

**CITY OF NEENAH**  
**PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES**  
**Tuesday September 27, 2022, 6:30 PM**

**Present:** Alderpersons Borchardt, Hillstrom, Lendrum, Stevenson, and Weber

**Excused:**

**Also Present:** Mayor Lang, City Attorney Rashid, City Clerk Nagel, Police Lt. Bone, Public Works Office Manager Mroczkowski, Steven Martin, Taylor Berkich, and Gregory Schaller

Approval of the September 13, 2022 Regular Meeting Minutes

**Motion/Second/Carried by Hillstrom/Stevenson to approve the minutes of the September 13, 2022 regular meeting.** All voting aye

Public Appearances:

None

Appeal of Dangerous Animal Appeal Designation Pursuant to Neenah Code §3-16- Steven Martin and Farrah Marquette, 925 Hunt Avenue

City Attorney Rashid stated for the record that he would be appearing for the City in the appeals. At City Attorney Rashid's direction the Clerk placed all witnesses under oath as they testified.

City Attorney Rashid called Lt. Bone as a witness.

Lt. Bone was sworn in.

Lt. Bone stated that he has been employed by the City of Neenah Police Department for 11 years. He stated that he is in charge of the dangerous animal program for the city. He stated that in this role he reviews any aggressive behavior, any dog fights, cat scratches, anything that's unusual with an animal that someone might have any kind of concern about. He stated that all of these police reports get forwarded to him and he reads them all. Lt. Bone stated that he then makes a determination on if the case meets the requirement for some type of declaration in the dangerous animal statutes.

City Attorney Rashid asked whether in regards to this particular dog that will be referred to hereby as Zeus, you made a designation on July 2, 2022, at the request of Police Chief Olson, this was a dangerous animal pursuant to the City of Neenah Code §3-16.

Lt. Bone stated yes.

City Attorney Rashid asked Lt. Bone to testify to what led him to make that declaration with regard to Zeus.

Lt. Bone stated that there have been five interactions with Zeus and police officers. One in 2018, one in 2020, one in 2021 and two in 2022. He stated the incident in 2018 happened to be with myself. He stated Zeus was at large and off his property and the police were called. He stated that he responded to the call. He stated that he made contact with Zeus and tried to get him back in his yard. Lt. Bone stated that Zeus started to advance on him in an aggressive manner and backed him up all the way across the street to the point that he felt the need to use his Taser on the dog. Lt. Bone stated that, eventually Zeus ran away and got trapped in a backyard and the owner was contacted to come and get him.

City Attorney Rashid asked Lt. Bone what is meant by a dog at large.

Lt. Bone stated that the dog is not under the control of his owner by not being on a leash, under verbal control, or not on owner's property.

City Attorney Rashid asked Lt. Bone if that in itself is a violation of the city ordinance.

Lt. Bone stated yes it is.

City Attorney Rashid asked Lt. Bone with regards to the 2018 incident did he declare Zeus under the city ordinance that he was a potentially dangerous animal.

Lt. Bone stated that based on his interactions with Zeus, he gave the declaration of a potentially dangerous animal which is basically an advisement that the animal has aggressive behavior.

City Attorney Rashid asked Lt. Bone to testify to the incident that occurred in 2020.

Lt. Bone stated that this incident, Zeus was loose at the Hoover Elementary School, which is directly across the street from Zeus's owner's property. Lt. Bone stated that there is a large playground and large field that's attached to Hoover Elementary School. He stated that this time, Zeus was loose in the property which resulted in a citation for animals at large and no dog or cat license.

City Attorney Rashid asked Lt. Bone if all pets are required to be registered or licensed in the City of Neenah. He stated that if an owner fails to register their animal they could be cited.

Lt. Bone stated yes.

City Attorney Rashid asked Lt. Bone to testify to the incident that occurred in 2021 involving Zeus where he bit someone.

