

UNAPPROVED MINTUES
Special Session Earlham City Council Meeting
January 25, 2023, 7:00 p.m.

The Earlham City Council met in Special Session on Wednesday, January 25, 2023, at Earlham City Hall. Mayor Lillie called the meeting to order at 7:01 p.m. and the following answered roll: Fredericksen, Mudge, Nelsen, Swalla. Absent: Baskin. Also present: Clerk Hibbs, Chief Stringham, Officer Rasmussen.

1. Approval of Agenda

Motion by Mudge, second by Fredericksen, to approve agenda.

Roll: Ayes – unanimous. Motion passes.

2. Discussion on Chapter 57 of the Earlham Code of Ordinances, and possible “vicious dog” determination for dog owned by James & Julie McNeal.

Mayor explained the process according to Chapter 57. Officer Rasmussen gave a narrative on the events that happened on January 16, 2023. A mixed breed brindle dog, as well as a brown shar-pei/huskie mix owned by McNeal’s, was running loose. Witness stated the brindle attacked a dog owned by Heather Stancil while she was out walking, and he grabbed a broom to push dog off of her dog. Dog did not attack owner. Stancil stated there were no injuries, and she added she has seen these dogs out before and they never bothered her. Stancil did not realize her dog was bit until later that evening when she saw two small puncture wounds on the dog’s back. Rasmussen presented police report and Stancil statement, to the Council for their review. Stancil did not want to press charges. Julie McNeal explained the dogs had gotten out before where they had dug under the fence. McNeals have since fixed the problem area, and installed invisible fence around the perimeter. In addition, they fused the gate shut so no one could accidentally leave gate open. Police Chief Stringham stated the McNeals have paid the citations which were issued and registered the dogs with the city and vaccinated. McNeal also stated the dog has never been aggressive, but noticed that dog was in heat beginning on Sunday. They will get her fixed as soon as she is old enough. Nelsen asked about breed of dogs. Mayor stated they were both rescue dogs so breed is not exactly sure. Swalla concerned dog who did biting was possible pit bull mix. Not sure what percentage. Mayor stated nowhere in Code does it state what percentage is acceptable. McNeal said, in full disclosure, they did DNA testing and this dog is 30% shar-pei, 30% huskie, 30% pit. Mayor said possible need to revisit the Code regarding percentage allowed in City. Mayor read appropriate section from Code. Mudge asked if pit bull was listed on dangerous animal list, and it is. Swalla mentioned severity of attack did not appear to be that bad. His concern is that they are not continuing to run around, and it sounds like McNeals have taken care of that issue. Council discussion followed.

Motion by Swalla, second by Nelsen, to deem the dog non-vicious.

Roll: Ayes – unanimous. Motion passes.

3. Adjourn

Motion by Nelsen, second by Mudge, to adjourn

Roll: Ayes – unanimous. Motion passes.

Being there is no further business, meeting was adjourned at 7:31 p.m.

Jeff Lillie, Mayor

Attest: _____
Mary Sue Hibbs, Clerk