

March 4, 2024

PUBLIC HEARING
REGARDING DANGEROUS DOG APPEAL
Rushville City Hall Council Chambers
6:30 p.m.

The following were in attendance: Mayor Jeff Ervin; Council Members – Susan Acker, Richard Davis, Terry Dodds, Bob Fishel, Bryan Matteson, Barry Rebman, and Paul Trimble; City Clerk, Stacey Briney; Mike Grate, City Clerk’s Office; City Attorney, Erin Wilson-Laegeler; Superintendent of Operations, Eric Thurma; Animal Control Officer, Dave Edwards; Jennifer Anderson, Suzy Hammon, Nicholas & Jessica Speth, Courtney Morrell, Jerry & Judy Crow, and Jessica Tangerose.

The public hearing was called to hear the appeal to the Animal Control Committee’s dangerous dog decision. Notice was posted to meet state requirements.

Jennifer Anderson stated that she has been compliant and done everything the committee had asked her to do regarding her dogs. Anderson noted she has fixed the fence, which she did not know had a hole in it until her dogs got out. Anderson stressed that her dogs have never been in trouble before and have never been picked up by Animal Control Officer, Dave Edwards. Anderson said she is hoping to get a second chance because her dogs are not dangerous. Mayor Jeff Ervin informed Anderson that all of the council members received copies of the support letters along with Edwards’ report of the incident.

Nicholas Speth stated he has known Anderson’s dogs all his life and they have never hurt anyone or any other dog before. Courtney Morrell agreed with Speth and added that those dogs do not know a stranger and are the sweetest dogs that just want to be petted.

Council Member, Mike Ryan arrived at 6:32 p.m.

Council Member, Bryan Matteson asked if the pictures were of the fence that was in question, and Anderson said they are and she has doubled the fencing so they cannot push through it.

Animal Control Committee Member, Bob Fishel asked Edwards if the owner of the dog was attacked had anything to add, and Edwards said she did not. Council Member, Richard Davis reported that his family are pet owners as well and they are like their children. Davis stated this is also tough on everyone at the table and Anderson needs to understand that a lot of their decisions are for the citizens and city. Davis stressed that everyone feels for Anderson. Suzy Hammon said Anderson’s dogs have been to Rick & Rich’s before and they have never hurt anyone or anything.

Animal Control Committee Member, Terry Dodds asked Anderson what provoked her dogs to attack the other dog, and Anderson stated they got out, which she did not know, and thought maybe the little dog was a critter. Dodds noted this could have been really bad if the attack would have been on a child.

Matteson told Anderson that he feels for her but the city is not asking for the dogs to be euthanized, just to leave the city limits because they attacked another dog one hundred and three (103) yards from her house. Matteson informed those present of some information that he had found on some websites he had searched. Matteson stated, after looking at some pictures, he is not sure how the other dog survived because it was almost torn in half. Matteson said he wishes we were not sitting here thinking about this, but we are and if the council allows the dogs back in the city limits and something happens, we will all be responsible. Matteson noted he feels horrible about this whole situation. Animal Control Committee Chairman, Barry Rebman stated the city could be held accountable if this happened again and the dogs got ahold of a person. City Attorney, Erin Wilson-Laegeler stated now that the city is aware of the situation, it could come back on them as the non-owners. Fishel asked if the council reversed the committee’s decision, would we be responsible if something happened, and Attorney Wilson-Laegeler said it is possible, but it should mainly fall on the dog owner.

Acker MOVED TO ADJOURN TO CLOSED SESSION TO DISCUSS POSSIBLE LITIGATION – 5 ILCS 120/2 (C)(11). Ryan SECONDED, AND THE PUBLIC HEARING ADJOURNED TO CLOSED SESSION WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Acker, Davis, Dodds, Fishel, Matteson, Rebman, Ryan, & Trimble; 0 NAYS; 0 ABSENT. THE PUBLIC HEARING STOOD ADJOURNED AT 6:42 P.M.