Lt. Bone stated that this incident Zeus was loose, but in his own yard. He stated that family members or friends that were there at the house at the time were trying to corral the dog and keep him contained. Lt. Bone stated that this incident did not result in a declaration of a dangerous animal. He stated that the same scenario with another dog wouldn't have been declared either because the dog was on his own property. Lt. Bone stated that this incident resulted in a no dog cat license citation. Lt. Bone noted that the

owner was cited for failing to follow the quarantine order, which to him is a red flag for the ownership of the dog in the city. He stated that when a dog or a cat, bites or scratches somebody, there's a quarantine order that has to be followed to ensure that it's not that it's not infected with rabies, and that was not followed.

City Attorney Rashid asked Lt. Bone if he could have declared Zeus a dangerous animal in 2021.

Lt. Bone stated that incidents need to occur within 36 months of each other. He stated he would have to look at the records to verify that so he cannot give an answer to the question.

City Attorney Rashid asked Lt. Bone to testify to the incidents that have occurred in 2022 involving Zeus.

Lt. Bone stated that there have been two incidents in 2022. The one that is being appealed is case No.11-037. He stated that incident resulted in the most immediate declaration. Lt. Bone stated that this incident involved Zeus lunging aggressively towards a citizen which resulted in an officer being dispatched to the scene. He stated that there was a citizen that was witnessing the incident and he ran out with was like a La Crosse stick to defend another lady because he felt that Zeus was acting aggressively toward this lady. Upon arrival of the officer, the dog was started to act aggressively towards him too. Lt. Bone stated that Zeus was contained and the owner was issued citations for animal at large, no license and then was given the dangerous animal declaration after review of the police report.

Lt. Bone continued his testimony stating that, approximately 10 days ago, well after the dangerous dog declaration had been issued, the same type of incident occurred. He stated that there was a plumber on a different property on the 900 block of Hunt Avenue that became trapped in his car because there was an aggressively barking dog at large. Lt. Bone stated an officer was dispatched to the scene and upon arriving, witnessed Zeus on his own property. He stated that Officer Barry made contact with the plumber who identified the dog, Zeus, as the dog that was barking and being aggressive. He stated that the responding officer reported that upon arriving, the dog was not barking but began to bark again and started to get aggressive and advance towards Officer Barry. Lt. Bone stated that at this time, Officer Barry moving towards his squad car because Zeus was starting to charge him. He stated that Officer Barry described the incident that when he was getting in his car and closing the door, the dog was jumping up on the car door while he was in the squad car. Lt. Bone stated that Zeus was being very aggressive. He further noted that this type of behavior is very unusual and is not the norm for any of the reports that he has read for a dog to act this way towards people as far as their presentation with aggressiveness.

City Attorney Rashid asked Lt. Bone if Officer Barry was retreating into his squad.

Lt. Bone stated yes, as Zeus was starting to advance towards him, Officer Barry moved toward his squad car to get in to try and alleviate the situation. Lt. Bone stated that

Officer Barry, once he got in his squad car, drove to 925 Hunt Avenue, where the dog was finally taken control of and contained.

City Attorney Rashid asked if this most recent incident occurred on September 19, 2022, after it has been designated a dangerous animal under the ordinance and after the owner had filed the appeal of declaration. Lt. Bone confirmed it was.

City Attorney Rashid asked Lt. Bone what concerns him in regards to the dog and the neighborhood it resides in.

Lt. Bone stated his concern is the overall size of the dog, its aggressive nature that it has demonstrated to people and the fact that it resides directly across the street from Hoover Elementary School.

City Attorney Rashid addressed Chairperson Lendrum, and asked the appellant if he had any questions for Lt. Bone.

Mr. Martin stated he had no questions for Lt. Bone.

Mr. Steven L. Martin, 925 Hunt Avenue, was sworn in.

