

# **Cavalier City Council**

## **August 4, 2025**

### **7:00 PM**

**Roll Call:** Mayor Hinkle, council members Beard, Hunter, Koenig, Hay, Vaughn, Cluchie

**Absent:**

**Guests:** Auditor Blair, OM Walton, COP Osvold, Attorney Cole Johnston, Assistant Auditor Aimee Homstad, Rec Director Peyton Letexier, Ron Jenson, Lynelle Osvold

#### **Public Comment**

None

#### **Amendments**

Cavalier Public School Gaming Permit

#### **Approve Minutes**

Motion made to approve the regular meeting minutes from July 7, 2025 and special meeting on July 14, 2025. M/S/P- Cluchie, Beard; 6:0 mc.

#### **Approve Bills & Financials**

Motion made to approve the payment of all city and CMU bills and financials as submitted for July 2025. M/S/P- Beard, Cluchie; 6:0 mc.

#### **Gaming/Raffle/Special Event Permits**

Motion made to approve Cavalier Dollars for Scholars, PCMH Auxiliary and Cavalier Public School gaming permits as presented. M/S/P- Vaughn, Koenig; 6:0 mc. Motion made to approve Art on Fire application from Adlee & Brixlee Hay. M/S/P- Beard, Koenig; 6:0 mc.

#### **Pool Project**

AE2S invoice 104093 was presented for payment. Motion made to approve payment of AE2S invoice 104093 in the amount of \$2,695 with funds coming from special projects. M/S/P Cluchie, Hay; 6:0 mc. Invoice from Associated Pool Builders was presented for payment. Motion made to approve Associated Pool Builders invoice in the amount of \$1,820 with funds coming from special projects. M/S/P Cluchie, Hunter; 6:0 mc.

#### **Recreation Center**

Nothing new to report.

#### **Rec Report**

Rec Director Letexier updated council.

#### **Library Report**

Councilman Hunter updated the council.

## **Preliminary Budget**

Auditor Blair presented the preliminary budget for approval. Motion made to approve the preliminary budget at \$184,988, 45.13 mills. RCV M/S/P Vaughn, Beard; 6:0 mc.

## **PD Report**

Motion made to approve Sean Taylor resignation. RCV M/S/P Cluchie, Hay; 6:0 mc. Motion made to change Chief Osvold from salary to hourly and to pay on call. RCV M/S/P Koenig, Cluchie; 6:0 mc. Discussed vacation time. Discussion on changing job posting to include academy offer. Motion made to pay Stephen Gapp and Marcus Ramsay \$300 each for their help with the reunion street dance. M/S/P Cluchie, Vaughn; 6:0 mc.

## **Attorney Report**

2<sup>nd</sup> reading of new dog ordinance was presented. Motion made to accept second reading of ordinance 11.0205 Nuisance animal RCV M/S/P Vaughn, Koenig; 6:0 mc.

11.0205

Nuisance animal is defined as one which

1. Frightens, annoys, barks, at or chases any person or vehicle;
2. By loud and frequent yelping, barking or howling annoys any person
3. Destroys any property that is not the property of the owner or keeper
4. Has not been inoculated against rabies if over three months of age;
5. Shall not have a collar with current license and rabies tags attached as required
6. It defecates or urinates or both on property other than that of the owner or
7. Any animal which trespasses upon private property is a public nuisance.

Dangerous animals prohibited.

- (a) Any person who owns or keeps an animal within the city is in violation of this section if the animal:
  - (1) When unprovoked, bites, claws, or otherwise harms 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 owner's property, in an apparent attitude of attack (for example, but not limited to, snarling, lunging, charging, chasing, or growling); or
  - (3) When unprovoked, kills a domestic animal while off the owner's property.
  - (4) Has been designated as a dangerous animal by another jurisdiction.
- (b) Any person who brings into the corporate limits of the City of Cavalier an animal that has been designated as potentially dangerous by another jurisdiction shall notify the Cavalier Police Department within twenty-four (24) hours of that animal being brought into the city of the location where the animal will be kept, owner contact information, length of stay in the city and proof of rabies inoculation.
  - (1) Owners in violation of notification requirements may have the animal impounded immediately by the police department and held until brought into compliance with this division. The owner of said animal is responsible for boarding and expenses associated with this process.
- (c) No person may own or keep an animal in the City of Cavalier if the person has been convicted of a violation of this section, or of an equivalent ordinance or statute of another state or political subdivision, more than once. If any member of a household is prohibited from owning or keeping an animal pursuant to this section, unless specifically approved with or without restrictions by the Cavalier Police Department or court, no person in the household is permitted to own an animal. This section does not limit the court's ability to order an animal removed for a first conviction as set out in Penalties and enforcement subsection (b1) below

Citation to animal owner; disposition.

Instead of making a formal arrest for a violation of this chapter committed in his presence, an officer may issue to the person charged a citation containing a notice to answer to the violation or charge in the municipal court at a time no later than thirty (30) days after the alleged violation. Upon promising to appear at the time specified in the

citation, the person charged shall be released by the charging officer. If the person so charged refuses to sign the promise to appear he may be arrested or summoned to appear in municipal court. The willful failure of a person to honor his written promise to appear shall constitute a separate offense punishable under the Code of Ordinances. Penalties and enforcement.

