

SPECIAL COUNCIL MEETING

February 12, 2018

The Mayor called the meeting to order at 5:00 p.m. in the Council Chambers

Nathan Haverman performs a roll call to ensure councilmembers Skaug, Haverfield, Levi, Hogaboam, Bruner, and Rodriguez are present.

Mayor Kling states that the purpose of this meeting is an appeal of citizens committee findings regarding Nampa city code Title 6 Chapter 2 Section 12 which is a determination of a vicious animal for Alvin Silkett.

Officer Mink gave testimony on two incidences involving this dog one at Target on November 30, 2017 the other was at call for a dog bite at Harbor Freight on February 1st, 2018.

The first case happened on November 30th 2017 Officer Mink responded to a call at the Target shopping center on Marketplace. She spoke with the victim, Blanca Morfin, who had been shopping with her kids that day and was walking down a toy aisle with one of her kids while looking for the other who was further down the aisle. While walking down the aisle, she saw Mr. Silkett with two dogs. One in his hands and one on a leash. She moved her son to the other side of her to prevent and sort of confrontation between her son and the dog. As she was walking by Mr. Silkett, she then felt the dog bite her leg. There were puncture wounds from 3 of the 4 canines and deep skin scrapes as well.

Councilmember Rodriguez asks when the victim and dog owner will take the stand and testify to what happened as well.

Mayor Kling responds with the order of the testimonies starting with animal control, the victims, then the dog owner.

Officer Mink continues saying, Mrs. Morfin told Mr. Silkett that the dog had bitten her. He denied the dog did. Mrs. Morfin tried getting vaccination information about the dog from Mr. Silkett. Mr. Silkett grabbed his dogs and left before she could get the information, but his grandson was left behind, and he gave his contact information out to Mrs. Morfin. I tried calling Mr. Silkett about the events that happened but was unable to schedule a meeting with him for the charges that are pending.

The second case happened at Harbor Freight on February 1, 2018. The victim said she was the supervisor at harbor freight. Her name is Chantel Seipes. She was working the cash register while the dog came in. The dog's name is panda and it is a Blue Heeler Australian Shepard mix. It is about 1 year old. Chantel said that Mr. Silkett and demanded to speak to a manager and she responded saying that she could help him out. As Mr. Silkett leaned in to look at her badge, the dog had bitten her on the front of her ankle. That bite broke skin and caused scratches. Mrs. Seipes confronted Mr. Silkett telling him that his dog bit her. Mr. Silkett denied it. She then tried to get Mr. Silkett's information regarding the dog's rabies vaccination. After arriving Officer Mink confirmed that the dog's rabies vaccination is current with the given information from the last case. Mr. Silkett tried to leave, and Mrs. Seipes and her manager followed him into the parking lot. Mr. Silkett puts the dog in the vehicle. It then jumps out and started running around the parking lot and snaps at the store manager. Mr. Silkett then manages to contain his dog in the car and goes back

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in the store to relay his information to Mrs. Seipes. Officer Mink then spoke to a supervisor and together decided that it was in the community's best interest to impound the dog for a vicious dog court hearing. That hearing was held on February 7th, and the determination is before the city council.

Councilmember Haverfield was curious as to whether the stores had any responsibility over what happens inside it when it comes to animals.

Officer Mink replied saying there is regulations on stores with food being prepped and served but as far as retail stores go, it is up to them if they allow pets to come into the store.

Councilmember Haverfield confirms that a store would have no responsibility on what happens inside it.

Officer Mink says to the best of her knowledge it is up to the dog owner to be able to control their dog in any public place and keep it from harm. This is a civil issue however, so Maren Ericson would know more about it.

City Attorney Maren Ericson states it is a civil liability issue, but it is not relevant to this council meeting. Today this meeting is about whether the dog is determined vicious according to city code and whether it's the owner's or store's responsibility is irrelevant.

Councilmember Haverfield recognizes that it is not relevant but makes it a point that something might need to change where if the owner brings a dog into an irresponsible place for a dog, it is the owner should receive the penalty and not the dog. It would be a different scenario than if the dog was in a backyard or running around a neighborhood like we've had these kinds of discussions before, but since the dog was in a place it shouldn't have been, determining if it is a vicious dog doesn't seem right.

Officer Mink says that it is important to keep in mind that these dogs were not provoked and there was no warning that the bite was coming (for example barking).

Councilmember Haverfield continues saying that because of the irresponsibility of the owner, it will be hard for him to judge whether the dog is vicious based on the circumstances.

Mayor Kling proposes that the council discussion can be continued after hearing from officer Mink, the victims, and the dog owner, but if there are any specific questions for officer mink they can be asked now.

Victor Skaug asks what specific training officer Mink has had in her 8 years as an animal control officer.

Officer Mink went through field training when she first joined the police department, National Animal Control Training level 1, 2, and module A which is the national certification process for an animal control officer.

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Councilmember Skaug asks officer Mink based on her 8 years of experience and training, if she has an opinion on whether this dog is vicious.

Officer Mink replies that she thinks the dog is vicious based on information she has gathered and the Nampa city code.

Since there are no more questions for officer Mink, Mayor Kling moves the meeting forward to allow the victims to testify.