Mr. Martin stated that the testimony of Lt. Bone is accurate, but at the same time the earlier episode with Zeus he was a puppy. He stated that his neighbors have gotten to know Zeus and he'll run to them when outside. Mr. Martin stated that Zeus has been mistaken before for a dog that might attack somebody and as Lt. Bone stated earlier, Zeus is very capable in his appearance and demeanor that if he wanted to attack somebody, he would. Mr. Martin stated that he thinks that Zeus is an overly friendly dog and then when people get afraid of him, he reads that energy and he barks as a form of communication but he does not think Zeus is doing anything that would injure somebody. Mr. Martin stated there was an incident in the driveway where Zeus had gone through the screen door and in the excitement, my son ran out the screen door after him, yelling for him. Mr. Martin stated that his son's, friend's mother was in a Suburban in the driveway, and she hopped out trying to help and when she hopped out, Zeus went to hop in the car and it startled the mother, she kicked her legs and Zeus caught the back of her ankle. He stated that as soon as Zeus did that he put his head down tail between his legs, and he walked immediately to the door because he knew he had done something wrong.

Mr. Martin stated that Zeus's escapes are inexcusable. He stated that Zeus now has a shock collar and he has received quotes for installing a fence. Mr. Martin stated that there are no excuses for his actions.

City Attorney Rashid asked Mr. Martin if he acknowledges that on two occasions Zeus has come after police officers and backed them toward their squad cars.

Mr. Martin stated yes. He stated that the incident that occurred in 2018 with Lt. Bone, Zeus was barking at someone across the street because he had gotten off his cable. Mr. Martin stated that he was at a wedding and knew it was going to be over six hours and left Zeus on a cable attached to a collar in the back yard. He stated that Zeus got free of the collar and was barking at the neighbor across the street. Mr. Martin stated

that when the officer arrived, Zeus had run back into his yard but wasn't able to be contained so when he started running aggressively towards the officer, the officer Tasered Zeus.

City Attorney Rashid inquired of Mr. Martin the concerning characteristics of the neighborhood, the fact that there was a resident that yielded a La Crosse stick to defend a resident and that he has been cited at least two times for a dog at large over the past three years. Mr. Martin acknowledge these things.

Mr. Martin stated that he has received quotes for a fence to keep Zeus contained to the yard and is willing to have him neutered.

City Attorney Rashid asked Mr. Martin, if the committee should uphold the decision of Lt. Bone, that his dog is a dangerous animal, whether he willing to follow the ordinance that when the dog is outdoors he'll be muzzled and leashed, when he's indoors, he'll be confined in a manner that he can't get out through a window or a screen door and that sort of thing. And whether he also agrees that if Zeus is outdoors and not muzzled or leashed that he would be in a city approved kennel the specifications for which are spelled out in the ordinance and that to get a special dangerous dog license, there are other requirements that the ordinance provides that you would have to follow if he wanted to keep this dog?

Mr. Martin stated yes.

Aldersperson Hillstrom asked how many times the owner has been cited for not having a dog license.

Lt. Bone stated, that with the last incident in September, there would be three.

Aldersperson Hillstrom stated that Mr. Martin stated that he would muzzle the dog when outside, but there have been two incidents since the first one in 2018, yet the dog is not being muzzled and asked Mr. Martin to explain.

Mr. Martin stated that Zeus had not been declared a dangerous animal yet so they did not want to muzzle him if he didn't need to be.

Aldersperson Hillstrom asked Mr. Martin if he has bought a muzzle.

Mr. Martin stated no, he was waiting for the outcome of this hearing.

Aldersperson Stevenson stated that in Mr. Martin's testimony he indicates that he is willing to meet all the criteria that is in the city ordinance regarding owning a designated dangerous animal.

Mr. Martin stated that he is fighting for a family member not to have the extremities that could be pushed upon him, but we are willing to deal with them if need be.

Aldersperson Weber asked how old Zeus is.

Mr. Martin stated that he is three years old.

Aldersperson Weber asked about the PTSD that Zeus suffers from that was mentioned in the appeal letter.

Mr. Martin stated that his fiancé wrote the letter and that in her opinion he suffers from PTSD. He stated that he does not believe that Zeus suffers from PTSD. He has never been diagnosed by a veterinarian for PTSD.

Alderson Borchardt asked Lt. Bone if he had not tased the dog, did he feel an imminent danger that Zeus would have attacked him

Lt. Bone stated that he would not have tased him unless he felt like the situation had reached that point.

