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**City of Nashua**

**CITY COUNCIL MINUTES**

**City Council Chambers, City Hall**

## The Nashua City Council met in special session on September 27, 2023, in Council Chambers at City Hall. The meeting was called to order at 7:00PM with Mayor Alex Anthofer presiding. Council members present were Jake Johnson, Samantha Johnson, Harold Kelleher III, and Ernie Willsher. Tim Malven was absent. City employee(s) City Clerk John Ott and City Attorney David Skilton were present along with 16 guests.

## Mayor Anthofer asked for consideration approving the regular agenda. S. Johnson/M, J. Johnson/S, M/C. RC: 4 ayes, Malven absent.

## City Attorney Skilton opened the first hearing regarding a dangerous dog coming from 823 Brasher St. Paul and Katherine Wagner. City Attorney Skilton asked them if they had anything to say. Paul said that the dog who bit another dog and chased a pedestrian who was walking is his nephew’s dog and it is a special needs dog, it is a friendly dog and plays with their 4-year-old granddaughter. He was riled up because he was trying to get after a woodchuck and happened to push the gate open and escaped. This is the first time that the dog has gotten out in the 4 years that he has been at their house off and on. He explained that the dog got riled up because of the woodchuck and ended up pushing the gate open, but before this incident he had never gotten out. He explained that the gate is fixed and the dog has not gotten out again. After discussion, City Attorney Skilton asked Deputy Matt Blaess, who took the reports what his thoughts about issuing a warning for this first offense and if it happened again the council would have a rehearing to determine further action. Deputy Matt Blaess stated that that is what he would do. After Deputy Blaess stated what he would do, Council member Kelleher/M to issue a warning and if it happens again that they would have a rehearing. J. Johnson/S, M/C. RC: 4 ayes, Malven absent.

Mayor Anthofer started the next hearing regarding a rehearing for a dangerous animal coming from 1400 Greeley St. Nick and Beth Henningsen. City Attorney Skilton stated that there were some witnesses with some pressing matters. He stated that out of order he would like to jump ahead on the timeline as the hearing was scheduled for 7:30PM, but it was only 7:08PM. Attorney Skilton asked Zach Wesselman if he would like to say something about Lincoln (his son), so he could be free to leave for other obligations. Zach said the only thing he had to say was that a few weeks ago he was driving by on his golf cart and Nick and Beth’s dog Huck was out. He said Huck lunged at him so he moved his legs over to the side so Huck wouldn’t get him. He said that is the only thing that happened, and he has seen Huck out and around and it is what it is. Attorney Skilton asked him to confirm the date of September 12, 2023, when the dog was running at large. He confirmed the date.

Attorney Skilton asked the council to consider in their packet since the July incident there have been two other at large incidents since Nick dog owner promised to have the dog secured. Attorney Skilton asked Katie Burrichter about the dog bite she sustained on July 8, 2023. Attorney Skilton informed the council that they had pictures in their packet, and he stated that it seems like Katie tried to avoid Huck by freezing and turning the other way. She said that was correct. There was no dispute that it happened. Attorney Skilton asked if there were any questions on that incident. There were no questions.

He moved onto the incident on August 15, 2023, which involved a running at large incident reported by Brittany McDonald and Jessica Kalainoff. Attorney Skilton asked Brittany if she saw the dogs running at large. She stated that she did see the dogs and did what she was told to do, which was to call the Sheriff’s Department. She also stated that it was a Black Lab that day. Attorney Skilton then asked Jessica and she said that she agreed with what Brittany said. Attorney Skilton asked for further questions. Somone had inquired about whether it was the same dog because “Huck” is a German Shepherd mix. It was determined that this would be the first offense of a dog at large for the Black Lab. Attorney Skilton asked Brittany if the dogs were in the same area as each other when they were held at their owner’s house. He asked if the dogs are kept in a fenced area from the pictures. It was noted that the Henningsen property is not fenced in. Attorney Skilton asked which dog was the dog at large in September? It was determined that it was the German Shepherd mix, which was the same dog as the dog bite in July. He stated that this was a repeat violation by the German Shepherd mix and a first violation by the Black Lab. Council member S. Johnson noted on the police report from September 12, 2023, that the German Shepherd mix “Huck” bit 4 people. Council Member S. Johnson inquired if that was that day or previous incidents. Dale Lundquist who was the reporting party stated that these were previous incidences. Attorney Skilton also stated that there were two other instances involving a dog.