Open Session reconvened at 6:50 p.m. with the following present: Mayor Ervin; Council Members, Acker, Davis, Dodds, Fishel, Matteson, Rebman, Ryan, & Trimble; Clerk Briney; Attorney Wilson-Laegeler; Superintendent Thurman; Animal Control Officer, Edwards; Anderson, Hammon, Nicholas & Jessica Speth, Morrell, Jerry & Judy Crow; and Tangerose.

Fishel MOVED TO DENY JENNIFER ANDERSON’S APPEAL AND UPHOLD THE ANIMAL CONTROL COMMITTEE’S DECISION. Rebman SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Dodds, Fishel, Matteson, Rebman, Ryan, Trimble, Acker, & Davis; 0 NAYS; 0 ABSENT.

Dodds MOVED TO ADJOURN. Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Fishel, Matteson, Rebman, Ryan, Trimble, Acker, Davis & Dodds; 0 NAYS; 0 ABSENT. THE PUBLIC HEARING STOOD ADJOURNED AT 6:52 P.M.

The original support letters and photos are on file in the City Clerk's office files. Copies of support letters are attached and a part of the original minutes.

March 4, 2024

RUSHVILLE CITY COUNCIL MINUTES

1. ROLL CALL & CALL TO ORDER

The Rushville City Council met in the meeting room of the City Hall Building. Upon convening, Mayor Jeff Ervin directed City Clerk, Stacey Briney to call the roll. Upon ROLL CALL, the following answered present: Council Members: Susan Acker, Richard Davis, Terry Dodds, Bob Fishel, Bryan Matteson, Barry Rebman, Mike Ryan, and Paul Trimble. The meeting was called to order at 7:00 P.M.

Others present included: City Clerk, Stacey Briney; Mike Grate, City Clerk's Office; City Attorney, Erin Wilson-Laegeler; Superintendent of Operations, Eric Thurman; Sarah Pearce & Moe Billingsley of *The Rushville Times*; and Sandra Bartlow.

2. OPENING PRAYER

The Opening Prayer was led by Mayor Jeff Ervin.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Ervin.

4. PUBLIC COMMENTS

Sandra Bartlow said she was here in interest of the demolition of the property at 147 East LaFayette Street, but she is not seeing it on the agenda. City Clerk, Stacey Briney noted there have not been any bids submitted. Mayor Ervin stated the city has to take the house down per the Judge's orders. Bartlow said she is concerned about the foliage as well, and Mayor Ervin stated the entire lot will be cleaned up and sold.

Sandra Bartlow left the meeting at 7:03 p.m.

5. CONSENT AGENDA

All items on the Consent Agenda are considered to be routine in nature and will be enacted in one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event, the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent Agenda.

- a) Approve the Minutes of the Regular Meeting held February 20, 2024
- b) Approve the Minutes of the Combined Sidewalk & TIF Committee Meeting held February 16, 2024; Combined TIF Committee & Joint Review Board Meeting held February 20, 2024; Police Committee Meeting held February 26, 2024; Combined Police Union Negotiating & Police Committee Meeting held February 28, 2024; & Ordinance Review Committee Meeting held February 28, 2024
- c) Approve “Claims for Council Approval Dated 03/04/24” & Accept Monthly Reports
- d) Approve Reserving Central Park on Saturday, March 30, 2024, for the Masonic Lodge Easter Egg Hunt
- e) Approve Request for Loan Reimbursement
- f) Approve Installing Security Cameras on the Square at a Cost of \$7,562.92
- g) Approve Rejecting all Bids for the Old Fire Truck
- h) Approve Annual Audit for FY ending April 30, 2023

- i) Approve Appointing Jeff Hampton, Kolton Mayall, & Paul Trimble as Volunteer Firemen

Trimble REQUESTED TO HAVE ITEM “5I” REMOVED FROM THE CONSENT AGENDA.