Alderson Borchardt stated that his biggest concern about the dog is if Lt. Bone hadn't been there with the taser, we're having another incident and another situation that could have been even worse if it was a kid playing or something like that. He stated that he is also concerned that there seems to have been opportunity to take corrective measures and none were taken. He stated now that there is a declaration and the owner is saying he will do what it takes to prevent future situations, but prior to the declaration was not.

Mr. Martin stated that he understand that there appears to be a lack of priority dealing with the situation. He stated there are some family dynamics that have added to Zeus being left out unattended. He stated those have been dealt with.

Alderson Hillstrom asked Mr. Martin if Zeus has been to any training classes.

Mr. Martin stated no formal training. He stated that as far as a neighborhood awareness for safety, if he was going to injure somebody it would have happened already. He's just a dog that gets out and barks when people go by and they get nervous because they see the kind of dog he is.

City Attorney Rashid stated that he feels the city has met its burden of proof that the designation by Lt. Bone was tempered over a number years. He stated that Lt. Bone could have made this designation in my legal opinion in 2021 but did not do so. City Attorney Rashid stated that the owners have been given the benefit of the doubt repeatedly, and it's astonishing to him that more measures weren't taken between July 2 and September 19 of last week, when the owners were certainly on notice. He stated that respectfully, he does not think the owners are taking this seriously enough. He stated we shouldn't wait until a little child has been bitten and hurt before action is taken. He stated that the ordinance is there for a reason and the city has met the stipulations of it and I would ask respectfully that the committee uphold Lt. Bone's designation.

**Motion/Second/Carried Stevenson/Borchardt to convene into Closed Session in the Mayor's office, pursuant to Wis. Stat. §19.85(1)(a) for the purpose of conducting deliberations regarding the Dangerous Animal Designation Appeal by Steven Martin & Farrah Marquette, 925 Hunt Avenue. All voting aye.**



**Motion/Second/Carried Borchardt/Stevenson to reconvene into Open Session to announce result of deliberations on appeal of Dangerous Animal Designation Appeal by Steven Martin & Farrah Marquette, 925 Hunt Avenue for Zeus. All voting aye**

**Motion/Second/Carried Stevenson/Borchardt to uphold the Dangerous Animal Designation for Zeus. All voting aye**

Appeal of Dangerous Animal Appeal Designation Pursuant to Neenah Code §3-16-Lauren Lo Bianco and Taylor Berkich, 352 Stanley Court

City Attorney Rashid called Gregory Schaller as a witness.

Gregory Schaller, 300 Stanley Court, Neenah WI was sworn in.

City Attorney Rashid asked Mr. Schaller if he recalls the incident that occurred on July 2, 2022 on Stanley Court.

Mr. Schaller stated that he recalls the incident.

City Attorney Rashid asked Mr. Schaller if he had been bitten by a German Shepard near his home on that date of July 2, 2022 and to explain to the committee what happened.

Mr. Schaller stated that he lives about 10 houses away from 352 Stanley Court. He was going to help a friend who lives next door to 352 Stanley Court. He stated that when he arrived, his friend's door was partially open. Mr. Schaller stated that his friend sometimes sits around the building on a lawn chair so he wandered around a little bit trying to locate the friend. Mr. Schaller stated about 20 feet away he came around a storage shed and saw a lady sitting on the grass, it was Ms. Berkich's roommate Ms. Lo Bianco. He stated that he hollered over to her to see if she had seen his friend Paul. Mr. Schaller stated the next thing he saw were the three dogs next door. He stated that he must have startled them because two of them charged him and one of them bit him on his hand.

Mr. Schaller showed the committee the back of his right hand.

City Attorney Rashid stated that it was his understanding that there's significant scarring on the back of Mr. Schaller's right hand. He asked Mr. Schaller if that was correct.

Mr. Schaller stated that there was a whole piece of skin that was torn off. He stated that it was just hanging down. He stated that he went to the hospital to have it looked at.

