. It doesn't bring her back. Nor does it give us any confidence in your ability or willingness to control your animals especially after your previous dog attacked and severely injured two of our cats. And, just last summer, Errol assured me that your dog wouldn't

hurt anything after it ran into our property and threatened our chickens. Heidi had to protect the chickens while I ran over to tell Erol that his dog was loose. Clearly he was wrong about that!!!!!!

We are heartbroken and your lack of responsible ownership is a direct cause of this heartache. Past behavior is the best predictor of future behavior and your past behavior of being unwilling, unable or in denial of the threat that your dogs pose to our pets leaves us no choice but to protect ourselves and our pets and therefore needed to report it to law enforcement.



Text Message



7:51



Jodee >

Wed Feb 12 2:33 PM

We and the remaining two geese are heartbroken that your dog came into our property and viciously killed our beloved goose Hadrian. Just calling me and telling me about it doesn't make it Ok. It doesn't bring her back. Nor does it give us any confidence in your ability or willingness to control your animals especially after your previous dog attacked and severely injured two of our cats. And, just last summer, Erol assured me that your dog wouldn't hurt anything after it ran into our property and threatened our chickens. Heidi had to protect the chickens while I ran over to tell Erol that his dog was loose. Clearly he was wrong about that!!!!!!

We are heartbroken and your lack of responsible ownership is a direct cause of this heartache. Past behavior is the best predictor of future behavior and your past behavior of being unwilling, unable or in denial of the threat that your dogs pose to our pets leaves us no choice but to protect ourselves and our pets and therefore needed to report it to law enforcement.

Hmm ok-better keep your geese, chickens, cats, dogs, horses etc and your mentally unstable wife on your property too. Talk about irresponsible. They are

oftentimes roaming around our property or have been in the past. Wow u two truly are a piece of work.



Text Message



INCIDENT REPORT

WASHINGTON COUNTY SHERIFFS OFFICE

15015 62nd St N
 Stillwater, MN 55082
 651-430-7600



CASE#	WHEN REPORTED	EVENT LOCATION
WC20006033	02/11/2020 17:16:46 REC'D BY: RADIO	14141 44th St S AFTON, MINNESOTA 55001

EVENT DETAILS
Description: ANIMAL COMPLAINT
Disposition:

OFFENSE(S)		
Offense	Charge Level	Offense Status
9283 Animal Complaint - Other 9000 MISC CODE 9999	NO CHARGE	OTHER
9824 Misc Info 9000 MISC CODE 9999	NO CHARGE	OTHER

OFFICERS ASSIGNED (6)		
Involvement Date	Name	Type
02/11/2020 18:49:00	Workman WC13096	Reporting
02/11/2020 20:39:56	Palmer WC1299	Assisting
02/11/2020 22:22:00	Gribble WC153	Supplementing
02/15/2020 20:04:00	Freeman WC13130	Supplementing

PARTIES INVOLVED (2)					
SUMMARY					
Person #1	GUGISBERG , GRANT RILEY				
Person #2	SONDEREGGER , JODEE WROLSTAD				
Person #1	(PERSON REPORTING INCIDENT)				
PERSONS (2)	Last Name	First Name	Middle Name	Suffix	
	GUGISBERG	GRANT	RILEY		
	Address	City	State	Zip	Country
	DOB: [REDACTED]	Gender	Phone [REDACTED]		
	Age at time of incident: 54				
Additional Information					
Person #2	(PERSON MENTIONED)				
PERSONS (2)	Last Name	First Name	Middle Name	Suffix	
	SONDEREGGER	JODEE	WROLSTAD		
	Address	City	State	Zip	Country
	DOB: [REDACTED]	Gender	Phone [REDACTED]		
	Age at time of incident: 56				
Additional Information					

INCIDENT REPORT

WASHINGTON COUNTY SHERIFFS OFFICE

15015 62nd St N
Stillwater, MN 55082
651-430-7600

CASE# WC20006033 cont'd



<i>Additional Officer Comments</i>	<i>Gribble WC153</i>	<i>02/14/2020 14:39:30</i>
<p>On 13Feb I received additional information regarding this issue via e-mail. The goose owners sent two e-mails. The first was an outline of the familial relationship and nature of the goose as well as its origins. (e-mail 1, e-mail 1 attachment). The second was screenshots of text messages with the neighbor who owned the dog. (e-mail 2, e-mail 2 attachment) I spoke with Mr Gugisberg on the phone and advised him I would attach the information to the file. Nothing further, James Gribble, Sgt # 153</p>		
<i>Additional Officer Comments</i>	<i>Gribble WC153</i>	<i>02/14/2020 18:06:06</i>
<p>Supplemental to attach attachments.</p>		
<i>Supplemental #2 - Freeman - 02/15/20</i>	<i>Freeman WC13130</i>	<i>02/15/2020 14:28:32</i>
<p>On February 15, 2020 Deputy Workman took a report of an animal concern at 14141 44th Street South in Afton. The report was forwarded to me, Deputy Freeman, to review the incident and research if there is any previous history regarding the suspect dog Maisie. I was also to determine if the dog was provoked in any manner and if the dog meets the state statute requirements for possibly being labeled as potentially dangerous or dangerous.</p> <p>Upon review of the incident, I determined that the dog was unprovoked in the attack.</p> <p>However, upon review of State Statute and Afton City Ordinances, it was determined that the goose, is considered a farm animal and is not a caged bird. Therefore, it does not meet the Domestic Animal requirement for a Dangerous Dog or Potentially Dangerous Dog labeling requirements.</p> <p>I also did not find any previous animal bite incidents involving this dog, Maisie.</p> <p>No further action will be taken regarding the dog Maisie.</p> <p>End of supplement.</p>		