- (a) The penalty for a violation of the provisions of this division shall be in accordance with section 11.0203 of the Cavalier Code of Ordinances.
- (b) In addition to the penalties outlined specifically in section 11.0203 the court shall be specifically authorized to order compliance by the owner of the animal with the provisions of this section and any other conditions which are necessary to ensure the health and safety of others. Such conditions may include, but are not limited to:
  - (1) That the owner remove the animal from the city;
  - (2) That the animal be euthanized;
  - (3) That the owner provide proof to the court that the animal has been sterilized;
  - (4) That the owner provide proof to the court that the animal has been properly licensed;
  - (5) That the owner of the animal shall keep the animal, while on the owner's property, in an effective enclosure. If the animal is outside the enclosure, it must be securely muzzled and restrained by a chain or leash no longer than six (6) feet under the physical restraint of a competent adult;
  - (6) That the owner not sell or transfer ownership of the animal to any other person residing in the corporate limits of the City of Cavalier;
  - (7) That the owner advise the court if the animal bites anyone else;
  - (8) That the owner advise the court if the animal dies or becomes injured;
  - (9) That the animal undergo obedience training and proof of successful completion of training is provided to the court;
  - (10) That the owner post the property with warnings about a dangerous animal;
  - (11) That the animal not be allowed outdoors during certain times, such as between 7:30 a.m. and 9:30 a.m. and 2:00 p.m. and 4:00 p.m. (i.e., times when school age children may be present), or the time when it is known that the post office employee delivers the mail every day;
  - (12) That the owner provide proof to the Cavalier Police Department of continuing liability insurance in a single incident of five hundred thousand dollars (\$500,000.00) for bodily injury to or death of any person or persons or for damage to property owned by the persons which may result from ownership, keeping, or maintenance of dangerous animals; and/or
  - (13) That the owner has a microchip implanted in the animal at his or her own cost. The chip number and owner's address and home, work and cell telephone numbers shall be provided and updated as needed to the Cavalier Police Department.

#### Powers and Enforcement

The police department and animal warden are empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any such police officer or animal warden is empowered to seize and impound any dangerous animal whose owner or keeper fails to comply with the provisions hereof

Upon such act or assault, the animal warden or the police department is empowered to confiscate and destroy such dangerous animal if the conduct of such dangerous animal or its owner or keeper constitutes a violation of the provisions of this article, punishable by the confiscation and destruction of the animal. However, notwithstanding the foregoing, no animal shall be destroyed within 3 days of being impounded

If the owner or keeper of an animal impounded for an alleged violation of the section believes that there has not been a violation of this section, the owner or keeper May petition the municipal court that the impounded animal not to be destroyed. The impounded animal shall not be destroyed pending resolution such owners or keeper's petition, if the petition shall have been filed within 3 days of impoundment of such animal and notice shall have been served within 3 days of impoundment of the animal upon the police department

In the event that the animal warden, or police department has a reasonable and articulable suspicion to believe that an animal is dangerous, the animal warden or police or the designee, shall be empowered to issue a citation in order to appear before the municipal court for the purposes of determining whether or not the animal in question shall be declared dangerous. The animal warden or chief of police shall conduct or cause to be conducted an investigation, and shall notify the owner or Keeper of the animal that the hearing will be held, at which time he or she may have the opportunity to present evidence why the animal shall not be declared dangerous

In the event that the animal warden or police department has probable cause to believe that the animal in question is dangerous and may pose a threat of serious harm to human beings or other domestic animals, the animal warden or

Police Department may seize and impound the animal pending the aforesaid hearings. The owner or Keeper of the animal shall be liable to the city for the cost and expenses of impounding such animals  
it is unlawful for the owner, keeper, or Harbor of a dangerous animal to fail to comply with the requirements and conditions set forth in this section. Any animal found to be the subject of the violation of this section shall be subject to immediate seizure and impoundment as herein before provided. In addition, failure to comply shall be an offense punishable with a fine as therein after provided.  
In addition to those persons specified herein any person may file a complaint with the municipal court to determine, declare, or find an animal dangerous as defined herein.

**Administrative Reports**

Motion made to set Budget Hearing for September 11, 2025 at 7:30am. M/S/P Beard, Cluchie; 6:0mc. Motion made to approve garbage truck repair in the amount of \$9,017.31 with funds coming from garbage reserves. RCV M/S/P Beard, Hunter; 6:0 mc. Motion made to move payments for 2026 and 2027 CTE internship sponsorship from JDA fund to Growth Fund. M/S/P Hay, Hunter; 6:0 mc. Next regular meeting will be Tuesday September 2, 2025 due to Labor Day.

Mayor and Council

Reunion went great. Councilman Cluchie ordered pizza for all the street guys for all their hard work during the reunion.

**Adjournment**

Motion to adjourn 8:00 pm Vaughn

**Approved By:**

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**Lacey Hinkle, Mayor**

**Attested To:**

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**Danielle Blair, City Auditor**