

**MORAVIA CITY COUNCIL
SPECIAL MEETING
TUESDAY, AUGUST 30, 2022**

A special meeting of the Moravia City Council was called to order by Mayor Roy Miller at 4:30 PM on Tuesday, August 30, 2022, at Moravia City Hall. In addition to Mayor Miller, those present were Councilpersons Ken Martin, Gary Ehrle, John Baty, Sheila Kirby, and Ron Deal. Sharla Stogdill, Mitch Main, Shaun Wubben, Marcia Benjamin, Amanda Smith, Lacy Mullins, Brett Nickel, and Deputy Sheriff Robert Houser were also present. The meeting opened with a prayer by Ken Martin and the Pledge of Allegiance. Mayor Miller welcomed the public and announced the meeting was being recorded.

Motion by Baty and seconded by Martin to approve the agenda. Roll Call Vote: Martin-Aye, Ehrle-Aye, Baty-Aye, Kirby-Aye, Deal-Aye. Motion carried.

Comments from the public – None.

Appeal of City Code Violations and Order to Remove Vicious Animal – Lacy Mullins apologized for how the situation had been handled, stating there is a misunderstanding and her dog is not vicious. She presented letters to the Council from neighbors and family stating the dog (Coco) is not vicious. She stated the injury was a scratch and not a bite, stating there were scrapes and dirt and not a bite. She said dogs bite sideways, not up and down. She believes the chain was removed from the dog, stating it was unclipped and not busted. She showed the council pictures of the dog with family and children. She asked the council not to remove the dog from their home as it is considered part of their family. They have had the dog for almost seven years and never had any issues with anyone. She stated the dog was vaccinated for rabies prior to the incident and has never shown any signs of being vicious. Councilman Martin asked what she thought caused the incident. Lacy said the report says the chain was broken, but it was not. She thought she did not get the chain clipped but that was also incorrect. She thinks the chain was unclipped. The person the incident happened with walks by their house all the time and there has never been any problems in the past. Councilman Baty stated we do not know exactly what happened. In the past, it was two bites before the city council had the dog removed from the city limits. He would recommend keeping the dog chained in the back yard and if anything happens again, the city council would have to do something. He is concerned about children walking by their house. Brett Nickel and Lacy both stated they had no problem with keeping the dog in the back yard. Mayor Miller said a dog license is required, which costs \$6 and proof of rabies vaccination must be provided. Councilman Deal had concerns about the stake the chain is fastened to and recommended it be cemented in the ground. He also inquired what breed the dog is and was told it was a pit bull mix. Councilman Martin inquired if the back yard is fenced and Lacy replied it was not fenced and is very expensive to get it fenced. There is also concern their dog or other dogs would dig under the fence. Councilman Ehrle disagreed. He referred to the city's ordinance which states if a dog bites a human being, it is deemed a vicious animal. The same rules are in Albia and Centerville. He empathized with the owners, stating he has had a dog too. He recommended having a separate meeting to decide what to do, reminding the Council we are setting a precedence for the future. Lacy said the city would have to prove the dog was not provoked and she believed the chain was released. Amanda Smith stated her son has been scared of dogs ever since he was bitten on the face by a dog at the age of nine. She stated she cleaned the wound and it was definitely a dog bite. There was dried blood, not dirt. She stated her son tried to run from the dog, which explains the angle of the bite. Brett Nickel asked why she did not go to the doctor and Amanda stated she had followed recommendations from Public Health and she had called the Mayor and the law when it happened. Amanda stated she went to Facebook because she did not know who lived in the house where the incident took place. Lacy stated accusations were put on Facebook and the address. Councilwoman Kirby stated the city does not have ordinances saying what can and cannot be put on Facebook. Councilman Baty said he is not trying to say who was at fault but the city had a two bite rule in the past. He understands what Councilman Ehrle is saying. Brett Nickel promised there would be no more incidents with the dog. Councilman Baty stated Brett and Lacy verbally assaulted the mayor and we have to put a stop to that. You cannot threaten people and yell at city hall. We cannot ever have this happen again. Brett agreed and apologized saying he felt their dog was going to be taken away from them and he lashed out, stating it will never happen again. Councilman Baty said they would take their word for it that it would never happen again and reiterated that he did not blame Amanda's son at all for the incident. Councilman Martin said he thinks the council needs to take into account there had been no

incidents in seven years with the dog. Brett apologized to Amanda and Amanda apologized for going straight to Facebook. She would not allow her son to attend the meeting because Lacy yelled at him when he walked by her house, which Lacy denied. Councilman Deal asked if Amanda was fine with having the dog chained in the back yard and she stated she was. Councilman Ehrle said he would agree to it with the stipulations of a six foot fence and to raise their homeowner's liability insurance if the dog gets loose again. He also requested a sign in front of the house that said "vicious animal." Lacy said she would agree to a "beware of dog" sign but a fence is too expensive. She would agree to keep it chained in the back yard. Councilwoman Kirby has noticed Amanda's son has been walking on the opposite side of the street of Lacy's house to go to the basketball court now so he is avoiding their yard. If dog is chained in back yard, it would be safer. Councilman Deal reiterated the stake has to be in concrete. Councilman Baty said Lacy has to get a dog license and if it happens again, the dog will be removed from the city.

Motion by Baty and seconded by Deal to allow Lacy Mullins and Brett Nickel to keep the dog but it has to be chained in the back yard with a concreted pole, a "beware of dog" sign must be posted, and a dog license purchased from the city. If another incident happens, the dog will be removed from the city. Roll Call Vote: Martin-Aye, Deal-Aye, Baty-Aye, Ehrle-Aye, Kirby-Aye. Motion Carried. Lacy Mullins and Brett Nickel agreed to the stipulations set by the council and will take a picture of the concreted pole when completed and show Mayor Miller. Brett will get this done after he returns from a trip. It was reiterated that someone will come and check if pictures are not given to the city.

Council Discussion Items – Councilman Baty inquired about chickens running loose on West North Street. Mayor Miller will talk with the owners. The stop sign we installed at CD's was discussed and council agreed by consensus to change the stop sign to a yield sign. Mitch will order a yield sign.

Mayor Info and Discussion Items – Mayor Miller received a request to install a sign for truckers not to use jake brakes. Ordinances would have to be changed in order to do this. There has been a semi parking on the square. Ordinances prohibit this – no overnight parking on the square.

Motion by Baty and seconded by Deal to adjourn at 5:21 PM. All Ayes. Motion carried.

/s/ Roy Miller, Mayor

Attest:

/s/ Sharla Stogdill, City Clerk/Treasurer