

**City of Ida Grove
Special City Council Meeting
August 20, 2018 – 12 Noon
City Council Chambers**

Mayor Whiteing called the meeting to order at 12:09 p.m. with the following Council Members present: Scott Tomlinson, Ryan Goodman, Doug Clough, Paul Cates and Gregor Ernst.

Motion by Tomlinson to approve the agenda, second by Goodman. On a unanimous vote, motion carried.

Mayor Whiteing began the meeting by explaining there are police reports from October 2016 when a dog and their owner were attacked by Jeffrey Matthias' dogs. There are additional police reports from an incident that occurred in June 2018 in which the Matthias dogs attacked another dog. Mayor Whiteing recalled on July 16, 2018 the City Council deemed the Matthias dogs as vicious and a letter was sent to have the dogs removed from town. Matthias was present to request the City Council reconsider their determination of the dogs as vicious. Matthias explained to the council that one of the dogs from the 2016 incident is now deceased. Matthias said that in the 2016 incident, the victim and her dog walked up to the Matthias dogs thus provoking them and leading to the attack. In regards to the 2018 incident, Matthias stated that neither the dog that was attacked nor his dogs were on leashes. Matthias felt his dogs attacked due to the other dog barking thus provoking them. Council asked Matthias how many dogs he currently has in Ida Grove. He stated he has three dogs. The dogs he has in town are as follows: Zora – Catahoula Hunting Dog, Leo – Golden Retriever Mix and Piper – mutt. The Council asked Matthias if there are any other dogs at his residence. Matthias states that his wife's caretaker, Sean March, also has a dog that comes and goes from his residence daily. Matthias is unaware of where the caretaker and his dog reside. He states the caretaker's dog is a puppy of Zora's and is a hunting dog as well. Council then asked if any of the dogs are registered with the City. Matthias responded that none of his dogs are licensed with the City, however, he states they are registered service dogs with the State of California. Councilmen Ernst asked Matthias which dogs were involved in the 2016 incident. Matthias stated those dogs were Skittles and Augie. Skittles is now deceased and was a vicious, mean dog according to Matthias. Augie is the dog of Sean March, the caretaker mentioned previously. Mayor Whiteing asked Matthias to explain the June 2018 incident. Matthias stated he was in California at that time and only knows what he saw on the police report. Zora and Leo are the dogs Matthias currently owns and they were involved in the 2018 attack on another citizen's (Tracy Johnson) dog in June. Johnson stated her dog was laying in her yard, on her property, within her view when out of nowhere the Matthias dogs came and attacked her dog.

Matthias stated he built a fence when he first moved to town to keep the dogs contained. Mayor Whiteing inquired as to who watches the dogs when Matthias is out of town and Matthias responded with the name Derek Meyers. Councilmen Goodman stated these dogs seem to be out quite regularly and that is a concern for the safety of the town. Matthias explained they were having issues with the door at his residence and because of that, the dogs learned how to get out. Matthias stated that as soon as

they realize the dogs are out, they go out and hunt them down. Councilmen Clough discussed invisible fence and how it can be necessary when there are repeated issues with dogs at-large. Matthias stated he would be willing to install an invisible fence to help contain them. Matthias states he has been cited twice by the Sheriff's department for dogs at-large. The council inquired as to if there are more reports of the dogs being loose besides just those times they have been cited. City officials reported there have been numerous reports of the dogs running at-large, but City Crew are not able to catch them by the time they received the complaint and the time the owners get the dogs back. Council addressed that they understand dogs are dogs and will get loose from time to time, but when they are biting or attacking when they are out, that is unacceptable. Council is concerned that Matthias had two different sets of dogs in each incident and both sets have now exhibited vicious behaviors. Matthias stated he is not going to get rid of his dogs as his wife will freak out. Matthias also stated that his wife has medical problems and these dogs are registered service dogs that she is required to have for health reasons. Matthias was asked by a citizen what kind of services these dogs provide. Matthias responded that he does not have to answer that as he is protected by HIPAA. Mayor Whiteing stated he is very concerned for the neighborhood's safety. The neighborhood is scared to leave their homes and want to start a neighborhood watch. Matthias doesn't understand why they are deemed vicious and states they are the most loving dogs in the entire world.

Mayor Whiteing asked for comments from the neighbors and visitors in attendance. Matthias asked Ken Harskamp his opinion and Harskamp stated the dogs get loose frequently and come into their yard. He does not feel the dogs are mean to him and his wife, but also says the dogs "know" them. When Matthias first moved to town, the dogs were on the roof of the home a few times. Harskamp stated the caretaker of the dogs is nice and when the dogs end up in their yard, they simply take them home.