City Attorney Rashid asked Mr. Schaller if he had to have surgery to repair the damage to his hand.

Mr. Schaller stated that he did. He stated the first skin graft surgery was on the day after he was bitten and the second skin graft was on August 9, 2022. He stated there was no tendon damage. Mr. Schaller stated that it will take about two years for it to heal.

City Attorney Rashid asked Mr. Schaller if he experienced any pain and suffering as a result of the bite.

Mr. Schaller stated there was some discomfort for a couple of months.

City Attorney Rashid asked Mr. Schaller if he had incurred significant medical bills as a result of that incident.

Mr. Schaller stated there were medical bills. He stated that Medicare paid most of it. He stated that he was told Ms. Berkich and Ms. Lo Bianco had no insurance.

City Attorney Rashid asked Mr. Schaller if the German Shepherd named Beau was the dog that attacked him and bit his hand.

Mr. Schaller stated that he had read the police report and saw the name in the report. He stated he had never met the dog before.

City Attorney Rashid asked Ms. Berkich if she had any questions for Mr. Schaller.

Ms. Berkich stated she had no questions.

City Attorney Rashid asked the Committee if they had any questions for Mr. Schaller.

Alderman Borchardt asked Mr. Schaller what happened immediately following the incident.

Mr. Schaller stated that he called 911. He stated that he backed up to the building behind him and kept an eye on the dog. He stated that he did not want to lose site of the dog.

Alderman Borchardt asked Mr. Schaller if the dog bit and then let go right away.

Mr. Schaller stated that it was just the one bite. He stated that the owner of the dog yelled no, stop and the dog went back to the owner.

City Attorney Rashid called Lt. Bone as a witness, and confirmed his oath.

City Attorney Rashid asked Lt. Bone if he was on duty on July 2, 2022 when an incident involving a German Shepherd named Beau occurred.

Lt. Bone stated yes, he was on duty.

City Attorney Rashid asked Lt. Bone to confirm that he had not done the initial investigation, but picked this up about eight days later on July 10.

Lt. Bone stated that is correct.

City Attorney Rashid asked Lt. Bone to tell the committee his involvement in the investigation of the dog bite to Mr. Schaller.

Lt. Bone stated that he is in charge of the dangerous animal program for the city. He stated that he reviews all animal bites, dangerous animal activity or suspicious animal



activity to see if it meets the statutory requirement for any type of declaration. Lt. Bone stated that after reviewing the police report for this incident and understanding that the victim had received a substantial injury which resulted in multiple surgeries and skin grafts, he reviewed the prohibited animal ordinance and felt that it met that definition. He stated with having met the prohibited dangerous animal definition, along with the seriousness of the injury, his own personal experience with reviewing every animal bite that comes through, and understanding that this is a very unusual and very serious bite, he made the declaration for this to be a prohibited dangerous animal in the city.

City Attorney Rashid asked Lt. Bone to explain to the committee the prohibited dangerous animal ordinance and what it means?

Lt. Bone read to the Committee the prohibited danger animal ordinance which states “any animal that, without provocation has killed a pet or human being or without provocation inflicts great bodily harm on a pet or human being or has on two or more repeated occasions bitten or attacked a pet or animals or human beings without provocation on either public or private property at a level of aggression that meets the definition for dangerous animals”. Lt. Bone stated that in this case, this attack was without any kind of provocation and inflicted great bodily harm.

City Attorney Rashid asked Lt. Bone if great bodily harm is defined in other city ordinances.

Lt. Bone stated yes.

City Attorney Rashid asked Lt. Bone if the ordinance includes other serious bodily injury.

Lt. Bone stated yes.

City Attorney Rashid asked Lt. Bone if it was his belief that what Mr. Schaller suffered as a result of this dog bite was “other serious bodily injury”.

Lt. Bone stated yes.

City Attorney Rashid asked Lt. Bone what is the significance under city ordinance of the designation as a prohibited dangerous animal for the owner.

Lt. Bone stated that the animal cannot live in the city. He stated Ms. Berkich will have to rehome the dog or move.

