

March 30, 2015
Special Session

The Bellevue City Council met in a Special Session on Monday, March 30, 2015 at 6:00 p.m. in the Council Chambers with Mayor Pro-Tem Gary Feuerbach presiding. The Pledge of Allegiance was recited by all present. The roll was called as follows:

PRESENT: Council members Darla Lawson, Allen Ernst, Gary Feuerbach, Jayson Heiar and Tim Roth. Also present were City Attorney Steve Kahler, City Administrator LorasHerrig, Officer Ryan Kloft, Max Reed, Tracey Medinger, Jean Ehlinger, Cliff Weinschenk Jr., Mitchell Hoffmann, Memphis Jess, Gavin Roling, Mike and Audrey Roling, Louis Jess, Austin Kalmes, Jake Kelley, Barb Kalmes, Marty Jess, Don Mottet, Yvonne Weimerskirch, Peggy Roling, EalanaRoling, Ronda Fondell, Joshua S. Fondell, Gary Medinger, Lyn Medinger and Michael Peterson.

ABSENT: Mayor Christopher J. Roling

APPROVAL OF AGENDA

Mayor Pro-Tem Feuerbach reviewed the Agenda and declared it approved with no additions.

CLIFFORD WEINSCHENK JR. NUISANCE ABATEMENT

Mayor Pro-Tem Fuerbach announced that the Nuisance Abatement Hearing for Clifford Weinschenk Jr. was open and invited anyone present to speak on the matter. City Attorney Steve Kahler reviewed the notice of abatement procedure and noted that the original notice to Clifford Weinschenk Jr. involved a dog running at large and attempting to attack or bite a person. These items are a nuisance under the City of Bellevue code. An original notice to abate was issued on March 9, 2015 and served on Clifford Weinschenk Jr. on March 11, 2015. On March 16th, 2015 a notice was served to Clifford Weinschenk Jr. specifying a hearing would be held with the City Administrator on March 20th, 2015. The hearing was held with Administrator Herrig, Officer Ryan Kloft and City Attorney Steve Kahler on March 20, 2015. After the hearing a ruling was issued on March 23, 2015 by City Administrator Herrig stating that the original notice was properly served and the issue requiring the notice was justified. Administrator Herrig ruled that the dog in question would need to be removed from the City limits of Bellevue no later than March 23, 2015.

Weinschenk requested a hearing with the City Council. Weinschenk appealed to the City Council that in his mind it has never been proven that his dog was running loose and that the dog had ever bitten anyone. A number of residents appeared before the Council to speak in defense of Clifford Weinschenk Jr. and ask that the dog be allowed to stay in the City limits of Bellevue.

Those speaking on behalf of Mr. Weinschenk were Louis Jess, Peggy Roling, Gary Medinger, Marty Jess, Jean Ehlinger, Memphis Jess, Mike Roling, and Audrey Roling.

Police Officer Ryan Kloft spoke in detail that the reason for the nuisance abatement notice was that the Police have received numerous calls concerning Mr. Weinschenk's dog and they have responded to his residence a number of times and noted that a citation had been issued previously

for the dog running at large. Bellevue Postmaster Don Mottet appeared and stated that the postal carriers have been threatened by the dog a number of times and his office personally contacted the Police Department twice with concerns about the dog. Yvonne Weimerskirch, postal carrier for 20 years, has been chased twice by the dog requiring her to flee or to be attacked and both of these incidences occurred in the last 6 months. The Council asked questions to gather more information.

After everyone was allowed to speak, it was moved by Lawson and seconded by Heiar to close the public hearing. Motion carried unanimously.

The Council entered into deliberations concerning the nuisance abatement. City Attorney Steve Kahler gave direction as to what the Council needed to accomplish during the meeting.

After lengthy discussion it was moved by Lawson and seconded by Roth to support the notice to abate nuisance. Roll call vote:

Ayes: Lawson, Roth, Feuerbach and Heiar.

Nays: Ernst.

It was then moved by Roth and seconded by Lawson to allow the dog to stay in the City limits until May 1, 2015 as long as the dog was restrained during the duration. Motion carried unanimously.

AMBULANCE SERVICES

Mike Peterson, Lyn Medinger and Max Reed, representatives of the Bellevue Ambulance Service were present to discuss the recent change of the 501 (C) (7) Corporation to a 501 (C) (3). The Ambulance Service believed that this was originally discussed with the City Council as far as back as 2010. The purpose of the conversion to a 501 (C) (3) was to raise funds and apply for grants to support the operations of the Ambulance Service. City Attorney Steve Kahler was directed to correct the 501 (C) (3) Corporation back to a 501 (C) (7) that was originally created by the City and had been altered. Kahler was to research the feasibility of a 501 (C) (3) for the Ambulance Service.

REAL ESTATE COUNTER OFFER FROM JESSE HERRIG

The City Council discussed the real estate counter offer received from Jesse Herrig. It was moved by Roth and seconded by Ernst to accept the counter offer in the amount of \$25,000.00 for the property located adjacent to the Community Center. Roll call vote:

Ayes: Feuerbach, Roth and Ernst.

Nays: Lawson and Heiar.

City Attorney Steve Kahler was asked to prepare the appropriate paperwork on this matter.

ADJOURNMENT

As there was no further business to come before the Council, Ernst moved with a second by Roth to adjourn at 9:30 p.m. Motion carried unanimously.

City Administrator

Mayor Pro-Tem