Attorney Skilton asked Mary Willsher if she had been bitten by a dog and which dog? Mary stated that she was bitten about 1-2 years ago. Mary stated that she had a conversation with Beth about bringing her grandson over to Nick and Beth’s house to play, so they were aware she was coming over. Mary rang the doorbell, no one answered and so she opened the door and that is when she was bitten. Mary’s daughter, who is a nurse, treated the wound because Mary didn’t want to seek medical treatment. There was no report of the incident because they were neighbors. Attorney Skilton asked Toni Nelson if she had been bitten. He asked her which dog bit her. She thought it was the German Shepherd mix, but she wasn’t sure as it was like a year ago. Attorney Skilton asked Toni if it was Beth and Nick’s Dog and where did it happen? She stated it was on their property. She was taking something to their house, and they didn’t know she was coming, and the dog was out, and she was bitten while walking to the door. No medical attention was required. She also stated that she did not report the incident at the time. Attorney Skilton stated that the concerns were having witnesses that would confirm the prior bites with those witnesses being present, not a case of hearsay and that any other incidences that were noticed would be subject to further confirmation about the German Shepherd mix being out again after the council warned the owner that the dog needed to be in constant supervision, tied up and maintained to their yard unless they were on a walk, then it needed to be on a leash. He then stated that now they have another incident with another dog, a Black Lab in August, which is a separate dog. Beth, the dog owner inquired how they knew it was her lab because there are a lot of labs in the neighborhood. One resident stated it was her lab. There was a brief outburst, but then Attorney Skilton stated that if the council had considered the packet and the statement of the witnesses that it was Beth’s turn as the owner of the dog to have the stage. Beth stated that she probably doesn’t need to say anything as the council has probably already made up its mind. She said that she finds it funny that there are no pictures of these black labs afterwards and stated that a couple of the people at the meeting have a personal vendetta against her. The people at the meeting she was referring to replied that they did not have a personal vendetta. It got a little escalated until Chickasaw County Sheriff Shawver asked everyone to please keep order. The yelling and arguing continued and so council member J. Johnson told them that if they can’t wait until it’s their turn to speak, they can leave, and the council will make a decision without anyone there. After everyone calmed down, Council member S. Johnson informed Beth that Nick had been told twice that Huck the German Shepherd mix must be restrained, on a leash and under supervision every time he is outside. Beth stated that they were told he needed to either be on a leash or supervised. A council member stated that he needed to be physically restrained per the minutes from the July 17, 2023, meeting. Mayor Anthofer showed some pictures of the dogs at large and asked Beth “Is this physically restrained or in front of an adult”? She asked when was the picture taken? Mayor Anthofer and Council Member S. Johnson said September 12th. She asked “Was it called in?” and a few council members said “yes”. She asked if he hurt anyone or hurt the cornfield or what the issue was. Mayor Anthofer explained that he was not restrained and was not in the presence of her or Nick. Council member S. Johnson said that Nick had stated that he would cooperate in any way if it meant supervising the dog when it went outside, keeping it on a leash, etc. She stated that the council approved for them to keep the dog; however, the dog needed to be in constant supervision, tied up and maintained to their yard unless out on a walk then the dog needed to be on a leash. She also stated that for the 2nd meeting it was brought up that he was not being restrained and Nick said he misunderstood and so the council reminded him again that the dog had to be restrained and under supervision when it went outside. Beth said he told her that someone needs to be outside with him, which they always are. J. Johnson stated that most of the police reports state that she was on her way home from Fredericksburg when he is out. She explained that she was not home, but Nick probably would have been. Attorney Skilton stated since the dog owner didn’t have any witnesses or any more statements to make, it is up to the council to vote on the correct procedure for the two dogs. One, a 2nd violator and two a 1st violator as to what needs to be done. Council member J. Johnson stated he doesn’t see any issue with the lab besides being at large. After discussion, Council member S. Johnson asked Deputy Braxton who he warned on September 12th when the dogs were at large. Deputy Braxton confirmed it was Nick. Attorney Skilton noted that past precedence that he knows of has never been to put the dog down. What the council has voted to do is to ban the dog from city limits. He stated that just on precedent that is what other councils have done. Council member Willsher stated that the problem is that they will probably move him out to their acreage, his concern was the Little Brown Church and the people out in that area, which is by where their property is located. He asked if they are just going to push this problem onto them? Attorney Skilton noted that it was a good question but added that it isn’t the council’s job to mark a dog as dangerous in a new environment, but there is an obligation to do something for the people who live here and to do something about it. S. Johnson/M that the Henningsens rehome the dog to someone outside of city limits, in which case the hope is the dog can be rehabilitated into their new home with their new owner. Beth stated that she was not rehoming the dog. She stated he can go outside of city limits, but he is not being rehomed to someone else. Attorney Skilton stated that the cleanest way to approach it is that the dog has to be removed from city limits and then it is up to the owner to decide what they are going to do with it. There was no 2nd for S. Johnson’s motion, so the motion failed. Mayor Anthofer asked if there were any other motions. Kelleher/M to have the dog removed from city limits Willsher/S, M/C. no other votes to support Kelleher’s motion, motion failed. J. Johnson/M, Willsher/S, M/C to have the dog removed from city limits by Monday October 2, 2023. RC: 4 ayes, Malven absent. Attorney Skilton stated that they have the 2nd dog to discuss, which is a first time offender and is a Black Lab. Mayor Anthofer stated that since there are 3 labs he recommended different color collars in case they get out, so they can identify them. After discussion, the council decided that the dog hadn’t been aggressive and so they didn’t really need to discuss it any further. Beth asked council member S. Johnson how many dogs she has. Council member S. Johnson stated she has 4 dogs, but Duke doesn’t count because he is a Deputy. Beth said we will see.

Mayor Anthofer inquired about discussion on hiring a new employee for water/wastewater, since Jessie Salinas resigned his position, which was effective immediately. The council discussed hiring a new employee, but they will talk to Zade and Shea and get more information. It will be on the agenda for the meeting October 2nd for further discussion and or action. There was no other business, J. Johnson/M, S. Johnson/S, M/C to adjourn. RC: 4 ayes, Malven absent.

The meeting adjourned at 7:45PM