City Attorney Rashid stated that unlike the last hearing where there was a dangerous dog license available under our ordinance, there is no such license available for a dog that's declared a prohibited dangerous animal.

Lt. Bone stated that is correct.

City Attorney Rashid asked Lt. Bone if he is asking this committee to uphold his designation of this animal, Beau, as a prohibited dangerous animal in the City of Neenah.

Lt. Bone stated that is correct.

City Attorney Rashid stated that he had no further questions for Lt. Bone.

City Attorney Rashid asked Ms. Berkich if she had any questions for Lt. Bone.

Ms. Berkich stated no.

City Attorney Rashid asked the Committee if they had any questions for Lt. Bone.

Aldersperson Stevenson asked for clarification regarding the number of bites allowed before an animal is declared as a prohibited dangerous animal.

City Attorney Rashid stated there are four subsections in the ordinance and the incident has to meet only one of the four. He stated the one that is being focused on related to this incident being a prohibited dangerous animal is “any animal that, subsection two, without provocation inflicts great bodily harm on a pet animal or human being”. He stated there are other sections that could apply. City Attorney Rashid stated that Lt. Bone mentioned subsection three which may or may not apply but for purposes of this case the City does not need this Committee to consider any other subsections other than the one that mentions “causing great bodily harm” to prove meet its burden.

Aldersperson Borchardt asked if Beau was in his own yard.

Ms. Berkich stated he was in the backyard of the apartment complex.

Aldersperson Hillstrom asked Lt. Bone if he talked with neighbors regarding this incident and if there are any other incidents involving Beau.

Lt. Bone stated that he did not talk to other people, but he always looks up the dog’s background and he does not remember seeing any other incident or fights.

Aldersperson Lendrum asked if the apartment complex is in a single family, residential neighborhood. She asked how Mr. Schaller came to be in the backyard of his friend's home

Lt. Bone stated that Mr. Schaller’s address is listed as 300 Stanley Court in the police report.

Aldersperson Lendrum asked Mr. Schaller if his friend lives in a single family home next to the apartment complex.

Mr. Schaller stated no, he lives in a 4-plex apartment building.

City Attorney Rashid asked Ms. Berkich if she had any questions for Lt. Bone.

Ms. Berkich stated no.

City Attorney Rashid asked Ms. Berkich if she would like to make a statement.

Ms. Taylor Berkich, 352 Stanley Court was sworn in.

Ms. Berkich stated that with Beau not having done this ever before it is unfortunate that it took this incident to get him into training. She stated she is working with a trainer named Carrie at Better Together Training with positive reinforcement and clicker training and specifically working with strangers in what Beau would consider his space.

She stated that she is also muzzle training. Ms. Berkich stated she is also working with a vet on anxiety management because she believes that is part of it why Beau did what he did. Ms. Berkich stated that Beau was outside with three dogs and shouldn't have been. She stated that it was not a responsible way to handle him. She stated it has not happened again nor will it ever happen again. Ms. Berkich stated that since the incident she is always vigilant with him wearing his harness vest and leash. She stated that her and her roommate are trying to minimize the risk as much as possible until they can get out of this lease and move to their own space because she doesn't think that her situation is fit for living in an apartment. Ms. Berkich stated that she handled the situation incredibly irresponsibly and unfortunately, the result is there's a victim and Beau has hurt people now. She stated that is something she is so sorry about. Ms. Berkich stated that she is willing to do anything in order to keep him.

Aldersperson Lendrum asked Ms. Berkich if there are three dogs living in the apartment.

Ms. Berkich stated yes, three dogs.

Aldersperson Lendrum asked if there are any questions from the committee.

Aldersperson Weber asked how old the dog is and has he always had anxiety.

Ms. Berkich stated Beau is 6 years old and has always been a little bit anxious but never to the result of what happened.

Aldersperson Stevenson asked Ms. Berkich how long before her lease is up.

Ms. Berkich stated July of 2023.

Aldersperson Hillstrom asked Ms. Berkich if Beau was licensed at the time of the incident.

