



Roll Call Number

Agenda Item Number

43

October 8, 2012

Date

**PUBLIC HEARING ON APPEAL OF
VICIOUS DOG DECLARATION**

WHEREAS, Barry Archer, 1244 E. 17th Court, owns a dog declared vicious by Des Moines Chief Humane Officer, Sgt. Scott Raudabaugh; and

WHEREAS, the declaration was upheld by Administrative Hearing Officer Cassandra Webster following Mr. Archer's appeal of this declaration; and

WHEREAS, Mr. Archer requested an opportunity to address the City Council on the declaration; and

WHEREAS, Mr. Archer has been provided with the opportunity to address the City Council on the matter of his appeal of the administrative hearing officer; NOW, THEREFORE,

BE IT RESOLVED (Choose one of the two alternatives):

_____ Alternative One: That the administrative hearing officer's ruling be upheld.

MOVED BY _____ TO UPHOLD DECLARATION.

_____ Alternative Two: That the administrative hearing officer's finding be reversed.

MOVED BY _____ TO REVERSE DECLARATION.

FORM APPROVED:

K. Massier

Katharine Massier
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

**EXHIBITS FOR VICIOUS ANIMAL
“ Sergeant Bubba”**

**Barry Archer
1244 E. 17th Court
Des Moines, IA 50316-2606**

**EXHIBIT A Letter from Police Animal Control
Declaring the Dog “Vicious”
(Pages 1 – 3)**

**EXHIBIT B Appeal from Mr. Archer
(Ex. 3 A)
Letter Setting Date of Administrative
Hearing – (Pages 4-5)**

**EXHIBIT C Municipal Code Sections
(Pages 6-8)**

**Animal Incident Investigation Reports
(Pages 9– 13) Case No. 12-26027
(Pages 14-19D) Case No. 11-40850
(Pages 20-26) Case No. 11-24189
(Pages 27-33A) Case No. 11-18745
(Pages 34-41) Case No. 10-33030
Photos – (Items 42-48)**

**EXHIBIT D Administrative Hearing Officer’s Ruling
(Pages 1 – 9)**

**EXHIBIT E Appeal from Mr. Archer
(Pages 1 – 5)**

**Letter setting date for appeal to
City Council
(Page 6)**

**EXHIBIT F Letter to Mr. Archer & Administrative Hearing
Transcript
(Pages 1 -13)**