



# City of Grand Island

Tuesday, March 11, 2014

Council Session

## Item G-2

**Approving Minutes of March 4, 2014 City Council Study Session**

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

March 4, 2014

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on March 4, 2014. Notice of the meeting was given in the *Grand Island Independent* on February 26, 2014.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following Councilmembers were present: Vaughn Minton, Mike Paulick, Mark Stelk, John Gericke, Mitch Nickerson, Julie Hehnke, and Linna Dee Donaldson. Councilmembers Kent Mann, Chuck Haase, and Peg Gilbert were absent. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Robert Sivick, City Treasurer and Finance Director Jaye Monter, and City Engineer and Public Works Director John Collins.

INVOCATION was given by Community Youth Council member Joe Huston followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Joe Huston.

SPECIAL ITEMS:

Presentation of City Code Chapter 5 – Animal Code and Related Changes. Assistant City Attorney Stacy Nonhof reported that a lot of work had gone into the proposed changes for Chapter 5 of the Grand Island City Code relating to Animals. The Legal Department had worked closely with the Central Nebraska Humane Society and the Animal Advisory Board and both had approved the recommended changes to Chapter 5 along with changes to the Approved Animals List and the Waiver Schedule.

Ms. Nonhof stated the proposed changes would bring Chapter 5 of the City Code up to date, promote a more livable community, define stronger penalties and establish realistic enforcement. Reviewed were the proposed changes in Chapter 5. §5-1 Definitions were explained.

§5-2 Animal Advisory Board would increase the number of members from 7 to 9. Appointed members would include: 1 licensed veterinarian, 3 residents of the City of Grand Island, and 1 member of the City Council. Non-appointed members would include: Chief of Police or their designee, Director of the Health Department or their designee, City Attorney or their designee, and the Director of the Animal Control Authority or their designee.

Clarified was the City Council appointment would be made by the Mayor with Council approval and the increase in the board was an addition of 2 residents of the City of Grand Island.

§5—3 Procedure of Animal Advisory Board was reviewed with voting members of the Board being the veterinarian, 3 residents of the City of Grand Island, City Council member, Chief of

Police, Director of the Animal Control Authority, and the Director of the Health Department. The non-voting member would be the City Attorney.

Article II. Commercial Animal Establishments §5-7.1 Selling animals on City or private property was a new section of the City Code. This would require obtaining written permission of the property owner to sell animals. Refusal to leave upon request would be punishable by a fine.

Article IV – Animal Care §5-14 Shelter defined what was acceptable shelter. §5-15 Enclosure defined acceptable enclosures, restraint systems and that the enclosure other than a yard fence must be 10 feet from the property line. §5-18 Number of Animals; Limits would reduce the number of rabbits from 30 to 15, the number of birds from 64 to 30 and would allow residential property to have up to 8 chicken hens, but must be properly confined at all times at least 15 feet from property line.

Comments were made concerning current enclosures. Ms. Nonhof stated those in place would be grandfathered. Councilmembers commented on the number of phone calls received from citizens not wanting chickens in the City.

Article IV – Animal Care §5-21 Food, Water Health Care, Grooming ; Owner’s Duty provided for the minimum standards of pet ownership with regards to shelter, grooming requirements, enclosure safety and health care.

Dr. Missy Girard, 210 Stolley Park Road, Animal Board member answered questions concerning the dangers of matting of the fur. Ms. Nonhof answered questions regarding enforcement. She stated most issues were complaint driven. Explained was the process Animal Code Officers take to resolve the problem. Barking dogs were discussed. Ms. Nonhof stated there were 3,000 pet licenses last year.

Article IV – Animal Care §5-22 Cruelty to Animals Prohibited added this subsection making it unlawful to leave an animal unattended in a dwelling, motor vehicle or trailer under such conditions or for a period of time that endangered the health or well-being of the animal.

Article VI – Animal Control §5-34 Running at Large made the restraint system consistent with prior sections and now applied to all animals not just dogs. This section gave the Animal Control Authority or law enforcement the discretion to either impound the animal or return it to the owner.

Article VI – Animal Control §5-5-34.1 Animal Training and Shows had been removed as it was discovered this provision of the Code was not used and no longer was needed.

Article VI – Animal Control §5-36.1 Dangerous and Potentially Dangerous Animals; Actions Required; Costs was a new section. This would require animals declared dangerous or potentially dangerous to be spayed or neutered and implanted with a microchip within 30 days of being declared. Costs of the procedures would be the responsibility of the owner and failure to comply would subject the animal to impoundment. This section also subjects the owner to a fine – each and every day after the initial 30 days that these actions are not taken.

Ms. Nonhof stated the reasons for spaying or neutering an animal was for behavior modification. Dr. Girard explained micro chipping. She stated most dangerous dogs had not been spayed or neutered. City Attorney Robert Sivick commented on the due process of declaring an animal potentially dangerous or dangerous.

Article VI – Animal Control §5-38 Animal Noise would subject the owner of the animal to a fine and the owner to a Nuisance Owner declaration.

Article IV – Animal Control §5-40 Wild Animals Prohibited would add Section D making the owner of an animal subject to a fine if the owner fails to obtain an animal license.

Discussion was held regarding the Approved Animal List and the need to license these animals.

Article VII – Penalties §5-46 Nuisance Owner was re-written. This section would provide a procedure for having an owner declared a Nuisance Owner. The Nuisance Owner declaration requires the owner to surrender the animal to the Animal Control Authority. The Owners could appeal the declaration to the Animal Advisory Board. Nuisance Owners would be prohibited from owning or residing with any animal for a period of 2 years from the date of declaration. If a Nuisance Owner was found to be in possession of an animal, the Animal Control Authority may immediately impound the animal. Any violation is subject to a fine – a continuing violation is subject to daily fines.

Ms. Nonhof stated the appeal process for the Nuisance Owner was the same as the appeal for a dangerous animal. City Attorney Robert Sivick stated prohibiting citizens from owning pets was done to protect society. There were very few cases this would apply to.

Article VIII – Appeal Procedure §5-47 Dangerous and Potentially Dangerous; Nuisance Owner; Declaration; Appeal; Disposition would add Nuisance Ownership and reduces the allowed presentation time from one hour to thirty minutes per side.

Reviewed was the Waiver Fine Schedule Updates which would bring the schedule into conformity with City Code. This would increase fines for Chapter 5 and Chapter 16 violations. It would also include a list on the schedule violations of Chapter 17 that were not previously on the Schedule. It would increase the fine for Shoplifting and would create a second offense and would clarify violations in Chapter 22. Increased fines for third offense violations of §39-4 and §39-5 were also included. Ms. Nonhof stated all fines go to the school system.

Ms. Nonhof stated the last updated Approved Animal List was on February 16, 1998. These changes would reflect the reality of the situation now. Changes were in conformity with the definition of wild animals in Chapter 5 of the City Code which included animals that were currently sold in Grand Island. The list conformed to the Nebraska Game and Parks.

Compliments were made to the Animal Enforcement Officers present and the work they do along with the Animal Advisory Board. It was the intention to bring this back to Council. Council recommended not bringing this back at next week's meeting.

Lauri Dethloff, Central Nebraska Humane Society Executive Director thanked the Council for taking the time to look at this topic and being pro-active. After discussion with the Council Mayor Vavricek recommended this issue would come back to Council on March 25, 2014.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m.

RaNae Edwards  
City Clerk