Ms. Berkich stated he wasn't.

City Attorney Rashid asked Ms. Berkich if the fact the dog was startled caused this incident in her opinion.

Ms. Berkich stated she believes he was startled not having seen the man before he came around the corner.

City Attorney Rashid asked Ms. Berkich if she thought it's normal for any dog, after being startled, to just bite somebody.

Ms. Berkich stated absolutely not.

City Attorney Rashid asked Ms. Berkich if she knew that this dog had the potential or propensity to bite somebody.

Ms. Berkich stated she had never seen it to that extent, no.

City Attorney Rashid stated that Ms. Berkich stated to this committee that she was very irresponsible prior to this incident in the way she was handling the dog. He asked what she meant by that.

Ms. Berkich stated that the situation was irresponsible in that she was outside with three dogs at one time knowing that Beau has anxiety around people showing up in the yard.

City Attorney Rashid asked Ms. Berkich if there is a place where this dog can go temporarily until she can move.

Ms. Berkich stated she will have to ask for a favor from someone. She stated that if the liability is on her, allowing somebody else to take that responsibility, she would be very nervous.

Aldersperson Borchardt asked Lt. Bone if it matters the severity of the bite or the extent on the type of declaration that is decided on.

Lt. Bone stated that Mr. Schaller said he thought he probably startled he dog. Lt. Bone noted that he doesn't just read some of the animal bite cases, he reads every single animal bite, every single cat scratch report that comes to him. Lt. Bone stated that the severity of this injury is outstanding and not the norm. He stated that in a five year period, this is going to happen one or two times. Lt. Bone stated that the severity of the injury is what caused the declaration. He stated that had it been a nip on the ankle or a nip on the hand or if it was just a puncture wound it would not have resulted in this declaration.

Aldersperson Stevenson stated there must be a number of dogs within the city limits that you've reviewed bite cases for that have not received a prohibitively dangerous animal designation.

Lt. Bone stated that is correct. He stated we just had a bite that did not receive any declaration because of the circumstances around the bite.

Aldersperson Stevenson confirmed that the rationale for the prohibited dangerous animal declaration was the severity of the wound.

Lt. Bone stated that the severity of the injury is what makes it meet the statute for the declaration.

Aldersperson Stevenson asked Lt. Bone what would have had to happen differently for this bite to be designated just a dangerous animal versus a prohibitively dangerous animal.

Lt. Bone stated that it is a different statute. He stated that the statute reads a "dangerous animal inflicts substantial bodily harm on a human being or domestic animal without provocation on public or private property", so based on that, this incident could have met that definition. He stated that his opinion, that the severity of injury raises it to the level of "great bodily harm", which is a different statute.

**Motion/Second/Carried Borchardt/Stevenson to convene into Closed Session in the Hauser Room, pursuant to Wis. Stat. §19.85(1)(a) for the purpose of conducting deliberations regarding the Prohibited Dangerous Animal Designation Appeal by Lauren Lo Bianco and Taylor Berkich, 352 Stanley Court, Neenah WI. All voting aye.**

**Motion/Second/Carried Hillstrom/Borchardt to reconvene into Open Session to announce result of deliberations on appeal of Prohibited Dangerous Animal Designation Appeal by Lauren Lo Bianco and Taylor Berkich, 352 Stanley Court, Neenah WI for Beau. All voting aye**

Report

**Motion/Second/Carried Weber/Borchardt to uphold the Prohibited Dangerous Animal Designation for Beau.**

Aldersperson Stevenson stated that this is difficult case. He stated that he respects the professional recommendation of Lt. Bone. He stated that he supports a dangerous animal designation declaration through July of 2023 at which point the dog would become a potential or prohibitive dangerous animal. He stated this would allow Ms. Berkich to obtain a dog license as a dangerous dog and muzzle the dog when it's outside. Aldersperson Stevenson stated that it would allow her eight months to keep the dog under control, and potentially find some other place to move into. He stated that she would also have to meet all the other requirements of the statute for a dangerous animal declaration which would be insurance, she couldn't fence the property unless she got the approval from the owners of the property so that would not be an eligible thing to do. Aldersperson Stevenson stated he will not support the motion.

