

**BOARD OF WORKS
SPECIAL SESSION
FRIDAY, MARCH 16, 2012
7:00 A.M.**

Mayor Ryan Daniel – Present
Deputy Clerk Treasurer Sally Wherry – Present
Attorney Marcia McNagny – Present
Walter Crowder – Present
Daniel Weigold – Present

The Columbia City Board of Works met in special session to further discuss the dangerous animal issue and what the next step would be for Lambo.

DANGEROUS ANIMAL COMPLAINT Mayor Daniel explained the dog had already been classified as a dangerous dog because of the attack on the cat.

Mayor Daniel questioned, now that the dog has been classified as a dangerous dog and has attacked a cat, if the Board were to make the decision to let the dog continue to be with the Kruckenberg's and if it would get out again and attack a person or animal could the City be held liable for damages or personal injury. Attorney McNagny felt the public may have a perception of that but we have rules regarding a dangerous animal and as long as those rules were followed the Kruckenberg's would be liable if something were to happen. She stated as long as the City was on top of monitoring things pursuant to our policies we would not; although it did not mean the City could not be sued. She advised it was about follow through.

Mayor Daniel advised while Lambo was at the Humane Shelter an evaluation was performed by Stacey Keily and Shelter Director, Lindsay Pease. He stated they evaluate the animals look and sensitivity; they play tag with the animal, squeeze the animal, and evaluate food behavior, toy behavior as well as dog to dog behavior. He reported the recommendation of the individuals was there were no aggressive issues or tendencies present at the time.

Mayor Daniel shared from his perspective, based on the fact that there were no aggressive issues shown at the Humane Shelter, he felt the 3 dogs together as a pack were feeding off of the energy of one another. He stated his biggest issue was if they were to let Lambo go back to his family the potential for it running again as a pack concerns him; as part of that they still do not know how the animals got out of their cage which also makes him nervous. He stated if they were to let Lambo continue to stay with the Kruckenberg's, to him, they would want to make sure that situation has improved.

Dan Weigold agreed completely with Mayor Daniel. He stated his biggest fear was how they got out and having gotten out and gotten a taste of the cat he felt it might happen again. He advised if they do allow Lambo to go back, there needed to be added measures such as an underground fence installed around the gated area. He stated at this point in time he did not feel the animal needed to be euthanized based on the evaluation at the Humane Shelter.

Walt Crowder concurred with the comments and concerns. He shared that his first reaction was emotional and second reaction was accountability. He felt the ordinance has given the directions of when assigned as an attack dog; for the Board to go above and beyond that to require more than what the ordinance says, he thought they had the privilege to do that, but that was the purpose of the ordinance and if the ordinance was not strict enough then they needed to modify it. He concurred that the temperament evaluation was another way for a third party to evaluate the dog, look at it from their profession, and the dog passed very calmly. He agreed that a pack of dogs will chase and feed off of their energy but has to put the ownership and accountability back to the owner of the dog. He stated if something happens in the future, we may all be subject to be named in whatever may transpire, but as long as we do our work, monitor and make sure the rules were being followed he felt the accountability falls back to the owner.

Mayor Daniel questioned if the Board was allowed to put on additional restrictions or strongly encourage the Kruckenberg's to install some other means of protection. Attorney McNagny felt as a Board they could make that determination because the dog has already killed an animal.

Dan Weigold felt they needed to have some lateral ability because every situation was going to be slightly different. He stated this was a situation that they have no idea how the dogs got out.

Attorney McNagny added that if the Board feels they need to go beyond the terms of the ordinance for the animal, that worries her a bit. She stated the ordinance was pretty clear; they have to confine the dog and it has to be with the owner. She advised to be careful going beyond the ordinance because, as a City, they were saying the dog should not be going home.

Dan Weigold felt an underground fence would still give the animal the ability to run and play but yet restrict it to an area. Attorney McNagny did not think there was a problem designating what kind of fence.

Dan Weigold questioned the Kruckenberg's if they had considered adding measures of difficulty for the animals to get out, since no one seems to know how they got out. Mrs. Kruckenberg advised they had an electric type fence around the garden area and it was suggested to put that around the edge of the fence.

Mayor Daniel questioned the Kruckenberg's if they ever take their dogs out for walks or a run. Mrs. Kruckenberg advised in the summer she has taken them out just a few times. She stated they have a fenced in yard so they have that area to play and walk around in. Mayor Daniel strongly encouraged them to take the dogs out for walks or runs that they can get out pinned up energy.

Mrs. Gates advised they did not want the dog put down but expressed a concern for public safety if the dogs get out again; if their other cat was not available what about a baby. Walt Crowder advised the point was valid; there was not anything that we go through in society that risk was not involved wherever we go. He stressed that they do not take light to this, it was very serious and they considered exactly what was said, the 'what if's'. He totally understood where she was coming from. Dan Weigold agreed.

Motion was made by Crowder to not euthanize the dog and once the ordinance has been followed as written and inspections have been completed and signed off of by City Officers that everything has been completed to the satisfaction of the ordinance then it was recommend the dog be released to the owner and full accountability will continue to stay with the owner, Weigold second the motion, all voted aye.

Having no further business to discuss the meeting was adjourned.

Mayor Ryan Daniel

Attest:

Deputy Clerk Treasurer Sally Wherry