

Public Hearing Vicious Dog Hearing  
City of Calmar  
August 18, 2016 @ 5:30 p.m.  
Calmar Fire Station

At 5:30 p.m. John Anderson, Assistant City Attorney for the City of Calmar stated that he is serving as a legal advisor to the City for purposes of the hearing that is being held pursuant to City of Calmar Code 55.09 regarding Vicious Animals which states that "It is unlawful for any person to harbor or keep a vicious animal within the City". He stated the purpose of the hearing, background of the incident and the factors needed to determine whether a dog is a vicious animal. He also stated that if the dogs are determined to be vicious the presiding body needed to determine the disposition of the dogs.

The hearing was called to order by City Clerk Michele Elsbernd with roll call answered by Kleve, Schissel, Kirkeberg, Sabelka, Ondrashek and Frana. Also present was Gabriela Nuehring the dogs owner.

The clerk stated: Pursuant to City of Calmar Code 55.09, I designate the City Council of Calmar, Iowa, and the Mayor of the City of Calmar, as my designees for purposes of holding a hearing on August 18, 2016 regarding alleged vicious animals owned by Dalton & Gabriela Nuehring.

Police Chief Ward presented the opening statement, he stated what happened the night in question and had the witnesses Brittany Allen, Kevin Rawson, Ashley Fosaan and Victoria Sims state what they saw and experienced at the time of the incident. The dogs owner Gabriela Nuehring had no questions for the witnesses.

The dogs owner Gabriela Nuehring gave an account of what happened the night in question She stated her dogs were emotional support animals and that Kalo is a 5 year old Pit bull, Minnie is a 2 year old Bull Dog and Brownie and Chico are 1 year old offspring of Kalo and Minnie. She stated that she was so sorry for what had happened. Council questioned if the dogs were vaccinated for rabies. Gabriela stated that they were. Joe Ward then stated he had called the Monona Vet Clinic and they said that only Kalo was vaccinated with expiration of the rabies vaccine in 2017.

Motion by Kleve, second by Schissel to declare Kalo, Minnie, Brownie and Chico vicious animals per Calmar Code. Aye: Kleve, Schissel, Ondrashek, Sabelka and Kirkeberg. Motion carried.

Attorney John Anderson then explained the council options regarding disposition of the dogs determined to be vicious. Council members entertained many options and listened to Brittany Allen and Scott Hurley who are dog trainers explain the pros and cons of possible rehab of the animals. Council expressed concern regarding liability issues should the dogs leave Calmar to another location and experience a similar occurrence. Motion by Schissel, second by Kleve to require the dogs be euthanized. Aye: Kleve, Schissel, Sabelka, Kirkeberg, and Ondrashek. Motion carried.

Meeting adjourned at 7:05 p.m.

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Michele Elsbernd, City Clerk