Aldersperson Lendrum stated that the committee had a serious deliberation about this case. She stated that her thought is that the risk is just too great for this animal to go that long in an apartment complex. Aldersperson Lendrum stated she will be voting to uphold the declaration.

Vote 4/1(Aldersperson Stevenson voting nay)

Approval of 2022-2023 Winnebago County Joint Powers Agreement 911 Emergency System

Report

**Following Discussion: Motion/Second/Carried Stevenson/Hillstrom to approve the 2022-2023 Winnebago County Joint Powers Agreement 911 Emergency System. All voting aye.**

Public Works General Construction and Department Activity

- 1) Contract 7-21 (Harrison Pond): Pond excavation is complete. The retaining wall is in place and staining is nearly complete. Work has started on the steps and sidewalk along the wall.
- 2) Contract 8-21 (Jewelers Park Drive Trail): Work is complete. A final pay request is being prepared.
- 3) Contract 2-22 (Utility and Street Construction on Grove and Dieckhoff): The mainline street paving is complete. Work on driveway and sidewalk replacement started on 9/23.
- 4) Contract 3-22 (Street Construction in Fredrick Drive area, Fresh Air Pk, Southview Pk): Work on Fresh Air Park, Shootingstar/Armstrong and the Southview Park basketball court is complete. Concrete repairs in the Fredrick Drive area are complete. Landscaping is 60% complete. Fine-grading is nearly complete. Paving is scheduled for the first week of October.
- 5) Contract 4-22 (S. Commercial Utility Construction): There are some small pieces of asphalt paving still left to do.
- 6) Contract 6-22 (Epoxy Pavement Marking): Some spot markings will be done this year. The remainder of the work identified for 2022 will be rolled into 2023 work.
- 7) Contract 7-22 (Winneconne Ave Overpass Repairs): Repairs to the south column are complete. Patches on the westbound lanes have been poured. Replacement of the north half of the expansion joints is ongoing.
- 8) Contract 8-22 (Miscellaneous Asphalt Repairs): This contract was awarded to Northeast Asphalt. Work has not been scheduled but typically takes place in October.
- 9) Contract 11-22A (Lead service line replacement – Zemlock/Reddin): The contract was awarded to Donald Hietpas & Sons Construction. A schedule has not been set.
- 10) Contract 11-22B (Lead service line replacement – Hunt/Madison/Nicolet): The contract was awarded to Carl Bowers & Sons Construction. A schedule has not been set.
- 11) CB/JJ Roundabout: The roundabout project is scheduled to open the week of September 26.

Public Works Office Manager Mroczkowski informed the Committee that the roundabout would officially open Thursday, September 29<sup>th</sup>.

- 12) Ponds in New Subdivisions: We are working through the steps with the developer of the Integrity Acres Subdivision to take over ownership of the retention pond in that development per the conditions of the development agreement. Minor work remains to be done on the two ponds in the Freedom Acres development before we begin the ownership transfer process.



- 13) Recycling Audit: Winnebago County pulled a random recycling truck load on 8/31/2022 and our contamination rate of a sample came in at 11.55%. This is about average for their system and in line with the other audits that they've done. The contaminant materials found were actual trash, styrofoam, textiles, yard waste, construction materials, wrappers/napkins/packaging, recyclable film plastics, scrap metal, rigid plastics and other non-recyclable plastics. Several of these items have alternative recycling opportunities. We are preparing information to post on our website and social media to inform the public of these contaminants.

Aldersperson Hillstrom stated he would like to see something mentioned in the newsletter and website about the recycling audit.

Aldersperson Stevenson stated he would like to see a dollar value for the 11.5%

Announcements/Future Agenda Items

None

Adjournment: **Motion/Second/Carried Hillstrom/Borchardt to adjourn at 8:18 PM.**  
All voting aye.

Respectfully submitted,



Public Works Office Manager