

M I N U T E S
CITY COUNCIL SPECIAL MEETING
January 23, 2006
7:10 P.M.
Council Chambers

MEMBERS PRESENT: Mayor Rietz. Council Members McAlister, Dick Pacholl, Scott Pacholl, Baker, and Hecimovich. Council Member-at-Large Christopherson.

MEMBERS ABSENT: Council Member Nordin.

OTHERS PRESENT: Police Captain Curt Rude, CSO Officer James Dugan, Post Bulletin, Austin Daily Herald & KAUS. Dan Zrucky, Public.

Mayor Rietz opened the public hearing on the appeal by Dan Zrucky for the order of destruction of his dangerous dog Spook.

City Attorney David Hoversten outlined the charges set forth against Mr. Zrucky and his dog. The dog has been designated as a dangerous dog pursuant to State Statute and local ordinance. The City Council has only two options here, one is to deem the dog dangerous and order its destruction or Mr. Zrucky could be allowed to comply with the registration, construction of a dog shelter, signage and insurance requirements. Mr. Hoversten stated the city would present testimony and exhibits for their case, and Mr. Zrucky will have the opportunity to ask questions of the witnesses and to present his case.

Evidence was presented outlining three different dog attacks. One involving a two-year-old child, one involving a 12-year-old child, and another involving a construction worker. Photos, police reports, and medical records were entered into evidence supporting the charges of the dog being a dangerous animal. Both Captain Rude and CSO Dugan answered questions as to their involvement with the incident. A video tape of the dog at the Austin animal control shelter was also viewed by all. Both Captain Rude and CSO Dugan stated, in their opinion, this dog was a dangerous dog to the citizens of this community. Mr. Zrucky did not have any questions for the city's witnesses. Council asked several questions of the witnesses.

Mr. Zrucky explained this was the hardest things he has ever had to do. This dog was abused early on in life, which might explain its demeanor at times. Mr. Zrucky discussed how he came into possession of the dog. Mr. Zrucky noted he is in the middle of putting a kennel up. Additionally, Mr. Zrucky stated a microchip has been planted in the dog as required by the ordinance, and signs and tags have been secured for the dog to be in

compliance. Mr. Zrucky stated he did have insurance through his parents' homeowners' policy, but then CSO Dugan called his insurance company and got them to cancel the coverage because of the dog's past. Mr. Zrucky stated he cannot afford the insurance portion of the ordinance, so he is requesting that the city lower the classification of his dog to a potentially dangerous dog so that the insurance would not be required.

After Mr. Zrucky's evidence was discussed Mr. Hoversten questioned Mr. Zrucky. Mr. Hoversten questioned if Mr. Zrucky has been informed that the enclosure he is constructing does not meet the requirements. Mr. Zrucky responded that the kennel he has shown CSO Dugan needs some repairs, so it was not a correct statement. Mr. Hoversten questioned if the enclosure was constructed within the 14 days listed in the ordinance. Mr. Zrucky stated that no, he is in the middle of the construction. Mr. Hoversten questioned if the insurance coverage had been acquired for the dog. Mr. Zrucky stated not anymore. Mr. Hoversten questioned if any liability insurance had been gotten. Mr. Zrucky responded no, it had not. Mr. Hoversten questioned if it was true that Mr. Zrucky's own parents are fearful of the dog. Mr. Zrucky stated yes, if the dog is not muzzled. Mr. Hoversten questioned if it is Mr. Zrucky's opinion that the dog will attack again. Mr. Zrucky stated if the dog is not in the proper enclosure, it is possible it will attack again.

Mr. Zrucky showed council the signs and dog tag. Mr. Zrucky stated he has called the latest dog bite victim on a few occasions to make sure he is okay. Mr. Zrucky stated that the contractor that got bit openly expressed that it was not the dog's fault. Witnesses also claim some kids were teasing the dog and throwing sticks at it before it bit the two-year-old child.

Mr. Hoversten concluded the city's case by stating the evidence, in his opinion, showed that the dog was dangerous under the State Statute. Proper notice has been given to Mr. Zrucky, and we cannot predict the actions of the dog around children, contractors, and the general public that may walk by the house. Mr. Hoversten recommended upholding the ordinance and ordering the destruction of the dangerous dog.

Mr. Zrucky stated he does realize the seriousness of the issue, and he has done everything but secured the insurance for the dog. Mr. Zrucky stated he would like one more chance.

Mayor Rietz discussed the two options council can choose from. Ordering the destruction of the dog, or securing insurance, etc. for the dog to be kept.

After further council discussion, motion by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, to uphold the order of the animal control officer and order the destruction of the dog. Carried 6-0.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adjourning the meeting.

Adjourned: 8:30 p.m.

Approved: January 17, 2006

Mayor: _____

City Recorder: _____