

July 7, 2025

**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, Terry Dodds, Mike Farniok, Bob Fishel and Bryan Matteson; Mike Grate, City Clerk's Office; City Attorney, Erin Wilson-Laegeler; Superintendent of Operations, Drew Ralston; Moe Billingsley of *The Rushville Times*.

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.

Mayor Jeff Ervin reported that he spoke with Travis Cox and he said that if he did not have a backpack with water and ice in it to fight the dogs off he would have been bitten. Mayor Ervin noted that Cox stated he had to get in the back of a parked truck to get away from the dogs and that if it was not for a co-worker using his truck to nudge the dogs to get them away from him, he would have been bitten.

Mayor Ervin confirmed that the dogs were currently still with their owner and the city or animal control does not take control of the dogs, but if they were to be deemed dangerous dogs, then they would not be able to reside within the Rushville city limits.

City Attorney, Erin Wilson-Laegeler stated she spoke with Animal Control Officer, Dave Edwards and he informed her it would be difficult to take control of these dogs due to aggression issues. Attorney Wilson-Laegeler said she referred this over to Schuyler County State's Attorney, Chuck Laegeler's office for possible action and to at least make a record of these dogs in the county. Attorney Wilson-Laegeler said she spoke with Chief of Police, Rick Wright and he told her the situation with the dogs was very dangerous and scary. Mayor Ervin noted that Chief Wright told him if he would not have tased the dog, they would have bitten him.

Animal Control Officer, Dave Edwards arrived at 6:34 p.m.

Council Member Terry Dodds asked Edwards about the name on the ordinance violation complaint being Tonya Rhodes but his report has Tonya Thornton. Edwards stated that was his fault and it should have been Thornton. Attorney Wilson-Laegeler noted that it can be corrected.

Mayor Ervin asked Edwards how hard it would be to get the dogs if the council decides they are dangerous, and Edwards said the dogs are not going to let him handle them. Edwards went on to say that if the owner does not help with controlling the dogs, he believes they would have to be tranquilized. Animal Control Committee Member, Bryan Matteson asked what breed of dogs they are, and Animal Control Committee Member, Susan Acker noted the owner says they are American Bulldogs. Edwards stated those are the biggest bulldogs he has ever seen and he thinks they have it have some mastiff in them because they are big.

Council Member, Bob Fishel asked if the dogs were up to date on their shots, and Edwards said that he and Chief Wright had another encounter with the dogs about a month ago where they got out and a neighbor thought they were going to bite them. Edwards stated, at that time, the owner of the dogs showed him the records and they were up to date. Matteson asked if that incident was documented and Edwards said the neighbor did not want to make a complaint.

Alana Hannant arrived at 6:38 p.m.

Fishel asked how far the dogs got away from their house at 120 E. Adams, and Mike Grate stated on that day, June 11, 2025, he watched them and they stayed within a two (2) block area. Grate said the dogs were on East Jefferson Street blocking a car from turning on to North Liberty Street so he called to them and the female dog came to him and looked friendly, but once the male got there they both started barking at him. Grate said they both seemed aggressive.

Mayor Ervin asked Alana Hannant if she had any comments to make about the dogs, and Hannant stated the dogs had experienced trauma in the past because of Thornton's ex-boyfriend who dumped them and they had to be trapped with live traps in Iowa so now when they feel threatened, they bark but they have never attacked anyone. Hannant stated that she does not like dogs, but these dogs are the friendliest dogs she has ever been around. Hannant noted that they have never had any issues with the dogs before and said that other people have brought them back to their house and had no issues then. Hannant said she does not know why or what happened to cause the dogs to get tased because they have never shown any aggressive behavior before. Mayor Ervin stressed Chief Wright informed him that if he did not tase the dog he would have been bitten. Hannant stated that their attorney could not make it tonight and the attorney told her to ask for a continuance. Matteson asked if the dogs have ever gotten out before and Hannant said maybe three (3) times that she is aware of. Matteson noted that was a reoccurring issue and he has had dogs in Rushville since 1994 and they have never gotten out. Hannant stressed that they have never had aggression issues with the dogs and that they are chipped and up to date with their shots. Hannant noted that they have made improvements to keep the dogs in. Mayor Ervin appreciated the fact

they have made improvements, but regardless of what you have done, the dogs do get out, they chase people, and make them feel like they could get bitten and the city cannot have that.

Chief of Police, Rick Wright arrived at 6:42 p.m.

