

Date December 8, 2008

PUBLIC HEARING ON VEHICLE
IMPOUND OF SAM AND NANCY FAIRFIELD

WHEREAS, Sam Fairfield, 1115 - 8th Avenue, Grinnell, filed an appeal of his vehicle impound for parking in a posted emergency no parking zone and the City Hearing Officer denied said appeal; and

WHEREAS, Mr. Fairfield requested an opportunity to address the City Council on the matter of his appeal; and

WHEREAS, Mr. Fairfield as been provided with the opportunity to address the City Council on the matter of his appeal; and

WHEREAS, Mr. Fairfield's vehicle was found parked illegally in an emergency no parking zone; NOW THEREFORE,

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

Alternative One: That the order of the hearing officer be upheld.

MOVED BY _____ TO UPHOLD DECISION.

Alternative Two: That the order of the hearing officer be reversed and a Certificate of No Probable Cause be issued to Mr. Fairfield.

MOVED BY _____ TO REVERSE DECISION.

FORM APPROVED:

K. Massier

Katharine Massier
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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 VEHICLE IMPOUND

- EXHIBIT 1** **Mr. Fairfield's Request for Hearing**

- EXHIBIT 2** **Correspondence for Hearing**

- EXHIBIT 3** **Hearing Officer's Decision**

- EXHIBIT 4** **Appeal from Mr. Fairfield**

- EXHIBIT 5** **Transcript**

Date December 8, 2008

PUBLIC HEARING ON VEHICLE
IMPOUND OF SAM AND NANCY FAIRFIELD

WHEREAS, Sam and Nancy Fairfield, 1115 - 8th Avenue, Grinnell, and 4411 SE 112th Street, Runnells, filed an appeal of Ms. Fairfield's vehicle impound for parking in a posted emergency no parking zone and the City Hearing Officer denied said appeal; and

WHEREAS, Mr. and Ms. Fairfield requested an opportunity to address the City Council on the matter of his appeal; and

WHEREAS, Mr. and Ms. Fairfield as been provided with the opportunity to address the City Council on the matter of his appeal; and

WHEREAS, Mr. and Ms. Fairfield's vehicle was found parked illegally in an emergency no parking zone; NOW THEREFORE,

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

Alternative One: That the order of the hearing officer be upheld.

MOVED BY _____ TO UPHOLD DECISION.

Alternative Two: That the order of the hearing officer be reversed and a Certificate of No Probable Cause be issued to Mr. and Ms. Fairfield.

MOVED BY _____ TO REVERSE DECISION.

FORM APPROVED:

K. Massier
Katharine Massier
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNE				
COLEMAN				
LIENSLEY				
KIERNAN				
MAHAPPEY				
MEYER				
VLASSIS				
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

City of Des Moines Request for Administrative Hearing

(File in the City Clerk's Office within 10 days of mailing of the notice of impoundment)

Please print or type

I hereby request an administrative hearing pursuant to Chapter 114-485.15 of the Municipal Code of the City of Des Moines. This hearing process applies only to vehicles which have been impounded for illegal parking.

My vehicle was impounded on 10.19.08, case number and/or tag number tag# 278474 case # 08-38334

Reason for appeal: signs posted did not adequately cover the street, to inform me of no parking. The only sign I even had a chance to see, but still did not, was out of vision at night, when I parked. Parked on street approx. 12:30am Saturday the 18th after driving in from Chicago. I have not been in Des Moines for over a week, had no prior knowledge it was marathon weekend or route. As photo shows, the utility pole closest to vehicle had no sign, the logical place to post one, as no one parks on a corner... only sign from my vantage point was too far to see at night + saw no other signs driving up to street by my route taken, as city only posted a few signs for only those driving the opposite direction of mine to see. City failed to inform me there was a "no-parking" zone for one day when + where I parked the vehicle.

I understand that my failure to attend my scheduled hearing will be deemed a waiver of my rights to such a hearing.

Date 10.21.08

Daytime Telephone 515.537.9792

Signature Sam Fairfield

Print Name Samuel Fairfield

Address 4411 SE 12th St

City/State/Zip Runnells, IA 50237

Attach to this form a copy of the Customer's Invoice for the towing charge. You may also provide copies of maps, drawings, or photographs which support your case.

Caution: Any statement made on this form may constitute an admission on your part.

Return the white copy of this form to the City Clerk's Office, 400 Robert D. Ray Dr., Des Moines, IA 50309. Retain the yellow copy for your files. If you have any questions, call 283-4209.

Owen Crist

245658

AUTO BODY SERVICE INC.