INCIDENT REPORT

WASHINGTON COUNTY SHERIFFS OFFICE

15015 62nd St N
Stillwater, MN 55082
651-430-7600

CASE# WC20006033 cont'd



OFFICER COMMENTS

Disapctched animal complaint for dog that left yard and injured a domstic goose. Spoke to both animal owners. *See Report*

NARRATIVES (5)

Initial Report

Workman WC13096

02/11/2020 18:25:36

On 2/11/2020 at 1716 hours I was dispatched a phone call request for an animal complaint.

I made phone contact with the reporting party, Grant Riley Gugisberg [REDACTED] who stated he was not home however he had just received a call from his neighbor. Grant stated that his neighbor called informing that her dog left their yard and had injured one of his domestic geese. Grant told me that he was going to likely have the goose euthanized based on what the neighbor said. I asked Grant what he would like done about the issue and he told me at this point he wanted the incident documented and that he wanted to work it out with his neighbor. Grant confirmed that the neighbor lived at 14155 44th St South in Afton, to the East of his residence.

Next, I met with the owner of the dog, Jodee Wrolstad Sonderegger [REDACTED] who told me that her dog, Maisie, left the yard and attacked the goose. Jodee told me she let Maisie off her leash and she left their yard, entering Grant's where she heard a goose-like sound. When she checked in the area she saw Maisie near a goose that appeared to be injured. Jodee told me she placed the call to Grant advising him of the incident.

Jodee told me that she did not have a pet license for Maisie, who is a white and grey colored pit bull. Maisie was barking at me and jumping on the door when I knocked and Jodee placed her in another year. I advised Jodee of the Afton City ordinances reharding dogs.

BWC annotated.

Clear-infromation.

Supplemental #1 - Workman -
02/11/20

Workman WC13096

02/11/2020 21:32:48

On 2/11/2019 AT 1932 hours, I was dispatched a phone call requested pertaining to follow up from this event.

I made phone contact with Animal Control Officer Brit Harom who informed me that she had received a call from Grant and learned that the goose attacked had now died. Brit told me that Grant wanted to pursue the incident to the fullest and have the dog labeled as dangerous. Brit told me that Grant was refrigerating the goose as evidence and wanted an exam of it done. Brit also advised me that Grant mentioned he was waiting for a Deputy to stop by.

Next, I met with Grant and his wife, Heidi, in person at their residence (14141 44th St S. in Afton). As I walked to the house I noticed the snow-covered walkway had what appeared to be blood. I told Grant that I had spoken to his neighbor, Jodee, who stated the incident took place. I told Grant she was not issued citations as he requested the incident be documented, which he declined quickly. Grant told me he wished to proceed legally with the incident and mentioned contacting the county attorney. During my conversation with Grant, he stated that he wanted the dog labeled as dangerous and that he had further concerns due to young children living in the area. Grant added that there has been an ongoing issue with the dog, Maisie, leaving the owner's yard and wandering around theirs.

I explained the general process of a dangerous dog and the quarantine process to Grant and that the incident will be reviewed. I also told Grant that should issues continue to contact the Sheriff's Officer requesting a Deputy in addition to Animal Control. Grant mentioned that he read it was a Misdemeanor in MN for a dangerous dog. I explained to him that in an effort to avoid a conflict of neighbors, citations were not issued at this time. I supplied Grant with my business card and the report number.

Sgt. Gribble spoke to Grant via phone and is waiting on paperwork to prove the goose is domesticated, and not in violation of Chapter 6 of the Afton city ordinance.

A check of MN 347.50 Sub 2 (2) defines a dangerous dog as "killed a domestic animal without provocation while off the owner's property."

BWC Annotated. Clear.

State Statute Dangerous Dog Regulations

347.50 DEFINITIONS.

Subdivision 1. **Terms.**

For the purpose of sections [347.50](#) to [347.56](#), the terms defined in this section have the meanings given them.

§

Subd. 2. **Dangerous dog.**

"Dangerous dog" means any dog that has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 3. **Potentially dangerous dog.**

"Potentially dangerous dog" means any dog that:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 4. **Proper enclosure.**

"Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

347.51 DANGEROUS DOGS; REGISTRATION.

Subdivision 1. **Requirement.**

No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

§

Subd. 2. Registration.

An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;

(2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

(3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(4) the owner has had microchip identification implanted in the dangerous dog as required under section [347.515](#).

Subd. 2a. Warning symbol.

If an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The commissioner shall provide the number of copies of the warning symbol requested by the animal control authority and shall charge the animal control authority the actual cost of the warning symbols received. The animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

347.52 DANGEROUS DOGS; REQUIREMENTS.

(a) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.

(c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

(d) An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.

(e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

(f) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of o