(victim) Blanca Morfin, 908 Brier Wood Drive, Nampa ID. Blanca just finished shopping with her two kids at target and was in the toy aisle. She had one by her side and was looking for the other. That's when she noticed Mr. Silkett with the dog in the aisle. She needed to get by him and saw there was enough room and moved her son to the far side of her from Mr. Silkett as to not upset the dog. As she passed by, she felt something hit her leg and then it started stinging. She told Mr. Silkett that his dog had bitten her, but he denied it, so she showed him the bite. Her leg was bleeding by that point and she asked Mr. Silkett if the dog was vaccinated. He said it was and that it was a service dog. The dog then stated to get agitated and lunge more at Blanca. Mr. Silkett left with the dog out of the store and Mr. Silkett's grandson gave Blanca the contact information. The boy then said, "I told my grandpa not to get this dog." Blanca found her girls and went to the customer service desk and called her husband. Blanca's husband told her to go to the emergency room since it did pierce her skin. At the hospital they told her she needed to contact the police. From the hospital Blanca called Mr. Silkett to get his last name. He was unwilling to give it to her and was worried about paying for medical bills. Finally, his grandson gave her his last name over the phone.

Councilmember Haverfield asked if the dog had a harness on or was the leash just attached to a collar.

Blanca said it was only attached to a collar which is why she was suspicious of the animal being a service dog. She asked Target at the customer service desk about this and determined Target wasn't liable for something like this because they are not allowed to question anyone that walks in the store with an animal.

Councilmember Haverfield asked what kind of service tag the dog was wearing.

Blanca said it was an oval with the words "Service Dog" on it.

Councilmember Haverfield adds that anyone could a tag like that from a pet store.

Councilmember Skaug asks if any of Blanca's medical bills have been offered to be paid outside of her family. (no) Has anyone offered to pay your medical bills outside your family (no)

(victim) Chantel Seips, 20199 Chalice Place, Caldwell, ID. Chantel was working at Harbor Freight when Mr. Silkett came in. He came up to Chantel demanding that he speak to a manager. She responded saying that she could help him since she was a supervisor. Mr. Silkett then leaned in to see Chantel's nametag, but meanwhile the dog bit Chantel. Chantel told Mr. Silkett that his dog

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bit her ankle. He denied it. Chantel lifted her pant leg to show him. He replied that the dog doesn't like women. Chantel asks why the dog is in the store and asks for information. He said no and started to leave the store. Chantel insisted that he give her his information. Chantel and another cashier follow Mr. Silkett out of the store. Mr. Silkett became vulgar and started cursing at Chantel. Soon her manager came out to try and handle the situation. Her manager and Mr. Silkett move to put the dog in the car, but it escapes and starts chasing people around the parking lot. Mr. Silkett gets the dog under control and puts it in the car. Mr. Silkett then comes inside while they fill out a workman's comp form which is taking care of Chantel's medical bills. Chantel overheard Mr. Silkett on the phone saying "This is the 5th time" which she understood as it being the 5th time the dog has bitten someone. Mr. Silkett told her that she can't call the police since he has a warrant for his arrest because his dog had bitten Blanca at Target.

Councilmember Rodriguez asks if the dog in question is being held by the owner now, but it is a different dog.

(dog owner) Alvin Silkett, 2124 S Juniper Nampa (daughters is renting). Mr. Silkett is an over the road trucker with two dogs who are both service dogs that are legal in any store or restaurant because of medical conditions he has. The dog in question is around 40 or 45 pounds and its name is Panda. Mr. Silkett is in Nampa because he is visiting his grandchildren. At Target Mr. Silkett said Blanca brought the biting on herself, however he did not back up his testimony with a series of events. He got the dog as a Christmas gift even though one of the incidents happened before that. It was his daughter's dog at that time and not his. Mr. Silkett appeals to the council with stories on how his wife got killed and how much he loves his dogs.

Councilmember Levi asks what provoked the bites on the victims?

Mr. Silkett says that the space restrictions caused the bite at target. Mr. Silkett claims to have had a heart attack during the second incident and the dog was just trying to get attention.

Councilmember Levi follows up asking if he acknowledges that the dogs bit the victims.

Mr. Silkett reluctantly acknowledged more of a scratch than a bite.

Councilmember Levi asks what task the dog supposed to perform in the incident of a heart attack.

Mr. Silkett tried to explain that the dog knew that he was having a heart attack before it actually happen and he went to a clinic and then was sent to a hospital.

Councilmember Levi confirms that the dogs are registered service dogs but is suspicious as to why the dogs still need training.

Mr. Silkett explains that service dogs for medical conditions like his do not require any sort of training.

Mayor Kling clarifies that this meeting is strictly about determining whether the dog is vicious by Nampa City Code.

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Attorney Maren Ericson confirms and identifies the specific code as 6-2-1. Attorney Maren puts the code up on the projector.

Mayor Kling reads the code aloud for the council to hear. She then asks if there are any more questions for Mr. Silkett.

Mr. Silkett requests the council to hear from his grandson.

Trenten Silkett describes his experience living with the dog Panda saying she was never vicious at home.

Mayor Kling thanks Trenten Silkett for his testimony and moves the meeting to decide whether the dog is vicious or not.

Councilmember Hogaboam expresses that not all the definitions have to apply for the dog to be deemed vicious. Just one of them must be true.

Mr. Silkett storms off from the meeting.

MOVED by Hogaboam and **SECONDED** by Skaug to uphold the decision and declare the dog vicious. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

MOVED by Rodriquez and **SECONDED** by Hogaboam to adjourn the meeting at 5:55 p.m. The Mayor declared the

MOTION CARRIED

Passed the 16th day of April, 2018.

MAYOR

ATTEST:

CITY CLERK