Mayor Ervin asked Chief Wright if he had any additional comments on the dogs in question, and Chief Wright reported that he was dispatched to a call where someone was fighting off two dogs with a backpack. Chief Wright said that when he arrived the person that called the incident in, showed him where the dogs were so he called to the dogs hoping they were friendly, but when they got closer they became very aggressive and one (1) got so close that he thought it was going to take him, so he used his taser on the dog. Chief Wright stated that after using the taser the dogs ran away. Chief Wright said a witness to the incident asked he why he did not shoot the dog since they were too close and too aggressive for him, and Chief Wright told the witness that he did not want to shoot someone’s dog if he did not have to. Fishel asked Chief Wright if his body camara was on, and Chief Wright said it was not because it happened too quickly.

Council Member, Mike Farniok asked why the owner was not here, and Hannant stated the owner was calling her now and she was on her way. A discussion followed.

Tonya Thornton arrived at 6:50 p.m.

Mayor Ervin asked if she was Mrs. Thornton and she responded that she was. Mayor Ervin informed Thornton that those present have been discussing the incident with her dogs and asked if she had anything to add before the council goes into executive session. Thornton reported she has been in contact with an animal rights activist, and they told her to ask for a continuance. Mayor Ervin stated this is a city meeting regarding a city ordinance and the alderman here make that decisions, not a judge or lawyers. Mayor Ervin reiterated that whatever she would like us to know before we go into executive session she could do so now.

Thornton defended her dogs by saying they have never bitten anyone. Thornton said her dogs were taken from her, abused, dumped, abandoned, and she found them in Ft. Madison, Iowa at “Paws”. Thornton stated, that after what all the dogs have been through, they do bark, but they have never bitten anyone, ever. A discussion followed regarding the dogs and their ability to get out and what Thornton has done to prevent it from happening again.

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

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 Mike Grate to call the roll. Upon ROLL CALL, the following answered present: Council Members: Susan Acker, Mike Carey, Terry Dodds, Mike Farniok, Bob Fishel, Bryan Matteson, & Mike Ryan. The meeting was called to order at 7:00 P.M. Council Member, Paul Trimble was absent.

Others present included: Mike Grate, City Clerk’s Office; City Attorney, Erin Wilson-Laegeler; Superintendent of Operations, Drew Ralston; Moe Billingsley of *The Rushville Times*.

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

There were no Public Comments at this time.

5. ADJOURN TO CLOSED SESSION TO REVIEW CLOSED SESSION MINUTES OF THE MEETING HELD MAY 5, 2025 – 5 ILCS 120/2 (C)(21); & DISCUSS POSSIBLE LITIGATION – 5 ILCS 120/2 (C)(11)

Farniok MOVED TO ADJOURN TO CLOSED SESSION TO REVIEW CLOSED SESSION MINUTES OF THE MEETING HELD MAY 5, 2025 – 5 ILCS 120/2 (C)(21) & DISCUSS POSSIBLE LITIGATION – 5 ILCS 120/2 (C)(11). Fishel SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Acker, Carey, Dodds, Farniok, Fishel, Matteson, & Ryan; 0 NAYS; 1 – ABSENT - Trimble. OPEN SESSION STOOD ADJOURNED TO CLOSED SESSION AT 7:00 P.M.

Council Member, Paul Trimble arrived at 7:03 p.m.

6. RETURN TO OPEN SESSION

Open Session reconvened at 7:07 p.m. with the following present: Mayor Ervin; Council Members, Acker, Carey, Dodds, Farniok, Fishel, Matteson, Ryan, & Trimble; Grate; Attorney Wilson-Laegeler; Superintendent Ralston; Animal Control Officer, Edwards; Chief of Police, Rick Wright; Moe Billingsley of *The Rushville Times*; Tonya Thornton & Alana Hannant.

7. APPROVE CLOSED SESSION MINUTES OF THE MEETING HELD MAY 5, 2025

Fishel MOVED TO APPROVE CLOSED SESSION MINUTES OF THE MEETING HELD MAY 5, 2025. Farniok SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Dodds, Farniok, Fishel, Matteson, Ryan, Trimble, Acker, & Carey; 0 NAYS; 0 ABSENT.

8. DISCUSS & CONSIDER DETERMINATION OF DANGEROUS DOG APPEAL

Fishel MOVED TO DENY TONYA THORNTON’S APPEAL, UPHOLD THE ANIMAL CONTROL COMMITTEE’S DECISION AND GIVE SEVEN (7) DAYS TO MOVE THE DOGS OUTSIDE THE CITY LIMITS. Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Farniok, Fishel, Matteson, Ryan, Acker, Carey, & Dodds; 1 PRESENT – Trimble; 0 NAYS; 0 ABSENT.

Animal Control Officer, Dave Edwards, Tonya Thornton, and Alanna Hannant left the meeting at 7:09 p.m.