At 12:28 p.m. Derek Meyers arrived with the Matthias' dogs. The dogs were introduced as Zora, a black and white dog and Leo, a golden, long haired dog. Matthias was asked if these dogs have received formal training to which he responded, "yes". Tracy Johnson then spoke about the June 2018 attack on her dog. She stated her dog was laying in her yard when she watched him get attacked by both dogs that are now present at the meeting. Tracy stated one of the dogs had her dog in its mouth and was shaking it. Tracy stated at one point both dogs had her dog on its back, attacking it. A neighbor saw the incident and along with Tracy's husband yelled at the Matthias dogs and went after them. The Matthias dogs then ran home. Tracy states she has four children and also operates a daycare out of her home. Because of this, she is extremely concerned for the safety of all of the children.

Council again stated the reports that the City has received regarding those times the dogs have been at-large and not on a leash are terrifying. If they are continuing to get out repeatedly, it's an ownership issue.

Another neighbor, Bob Baker, spoke in regards to two recent instances. He recalled that there was one time, he was walking his own dog and Zora came up to him. Baker was able to yell and scare Zora away that time. Another time, he was walking his dog on a leash and Leo came up to him. He again yelled. Baker states the owners came along that time and told him "Good thing it wasn't the other dog".

Council questions what kind of formal training these dogs have received considering they have displayed the propensity to attack other animals and people multiple times. Matthias again stated he can't get rid of his dogs and would put up a fence.

Attorney Goldsmith then addressed three things with Matthias: vicious, at-large, licenses. Matthias was then instructed to get the dogs he currently has licensed immediately and Matthias says he can do that today. Matthias states he will keep the dogs on leashes 24 hours per day until he can get an invisible/electric fence installed. Goldsmith asked how soon that could be done and Matthias stated he could have it done tomorrow. He stated the dogs were getting out the front door so he purchased a new door which arrived yesterday and will have it installed today. Council stated that getting an electric fence would have been good to do quite some time ago, but they feel it is too late now and these dogs need to be removed from the community immediately. Matthias responded "If I have to take my dogs from town, that means I have to go too and that won't go over well".

Council then asked Matthias if his dogs are used to guard the property on Second Street to which he responded "no". Council then asked Matthias to clarify which dogs are his. Matthias stated he has Leo, Zora and Piper. Augie is the caretaker's dog. Mayor Whiteing asked citizen Marie Baker if Leo and Zora (the 2 dogs present at the meeting) were the same dogs involved in the attack on her and her dog in 2016. Marie stated that these are not the same dogs that attacked her. Marie said Augie had been the one that attacked her as well as Skittles (now deceased). Marie recalled screaming for her life until someone yelled out the door and they finally retreated. "I don't know what would have happened if they hadn't called them away" Marie stated. Goldsmith asked Matthias where Augie is currently. Matthias responded that he doesn't know where Sean March and his dog are living at the moment. It is noted that Augie is a German Sheppard type of dog. Marie stated she is "scared to death of that dog".

City employee Kandice Tomlinson states that the Matthias' submitted a letter to the City of Ida Grove giving permission to check on the facts stated within that letter. Tomlinson stated that when she called the veterinarian's office to confirm, she was told that Sean March had called the day before the letter had been received. Tomlinson also found out that Sean and Matthias shared the same address and PO Box. Matthias said March was living with him but no longer does. Tomlinson stated that the vet had not seen Skittles previously and that Skittles did not in fact pass away at the vet's office as the letter stated. The vet had records of cremating Skittles after he was brought to them 4 days post death, after having been kept in a freezer. According to the vet's office, Skittles was a Rottweiler but Matthias says Skittles was a Sharpei, not a Rottweiler. Matthias was again asked to confirm how many and which dogs he has in the city limits. Zora, Leo and Piper. Piper is the dog he most recently brought back to town and is beige colored with short hair.

Council again stated their concern for public safety if Zora and Leo are allowed to remain in town. Matthias stated he will take them out of town this Friday morning (August 24, 2018). He says they will not come back, however he might bring another dog back to town as he needs a service dog for his wife. Council stated that if he intends to continue to have dogs, he needs to move forward with getting an electric fence installed on his property. Goldsmith suggested that Sean March remove his pet,

Augie, from town as well, otherwise the City will start proceedings with Sean March to enforce removal of Augie from town. Goldsmith will draft an agreement for Matthias to sign in accordance with Matthias agreeing to remove the dogs from town.

Motion by Clough to adjourn, second by Tomlinson. On a unanimous vote, motion carried.

Meeting adjourned at 1:09 p.m.

Heather Sweeden, City Clerk

Devlun Whiteing, Mayor