

Regular City Council Meeting  
City Council Chambers

April 4, 2017  
7:00 p.m.

Present: Mayor –	Joyce Hudson
City Attorney	Mike Bacon
Council members	Jeff Kennedy
	Verlin Janssen
	Jay Richeson
	Randy Waskowiak
City Administrator	Bruce Clymer
Deputy City Clerk	Jill A. Rubenthaler

Press: *Gothenburg Times* – Ellen Mortensen

Also present: Shane Gruber, Police Office Joe Humphrey, Cindy Williams, Shane Houchin, Becky Dishman, Robert Meyer, Jennie Rodriguez and Richard Linegar.

Janssen moved, Richeson seconded, approving the consent agenda that included:  
City Council minutes – March 21  
Cemetery Sexton Report – January to March  
Police Report - March

Roll call vote: Yea –Kennedy, Waskowiak, Richeson, Janssen. Nay – none

Kennedy moved, Richeson seconded, allowing payment of claims against the City, \$98,476.59; Public Works Division \$148,700.25; and the March 22 payroll of \$30,288.85. Roll Call vote: Yea – Waskowiak, Janssen, Richeson, Kennedy. Nay - none.

Community Comments:

- Clymer said that there were more 2015-2016 audit books if any were wanted.

The solar project bonding contracts item on the agenda was postponed and not discussed.

Bob Meyer of RJ Meyer & Assoc. presented the 2015-16 audit of accounts. He said all looked good and there was nothing unexpected in the audit. The proprietary accounts, electric, water, and sewer, were in order with appropriate rates to meet needs and claims were timely paid. Utility bills were also collected in a timely manner. The PWD had an \$117,000 loss which is relatively flat. Overall Assets are \$14 million and debt is \$2.8 million.

Meyer applauded the Council on the purchase of the new software. In his opinion, it was a good investment and made the audit much easier this year.

The audit has been filed with the State Auditor.

Kennedy moved, Janssen seconded, to accept the 2015-16 audit as presented. Roll call vote: Yea –Waskowiak, Richeson, Janssen, Kennedy. Nay – none.

Attorney Bacon reported that a deed was found for Lake Helen concerning the parking and access issues on the west side of the Lake. However, Bacon cannot find a legal description and indicated that a survey may be needed before the Ordinance can be written. The City does own all the area in question though.

Jennie Rodriguez requested the closure of 10<sup>th</sup> Street from Lake Avenue east approximately ½ block for Alzheimer’s Awareness and Fund-Raising on June 21<sup>st</sup> from 9 a.m. to 10 p.m. This is the longest day in the year and Alzheimer’s foundation nationwide recognize this day as significant this day in the fight to end Alzheimer’s disease. Concern was raised that the Pony Express Family Dentistry, Hicken Chiropractic and The Home Agency would not have easy access for their clients during the period. Rodriguez said that she would check with the businesses and ask for approval. If the businesses are not in favor, she will come up with an alternate site.

Janssen moved, Richeson seconded, to allow the local Alzheimer’s Awareness group to block 10<sup>th</sup> Street from Lake Avenue east to the alley on Wednesday, June 21<sup>st</sup> from 9 a.m. to 10 p.m. as proposed, with the condition of approval from affected businesses. Roll call vote: Yea – Kennedy, Waskowiak, Richeson, Janssen. Nay – none.

A proposed resolution in the promotion of wellness for City Employees in conjunction with the YMCA was discussed. Janssen proposed that the City pay 75% of a single or family membership of any full-time employee that meets with the criteria of the YMCA membership in a 2-year ‘pilot program.’ By the end of that time, the new YMCA building should be up and running and possible continuation of this employee benefit will be discussed again. The money to fund this will not come from tax-payer money, but rather the side fund of the City’s self-funding Health insurance program.

Janssen moved, Kennedy seconded, to approve the resolution with the City paying 75% of full-time City Employees memberships to the YMCA. Roll call vote: Yea – Waskowiak, Richeson, Kennedy, Janssen. Nay – none.

Mayor Hudson recommended appointment of a REDLG Reuse Committee with the following members:

By Position:

Mayor

City Administrator

Executive Director of Dawson Area Development

At Large: (three year terms)

Aaron Coleman

Colten Venteicher

Kennedy moved, Janssen seconded, to approve appointment of the REDLG Reuse Committee. Roll call vote: Yea – Waskowiak, Richeson, Janssen, Kennedy. Nay – none.

Attorney Bacon began the hearing where the issue is to determine whether or not a dog should be deemed ‘potentially dangerous’ under the Municipal Code.

In answer to Attorney Bacon's questions, Police Officer Joe Humphrey said he was dispatched to the 1212 Avenue A on March 8, 2017 where a resident had reported a dog had attacked another dog in the resident's yard. When Humphrey arrived, all dogs were gone, but he discovered blood leading from the front door and porch, as well as a leash. Upon further investigation, he discovered that the attacked dog belonging to Becky Dishman died at Eastside Animal Center. He talked to witness Cindy Williams, Becky Dishman and the alleged attacking dog owner Richard Linegar. Linegar was out currently looking for his dogs, one with a muzzle and one without when the officer found him. Humphrey took pictures of the front porch area of Dishman's, the dog that had been attacked and the attacking dog.

The attacking dog, owned by Richard Linegar did not have current rabies and City tags and citations were issued for that. Linegar was given a copy of the code and paperwork as to the requirements for the dog and owner following the attack.

The definition of a potentially dangerous dog is one that when unprovoked, bites another animal or person.

Witness Cindy Williams said that she was walking down Avenue A on the east side with a 2 year old and saw the dogs that she recognized as Linegar's coming down the street from the North. She then heard the Dishman dog bark, and the 2 Linegar dogs abruptly turn and run towards the Dishman dog. Williams said that then the unmuzzled dog of Linegar's picked up the Dishman dog in his mouth and started shaking it. Williams ran across the street to stop the attack by yelling at the dogs, and the dog dropped the other dog. At that time, she headed to Dishman's door to notify them and they met her there. She told that the Linegar dogs were gone from the area by this time.

Bacon then called Becky to the podium and she said that their dog died from the attack that Williams had told about.

At this time, the owner of the accused dog, Richard Linegar spoke and said that this could not have been his dog. He stressed that his dog is very gentle and gave 4 letters to the Council in support of the dog. He also offered to show different videos on his phone of his dog playing with other small animals being very gentle. The council did not view the videos. He begged the Council to not charge his dog as a potentially dangerous dog. Attorney Bacon said that he could keep the dog as long as the legal steps required to do so were complied with. Linegar said that he could not afford to do that, but again asked that the Council side with his dog.

Council member Kennedy commented that similar issues had come before the Council before and while the circumstances may be different each time, the dog attacked another dog resulting in a death and that constitutes a potentially dangerous dog. Therefore Kennedy moved, Janssen seconded, to uphold the Police Report and deem the Linegar dog a potentially dangerous dog. Roll call vote: Yea - Richeson, Waskowiak, Janssen, Kennedy. Nay – none.

The hearing concluded at 7:41 p.m.

Waskowiak moved, Janssen seconded, to adjourn the meeting at 7:42 p.m. Roll call vote: Yea – Kennedy, Richeson, Janssen, Waskowiak. Nay – none. The next regular meeting will be April 18.

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Joyce Hudson, Mayor

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Jill A. Rubenthaler, Deputy City Clerk