9. 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 June 16, 2025
- b) Approve the Minutes of the Street Committee Meeting held June 24, 2025; & Ordinance Review Committee Meeting held June 24, 2025
- c) Approve “Claims for Council Approval Dated 07/07/25” & Accept Monthly Reports
- d) Approve Electrical Upgrade at Schuy-Rush Park at an Amount not to Exceed \$7,000
- e) Approve Replacing Grinder at Cemetery Lift Station at a Cost not to Exceed \$60,000
- f) Approve Engineering Agreement with Hutchison Engineering for West LaFayette Street from Monroe Street to Jackson Street
- g) Pass Ordinance No. 1394, Prevailing Wage Ordinance
- h) Consider Suspending the Rules RE: Ordinance No. 1395, Ordinance Amending Ordinance No. 625 (An Ordinance Providing for the Installation of Motor Vehicular and Pedestrian Control Signs and Providing Penalties for Violation of the Same)
- i) Pass & Adopt Ordinance No. 1395, Ordinance Amending Ordinance No. 625 (An Ordinance Providing for the Installation of Motor Vehicular and Pedestrian Control Signs and Providing Penalties for Violation of the Same)
- j) Approve Loan Reimbursements

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

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

All items were approved on the Consent Agenda

11. DISCUSS & CONSIDER 1ST READING OF ORDINANCE NO. 1396, ORDINANCE AMENDING SECTION 70-41 OF THE RUSHVILLE CITY CODE

Fishel MOVED TO PASS ORDINANCE NO. 1396, ORDINANCE AMENDING SECTION 70-41 OF THE RUSHVILLE CITY CODE TO THE SECOND (2ND) READING. Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Matteson, Ryan, Trimble, Acker, Carey, Dodds, Farniok, & Fishel; 0 NAYS; 0 ABSENT.

12. DISCUSS & CONSIDER 1ST READING OR ORDINANCE NO. 1397, ORDINANCE AMENDING A PORTION OF ORDINANCE NO. 1327

Ordinance Review Committee Member, Matteson reported currently the ordinance states the curfew for ATV/UTV's is 10 p.m. to 6:00 a.m., and the committee would like to amend that to read midnight to 5:00 a.m. Matteson said this amended ordinance also states the extended hours for the fair to 1:00 a.m. so the council does not have to approve this every year.

Matteson MOVED TO PASS ORDINANCE NO. 1397, ORDINANCE AMENDING A PORTION OF ORDINANCE NO. 1327 TO THE SECOOND (2ND) READING. Trimble SECONDED, AND THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 4 YEAS – Matteson, Trimble, Carey, & Fishel; 3 NAYS – Ryan, Dodds, & Farniok; 1 PRESENT – Acker; 0 ABSENT.

13. DISCUSS & CONSIDER PURCHASE OF NEW TRUCK

Street Committee Chairman, Fishel reported the current truck the city is looking to replace is on its last leg. Fishel stated the truck saving has around Forty-Four Thousand Dollars (\$44,000) in it and the sewer will put up the rest.

Fishel MOVED TO APPROVE THE PRUCHASE OF NEW TRUCK AT A COST OF FIFTY-FIVE THOUSAND SEVEN HUNDRED FORTY-ONE DOLLARS (\$55,741). Farniok SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Trimble, Acker, Carey, Dodds, Farniok, Fishel, Matteson, & Ryan; 0 NAYS; 0 ABSENT.

14. DISCUSS & CONSIDER REPLACING STORM SEWER ON WEST LAFAYETTE/JACKSON STREETS

Mayor Ervin reported the storm sewer line that runs in the boulevard between Monroe and Jackson Street, on the north side of West Lafayette Street, is a clay line that has collapsed. Mayor Ervin stated we need to replace it before the work begins on West Lafayette Street.

Matteson MOVED TO APPROVE REPLACING THE STORM SEWER LINE ON WEST LAFAYETTE STREET BETWEEN MONROE & JACKSON STREETS. Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Acker, Carey, Dodds, Farniok, Fishel, Matteson, Ryan, & Trimble; 0 NAYS; 0 ABSENT.

15. DISCUSS & CONSIDER REMOVING TREES

Sewer Committee Chairman, Matteson reported there are six (6) trees on West Lafayette Street between Monroe and Jackson Streets that need to be removed. Matteson stated the city crew can remove the three (3) small trees but we need Zeisler to remove the three (3) large ones. Matteson noted Zeisler's cost would be Three Thousand Dollars (\$3,000) and this does not include stump removal. Mayor Ervin stated these trees are right along where the storm sewer needs to be replaced and they would be ruined. Mayor Ervin reported he will contact the residents where the trees are to let them know our plans. Farniok, Acker, and Trimble thought we should remove the stumps as well, and Matteson and Mayor Ervin said we will be removing them when we dig up the old storm sewer line.