1221 KEO

515-244-2171

DES MOINES, IA, 50309

Towing

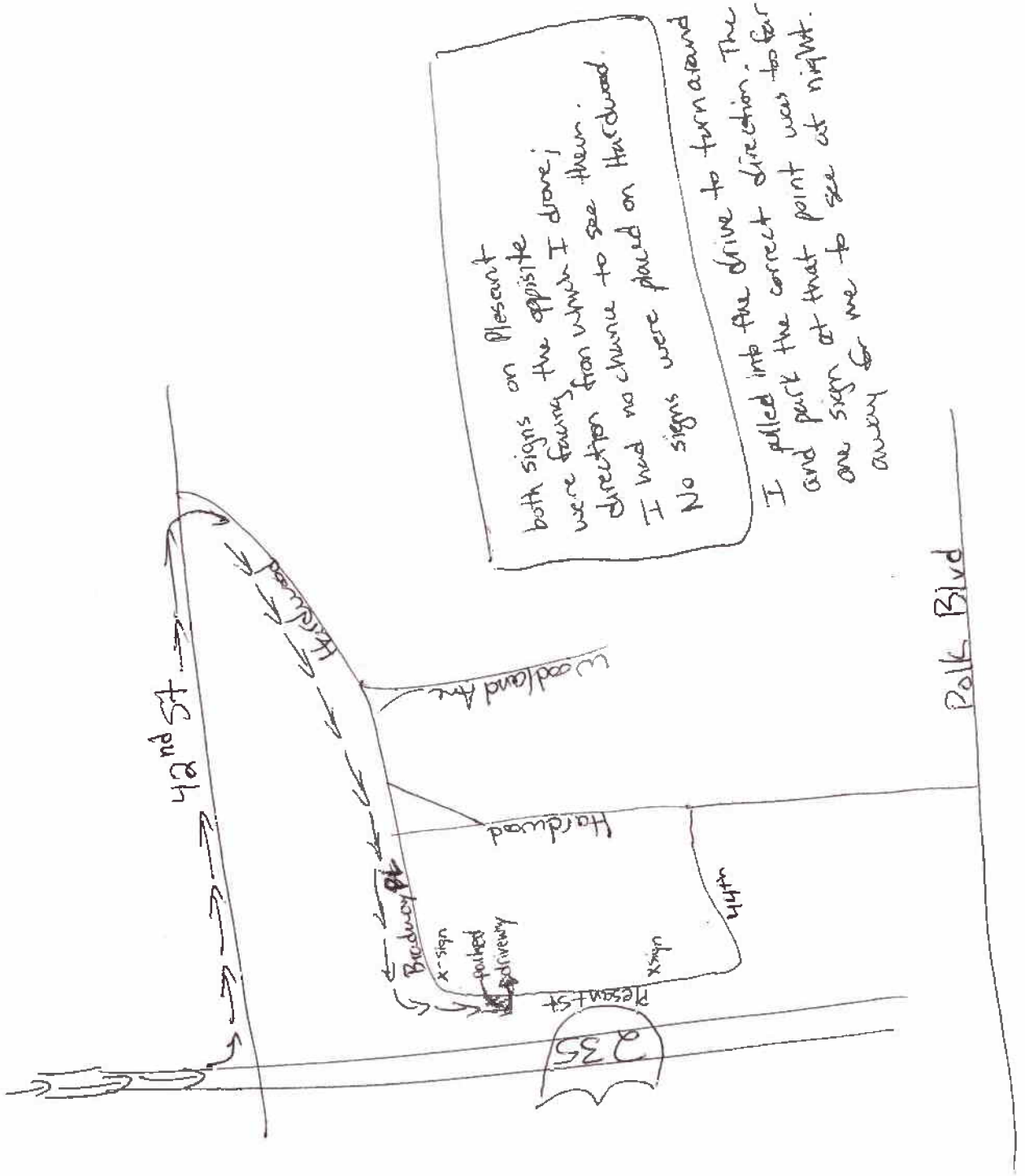
Collision Repair

Painting

CASE NO. 38334	TAG NO. 278474	DATE 10/19/08
CHARGED TO		
ADDRESS		
OWNER SAMUEL FAIRFIELD		
ADDRESS		
VIN #		LET 876 LMG
MAKE OF CAR Chevy	YEAR 97	MODEL Lumina
COLOR Purple	MILEAGE 5:40	AM PM
IMPOUND	PROPERTY IN OFFICE	KEY ON BOARD NO KEY
P.D.		
PVT		
PRIVATE		
44 th Pleasant		
TO		
SALE LOT		42 25
Storage		9 45
TAX		3 40
DRIVER Spike	TOTAL CHARGE	60 10

CUSTOMERS INVOICE

Indicate's my route
→



No sign on
closest utility pole

