

M I N U T E S
CITY COUNCIL MEETING
May 16, 2017
5:00 PM
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Jeff Austin, Judy Enright, Steve King, David Hagen, Laura Helle, Paul Fischer and Council Member-at-Large Janet Anderson

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, Assistant City Attorney Craig Byram, Police Chief Brian Krueger, City Clerk Ann Kasel, Community Service Officer Ernesto Cantu, Lieutenant Dustin Wollenburg, Community Service Officer Sarah Hubacher

OTHERS PRESENT: Carrie Anker and Marlene Anker

Mayor Stiehm called the meeting to order at 5:00 p.m.

Assistant City Attorney Craig Byram stated the purpose of the public hearing is to determine whether dog named "Oso" owned by Carrie Lynn Anker is a dangerous dog under City Ordinance Section 10.10. The Community Service Officers have the ability to make that determination after the incident and serve the order on the owner of the animal. From there, the owner can appeal the designation to the City Council.

He stated Carrie Anker had a previous incident on November 3, 2016 where the dog "Oso" bit a person. The animal was declared a potentially dangerous at that time and Ms. Anker did not appeal that designation. The second incident occurred on May 3, 2017 and the Community Service Officer declared the dog dangerous and ordered it be destroyed. Ms. Anker appealed that designation. Mr. Byram provided incident reports and police records including photos from both dates.

Community Service Officer Cantu testified that he responded to the emergency room on May 3, 2017 to a report of a dog bite. He spoke to the victim who stated she was walking on the sidewalk and she approached the dog to pet it when it bit her. She had pet the dog in the past and was a familiar visitor to the home. He stated the victim had bruising and an open wound on her right arm. Office Cantu stated he could visualize the fat layer under the skin. Photos were taken of the victim's wounds. He went to Ms. Anker's home and asked her if the dog was provoked. Ms. Anker said the dog was not provoked. Officer Cantu filled out the dangerous dog report because he believed the animal to be dangerous under Section 10.10 of the City ordinance. He returned later to confiscate the dog which is currently located in the City pound.

Ms. Anker was given the opportunity to ask questions of Officer Cantu. She did not wish to ask any questions.

Lieutenant Dustin Wollenburg reviewed CSO Cantu's report and checked additional boxes indicating that all five criteria for a dangerous animal had been met under Section 10.10 of the City code and that dog should be destroyed. He went to the Anker home and had Ms. Anker sign the report. He later delivered a copy of the report to her.

Ms. Anker was given the opportunity to ask questions of Lieutenant Wollenburg. She did not wish to ask any questions.

Marlene Anker read a statement on behalf of Carrie Anker stating she did not agree with the decision to destroy Oso. The dog was a rescue animal and at the time of adoption the shelter did not have any concerns about placing the dog in a home. She acknowledged that the dog has bit someone on two occasions but she felt the dog may have felt threatened.

Attorney Byram stated the Council has an option to require the owner of the dog to comply with certain conditions instead of destroying the dog. Those items include the owner provide and maintain a proper enclosure for the dangerous animal, post on the premises that a dangerous dog is present, provide proof of public liability insurance in the amount of \$300,000, if the dog is out of the enclosure it must be muzzled and restrained by a leash, the dog must be registered with Mower County as a dangerous animal and the dog must be licensed and chipped. The owner would have 14 days to prove compliance with the items or the dog would be destroyed.

Mayor Stiehm stated he was concerned about the dog since both bites took place on the owner's property. He added he hates to put a dog down but there is an obligation to the citizens to protect them from being bit.

Ms. Anker stated he is not an aggressive animal and she felt he was being protective.

Council Member Enright stated he was concerned about the children in the home opening the door and the dog getting loose.

Council Member King stated the Council has a duty to look past the emotion of the situation and look at the facts. The animal has seriously injured a child and the Council must protect the citizens.

Moved by Council Member King, seconded by Council Member Austin, for the City Attorney to draft findings with conditions for the dog to be kept as stated in Section 10.10 of the City code and Ms. Anker to comply within 14 days of service of the findings or the dog be destroyed. (A copy of the findings and order are attached hereto.) Carried.

Moved by Council Member Austin, seconded by Council Member Hagen, adjourning the meeting to June 5, 2017. Carried.

Adjourned: 5:38 p.m.

Approved: June 5, 2017

Mayor: _____

City Recorder: _____