

54

Date August 13, 2012

PUBLIC HEARING ON VICIOUS ANIMAL APPEAL OF ROBERT AND DEB DYER

WHEREAS, Robert and Deb Dyer, 1422 Wilson Avenue, filed an application for appeal before the City Council of the City Hearing Officer's decision upholding the Chief Humane Officer's declaration of their two dogs as vicious dogs; and

WHEREAS, Mr. and Mrs. Dyer requested an opportunity to address the City Council regarding their appeal; and

WHEREAS, Mr. and Mrs. Dyer have been provided with the opportunity to address the City Council on the matter of their appeal; and

WHEREAS, the dogs fall under the definition of vicious dog as contained in section 18-41 of the Des Moines City Code relating to vicious dogs; NOW, THEREFORE,

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

Alternative One: That the order of the hearing officer be upheld and Mr. and Mrs. Dyer's two dogs be declared vicious.

MOVED BY \_\_\_\_\_ TO UPHOLD DECLARATION.

Alternative Two: That the order of the hearing officer be reversed and Mr. and Mrs. Dyer's dogs not be declared vicious.

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

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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**EXHIBITS FOR VICIOUS ANIMALS  
“SAMPSON & THOR”**

**Robert & Debbie Dyer  
1422 Wilson Avenue  
Des Moines, IA 50316-1692**

- EXHIBIT A**      **Letter from Police Animal Control  
Declaring the Dogs “Vicious”  
(Pages 1 – 2)**
- EXHIBIT B**      **Appeal from Dyers  
(Pages 3 -15)  
Photos – Exhibits A-J  
Letter Setting Date of Administrative  
Hearing – (Pages 16 – 17)**
- EXHIBIT C**      **Animal Incident Investigation Reports  
(Pages 18 – 22) Case No. 12-15186  
(Pages 23 - 30) Case No. 12-14174  
(Pages 31 – 32) Case No. 12-14612  
(Pages 33 – 37) Case No. 11-2819  
Municipal Code Sections  
(Pages 38 – 42)**
- EXHIBIT D**      **Administrative Hearing Officer’s Ruling  
(Pages 1 – 6)**
- EXHIBIT E**      **Appeal from Dyers  
(Pages 1 – 4)**
- Letter setting date for appeal to  
City Council  
(Page 5)**
- EXHIBIT F**      **Letter to Dyers & Administrative Hearing  
Transcript  
(Pages 1 -26)**