Matteson MOVED TO APPROVE ZEISLER'S TREE SERVICE TO REMOVE THREE (3) TREES AT A COST OF THREE THOUSAND DOLLARS (\$3,000). Farniok SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Carey, Dodds, Farniok, Fishel, Matteson, Ryan, Trimble, & Acker; 0 NAYS; 0 ABSENT.

16. COUNCIL MEMBER & OFFICAL'S REPORTS

Parks & Recreation Co-Chair, Paul Trimble reported that Schuy-Rush Board is looking at putting in a fishing pier at the dock area and are considering aluminum frame and composite decking versus all wood. Matteson stated the Schuy-Rush Board is also looking at making it handicapped accessible.

Trimble also reported there are light poles at Schuy-Rush ball diamond that need replaced. A discussion followed regarding whether Adams or Amren would help putting new ones in. Trimble stated Schuy-Rush Board President, Brad Thurman is still looking into this and will keep everyone posted.

Council Member, Susan Acker asked who is going to monitor if the dogs that we deemed dangerous are gone in seven (7) days, and Mayor Ervin said Edwards will with assistance of Chief Wright.

Council Member, Terry Dodds stated he was at the swimming pool last week and it looks good. Dodds said he spoke with Pool Manager, Katie Park and she said all is going well. Mayor Ervin noted he has not received any complaints this year regarding the pool.

Parks & Recreation Co-Chair, Mike Farniok reported there was a Pool Committee meeting last week regarding discipline at the pool regarding some mistakes being made, closing the pool down during the adult swim for a pool party, etc. Farniok stated someone, not the manager, was booking parties and booked them at the wrong times. Farniok also reported that they are having to schedule five (5) lifeguards with four (4) positions around the pool, with the fifth (5th) one conducting swim tests. Farniok said he does not know why they are doing that and feels the swim tests should be done at a dedicated time and not during open swim.

Farniok stated that the Golf Course Committee has approved the purchase of a mower for Forty-Six Thousand Dollars (\$46,000), which has been appropriated, but the committee could not tell him where the money was going to come from. Mayor Ervin stressed that they will need to find the money, but even at that, if they order the mower it will not come for another eighteen (18) to twenty-four (24) months. Farniok stated there is an option of a five (5) year lease with a One Dollar (\$1) buy-out.

Police Committee Member, Bob Fishel asked Chief Wright if the camaras on the square were all working, and Chief Wright said not all of them, but he spoke with the tech and there has been some water intrusion on some camaras so they are working on them.

Mayor, Jeff Ervin reported that our eleven & twelve (11-12) year old Little League Girls Softball team is going to State and two (2) years ago when this same team went, the city donated Five Hundred Dollars (\$500) to them. Mayor Ervin said he is asking for a consensus to donate to them again. Dodds recommended the city donate Six Hundred Dollars (\$600) this year. **Consensus of the council was to donate Six Hundred Dollars (\$600) to the Little League Girls Softball team.**

Mayor Ervin also reported that the city will be receiving an ITEP Grant for One Million Two Hundred Ninety-Five Thousand Three Hundred Sixty-Two Dollars (\$1,295,362) for the section of West LaFayette Street from Monroe to Jackson Streets. Mayor Ervin noted this is an eighty/twenty (80/20) grant. Mayor Ervin stated Anthony Miller of Hutchison Engineering estimates the city's twenty percent (20%) will be around Three Hundred Thousand Dollars (\$300,000). Mayor Ervin noted this grant includes new curb/guttering, new sidewalks on both sides of West LaFayette Street, and lighting. Mayor Ervin said he would like to get permission to reach out to Megan Crook of IMEG, which is the engineering firm working on the *Safe Routes to School*, and see if they would engineer the last block of West LaFayette Street. Mayor Ervin stated the ITEP Grant comes up every two (2) years, so with us developing the Historical District, we should have a good chance to get that grant again. **Consensus was to allow Mayor Ervin to speak with Megan Crook with IMEG regarding the last section of West LaFayette Street.**

17. ADJOURN

Fishel MOVED TO ADJOURN. Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Dodds, Fishel, Matteson, Ryan, Trimble, Acker, & Carey; 0 NAYS; 0 ABSENT. THE MEETING STOOD ADJOURNED ACCORDINGLY AT 7:40 P.M.

Minutes submitted by,

Mike Grate

Date Minutes Approved