Davis MOVED TO APPROVE THE CONSENT AGENDA, WITH THE EXCEPTION OF ITEM “5I”. Rebman SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Acker, Davis, Dodds, Fishel, Matteson, Rebman, Ryan & Trimble; 0 NAYS; 0 ABSENT.

6. ITEMS TO BE REMOVED FROM CONSENT AGENDA – IF APPLICABLE

Item “5I”: Council Member, Paul Trimble asked to have his name removed from the volunteer firemen list.

Dodds MOVED TO APPROVE ITEM “5I”, APPROVE APPOINTING JEFF HAMPTON & KOLTON MAYALL AS VOLUNTEER FIREMEN. Davis SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Davis, Dodds, Fishel, Matteson, Rebman, Ryan, & Trimble; 0 NAYS; 0 ABSENT.

7. DISCUSS & CONSIDER HIRING BROCK COOPER AS FULL-TIME POLICE OFFICER

Mayor Ervin reported this was a moot point as Brock Cooper pulled his name from the police officer position.

8. UPDATE ON FRATERNAL ORDER OF POLICE (FOP) CONTRACT

Police Committee Chairman, Mayor Ervin reported the committees met representatives from the Fraternal Order of Police (FOP) regarding the new contract as the old one expires April 30, 2024. Mayor Ervin stated the FOP originally came in with raising the wages Five Dollars (\$5) per hour for the first (1st) year, which equals to about twenty five percent (25%) increase and then four percent (4%) per year after that. Mayor Ervin said he told the FOP members that the city could not do that. Mayor Ervin noted the FOP proposed shift differential pay for the night shift and we had ultimately agreed until the rate increase came up. Mayor Ervin stated he told the members that the city would like to stay with the four percent (4%) across the board like we did with the other employees. Mayor Ervin said after some discussion, both the FOP members and the committee members agreed to take back to both parties a five percent (5%) wage increase for the first (1st) year and then four percent (4%) for the second (2nd) and third (3rd) years with no shift differential. Mayor Ervin reported both parties also agreed to do away with the twenty (20) mile radius that is in the old contract and to add that when an officer calls in sick that it is verbally and not a text message. **Consensus of the council was to agree with what the committee is proposing.**

Mayor Ervin reported if the rest of the officers agree to this proposal, they will vote on it and bring it back to the council for approval. Council Member, Mike Ryan asked if Chief of Police, Rick Wright was okay with this, and Mayor Ervin said he is not covered under the union contract.

9. COUNCIL MEMBER & OFFICIALS’ REPORTS

Cemetery Committee Chairman Bryan Matteson reported the signs are in for the cemetery so he will get with Superintendent of Operations, Eric Thurman to get some posts out there so we can get them up this week. Mayor Ervin asked Thurman if he had some nicer looking trash cans that he could take out to the cemetery so people will have somewhere to put their waste when they do pick it up. Mayor Ervin stated that if this does not work, the next step would be to restrict all dogs in the cemetery.

Ordinance Committee Chairman, Richard Davis reported the committee had met to discuss campers in the city limits. Davis presented a copy of an ordinance from Plymouth, Illinois. *Said ordinance is attached and a part of these minutes.* Davis stated people store their campers next to their houses and the committee is okay with having those campers hooked up to their electricity for the refrigerator, but they cannot be hooked into the water and sewer. Davis said the committee did not want to allow campers to be considered dwellings. Davis noted the committee needs some ideas for everybody to get this done. Davis said he knows everyone’s situation is a little different but by allowing people to reside in their campers in town, we are taking away from our parks.

10. **ADJOURN**

Acker MOVED TO ADJOURN. Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Dodds, Fishel, Matteson, Rebman, Ryan, Trimble, Acker, & Davis; 0 NAYS; 0 ABSENT. THE MEETING STOOD ADJOURNED ACCORDINGLY AT 7:15 P.M.

Minutes submitted by,

Stacey L. Briney, City Clerk/CMC

Date Minutes Approved