

Administration Committee
Cedar Falls Public Safety Department
November 16, 2023

The meeting of the Administration Committee met at the Public Safety Department at 5:30 p.m. on November 16, 2023, with the following Committee persons in attendance in person and via zoom: Councilmembers Susan deBuhr, Kelly Dunn, Dustin Ganfield, Simon Harding, Daryl Kruse, and Gil Schultz. Councilmember Dave Sires was absent. Staff members from all City Departments and members of the community attended in person.

Chair Kruse called the meeting to order and introduced the only item on the Administration Committee agenda, Appeal Hearing: Dangerous Animal.

Committee members agreed by consensus that Mayor Pro Tem Harding chair the meeting. Consensus carried unanimously.

The following exhibits were accepted:

Westerns' exhibits: 1. Letter to Council Members (2 pages), 2. Letter from Tim Doyle (1 page), 3. 1312 Clark Drive fence picture (3 pages), 4. Dog park pictures (6 pages), 5. Playing with neighbors dog picture (1 page), 6. Fast Tracks pictures (1 page), 7. Daycare picture (1 page), 8. Notification screenshot of Halo collar (1 page), 9. Letter from Caroline Ledebor (1 page), 10. Letter from Juan Carlos Castillo (1 page), 11. Letter from Kristy Conkity & Clint Conkity (1 page), 12. Letter from John Balong (1 page), 13. Letter from Lynsey Wogstad (2 pages), 14. Letter from Christian Baldwin-Wilson (1 page), 15. Letter from Donald Gaff (1 page), 16. Letter from Tim Andera (1 page), 17. Screenshot of letter from Tricia Rapacki (1 page), 18. Article on Dr. Ian Dunbar's Dog Bite Scale (1 page).

Chief Howard's exhibits: 1. Notice of appeal hearing letter (1 page), 2. Exhibit 1, letter to Chris and Lyann Western (1 page), 3. Exhibit 2, Iowa Incident Report-10/04/2023 (3 pages), 4. Exhibit 3, Animal Control Services bite report for Erik Plourde (2 pages), 5. Exhibit 4, Cedar Falls Police Department Call for Service Record (1 page), 6. Exhibit 5, bite pictures (4 pages), 7. Exhibit 6, letter from Westerns on appeal regarding animal destruction of animal to Member of the City Council (2 pages), 8. Exhibit 7, Iowa Incident Report-05/30/2021 (3 pages), 9. Exhibit 8, Iowa Incident Report-01/22/2022 (3 pages), 10. Exhibit 9, Accident Investigation Form for Adam Handcock (1 page), 11. Exhibit 10, Employee Incident Statement for Adam Handcock (1 page), 12. Exhibit 11, Iowa Incident Report-05/12/2022 (3 pages), 13. Exhibit 12, Animal Control Services Call Report (1 page), 14. Exhibit 13, Animal Control Services Report for Christian Baumgartner (1 page), 15. Exhibit 14, Animal Control Services Report for Christopher Hartman (1 page), 16. Exhibit 15, Letter to Chris and Lyann Western regarding dates of incident: May 29, 2021, January 12, May 12 and September 29, 2022 (1 page), 17. Exhibit 16, Letter to member of the City Council-10/17/2022 (1 page), 18. Exhibit 17, Letter/Agreement with Chris and Lyann Western dated 11/03/2022 (1 page).

Mr. & Mrs. Western gave an overview of their materials from the above exhibits. Mr. Western asked to present a video to Committee members that contained footage from before the incident took place. Attorney Rogers, City of Cedar Falls Attorney, stated the video was received after the November 14th, 2023, noon deadline. Dunn motioned to view the video, deBuhr seconded, following comments by Committee members, the motion failed, 3 voting Aye, 3 voting Nay. Committee members discussed location of incident, fencing, Halo collar, dog park, age of animal, and notifications of Halo collar. Attorney McMahon cross examined Mr. & Mrs. Western, with no further questions from Attorney McMahon. Attorney Rogers swore in Mr. & Mrs. Western. Attorney McMahon called Erik Plourde to the stand, Chair Harding swore in Mr. Plourde, 1522 Walnut Street, Cedar Falls. Attorney McMahon conducted direct examination of Mr. Plourde. After no further questions from Attorney McMahon, Mr. & Mrs. Western cross-examined Mr. Plourde. After no further questions from Mr. & Mrs. Western, Committee members discussed the direction animal came from. Attorney McMahon called Officer Kramer to the stand; Chair Harding swore in Officer John Kramer, Cedar Falls Police Division. Attorney McMahon conducted direct examination of his witness Officer Kramer. After no further questions from Attorney McMahon, Committee members discussed the citation and City Ordinance. After no further questions from Committee members, Mr. & Mrs. Western cross-examined Officer

Kramer. After no further questions from Mr. & Mrs. Western, Attorney McMahon re-directed Officer Kramer, with no further questions Officer Kramer was dismissed. Attorney McMahon called Officer Hancock to the stand, Chair Harding swore in Officer Adam Hancock, Cedar Falls Police Division. Attorney McMahon conducted direct examination of his witness Officer Hancock. After no further questions from Attorney McMahon and no questions from Mr. & Mrs. Western or Committee Members, Officer Hancock was dismissed. Attorney McMahon called Police Chief Mark Howard to the stand, Chair Harding swore in Chief Howard, Cedar Falls Police Division. Attorney McMahon conducted direct examination of his witness Chief Howard. After no further questions from Attorney McMahon and no questions from Mr. & Mrs. Western or Committee members, Chief Howard was dismissed. Attorney Rogers asked Mr. & Mrs. Western for final comments. Mr. & Mrs. Western stated some incidents had been related to the dog door, which was removed; installation of fences was completed at both residences; Westerns stated Reece is protective and part of the community. Attorney McMahon stated the evidence that was presented shows a threat and asks that the Chief's recommendation be upheld.

It was moved by Ganfield and seconded by deBuhr to adjourn to closed session under Iowa Code § 21.5(1)(f), to discuss the decision to be rendered in a contested case proceeding. Upon call of the roll, the following named Administration Committee members voted. Aye: deBuhr, Dunn, Kruse, Ganfield, Harding and Schultz. Nay: None. Motion carried.

The Administration Committee convened in closed session at 7:21 p.m.

Chair Harding reconvened the Administration Committee meeting in open session at 7:35 p.m.

It was moved by deBuhr and seconded by Ganfield to consider the appeal by Mr. & Mrs. Western. Administration Committee voted. Aye: None. Nay: deBuhr, Dunn, Kruse, Ganfield, Harding and Schultz. Motion failed.

Chair Harding directed Attorney Rogers to draft a written decision.

It was moved by Ganfield and seconded by Dunn that the meeting be adjourned at 7:45 p.m. Motion carried.

Minutes by Kim Kerr, City Clerk