

SPECIAL PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, August 28, 2017, at 5:00 pm, (Council Chambers)

Members Present: Rasmussen, Wagner, Kellbach, Peckham, McElhaney

Others Present: Alfonso, Rayala, Hardel, Bishop, Goede, Jasmine Trueblood, Jonathan Koch, Eric Gehrke, and Tom & Gloria Pagel

HEARING: Jasmine Trueblood, owner, appeal of prohibited dangerous animal declaration – Dozer

Rasmussen opened the hearing and the clerk swore in all those present to give testimony. Rasmussen verified receipt of documents by Ms. Trueblood pertaining to the hearing and explained the procedure for the hearing.

Ashlee Bishop, Humane Officer, testified that she received a call and had been told by some citizens that they believed the dog that was declared dangerous was back on the property. She also received an email from Tom Pagel that there were three dogs that matched the description of Dozer. She indicated she obtained a warrant to search the home for Dozer, who was located upstairs in a bedroom with Jasmine Trueblood. The prohibited dangerous animal designation paperwork was delivered at this time. Dozer was taken to the Humane Society, where he still resides pending this hearing and the owner finding another location for him outside the city.

Wagner questioned if it was correct that there was no bite by the dog this time, but it just shouldn't have been there. Bishop explained if the provisions of specialized kenneling, insurance, registration, neutering, microchipping, collaring and muzzling, etc., for dangerous animal had been met the dog would have been allowed to stay, however, none of those requirements have been met. She stated Trueblood was told if he was taken out of the city he was not to be brought back.

Attorney Alfonso and committee members further questioned the Officer Bishop.

Tom Pagel, 517 Winton St, testified to the attack and bite of his friend who had walked past and indicated he took him to the hospital. Tom stated there were three dogs and when he was out mowing his lawn the dogs have come across the street by him behaving aggressively. Gloria Pagel stated there were many times when the dog was off leash and they were concerned about children and people walking in the neighborhood.

Jasmine Trueblood did not dispute the previous testimony or reports and stated she moved to Merrill because she could not afford to comply with the dangerous animal restrictions. She indicated she thought she could bring the dog back for a visit if he was leashed and muzzled because he wasn't actually living in Wausau; she did not think she was doing anything wrong. She stated now Merrill won't allow the dog back because it was a prohibited dangerous dog. She asked the committee to drop the "prohibited" portion of the designation so she could keep it in Merrill.

Jonathan Koch testified, on behalf of Jasmine, to his version of the events the day the warrant was served. He indicated he denied entry to the house because he was not legally the lessee of the house. He reiterated they thought after reading the ordinance that it was okay for the dog to visit as long as he didn't live there. He stated that Dozer was Jasmine's service dog and goes everywhere with her. He disputed that Dozer acted aggressively towards the officers as stated by Bishop.

Alfonso questioned in what way Dozer was trained to be a service dog. Trueblood stated she had severe depression and was bi-polar, as well as mild schizophrenia. She stated that Dozer keeps her from hitting herself and walls when she experiences an outburst. He sits on her lap, comforts her and calms her down and was in the process of being trained.

Officer Bishop stated she called Merrill PD to inform them of the dog being moved to their community and Cpt. Hartwig indicated they would not allow Dozer back in Merrill. Chief Hardel stated he was advised that Lincoln County will not allow the dog back, no matter what the outcome of the appeal is.

CLOSED SESSION pursuant to Section 19.85(1)(a) of the Wisconsin Statutes for the purpose of considering the following: Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial for hearing before the governmental body.

Motion by Wagner, second by Peckham to convene in closed session. Roll Call Vote: Ayes: Wagner, Kellbach, McElhaney, Peckham, and Rasmussen. Noes. 0. Motion carried 5-0.

RECONVENE IN OPEN SESSION, announce results of deliberations on appeal of dangerous animal declaration

Rasmussen read the Findings of Fact and Conclusions of Law as a result of the hearing. Based upon these findings, Dozer constitutes a prohibited dangerous animal as defined in the Wausau Municipal Code. The prohibited dangerous animal declaration is upheld. The pet owner must remove the animal from the city or have it humanely euthanized. Dozer is to remain impounded at the Humane Society until the owner can provide the police department with adequate assurance the he has been removed from the city and complied with requirements. She indicated the owner had five days to seek a review of the decision in Marathon County Circuit Court.

Rasmussen closed the hearing. Rayala indicated the packet of reports will be put on file in the Clerk's Office.

Adjournment

Motion by Peckham, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:40 pm.