

Animal Management Committee

September 13, 2014

Minutes

A hearing of the Animal Management Committee of the City of Bondurant, Polk County, Iowa was held in the Community Room at the Bondurant City Center on the 13th day of September 2014, at 9:00 a.m.

Present:

Council Member Wes Enos
Committee Member Kasey McGrath
City Administrator Mark Arentsen
Assistant to City Administrator Mary Rork-Watson

Audience Present: Dawn LaRue, Derrick Honore, Rebecca Wahlert

Ms. LaRue brought her dog Nuge as requested by the committee.

Council Member Enos called the hearing to order at 9:00 a.m.

Roll call was taken and a quorum was declared.

City Administrator Arentsen reviewed the three animal control response reports from April 2014, February 2013, and September 2012, referencing the dog owned by Dawn LaRue. The hearing is being held to determine whether Ms. LaRue's dog should be declared a vicious animal under Municipal Code 55.

Council Member Enos invited Dawn LaRue to speak.

Ms. LaRue, 101 5th Street, Southeast, told the committee that the February allegation regarding a dead cat did not involve her dog. She did concede the other events did occur.

City Administrator Arentsen asked if the dog was to going to be staying permanently at the LaRue residence in Bondurant. Ms. LaRue said that is her intention.

City Administrator Arentsen asked Ms. LaRue how she intended to prevent future attacks by her dog.

Derrick Honore, Kai's Obedience Dog Training, Des Moines, addressed the committee. He said he specializes in training Malamutes which is Nuge's breed. He told the committee he works with owners to determine if the dog can be trained or will need to be removed from the owner's home. He said Malamutes have a strong predatory instinct; however, this behavior can be controlled with training. Mr. Honore said Nuge will participate in group and private lessons in

Bondurant and Ankeny. The goal is for the dog to pass a Good Canine Citizen test which is a rigorous test and proves that the dog is a positive member of the community.

Council Member Enos asked if any steps had been taken to reinforce the backyard since the dog was capable of tearing the boards off the fence to break through.

Mr. Honore said the privacy fence had been replaced but the dog was on a tie-out when outside and not let loose to run around in the yard. He said it is not the goal to have him tied up all the time.

City Administrator Arentsen and Council Member Enos asked Mr. Honore to send the committee any documentation that describes methods used by his training. Mr. Honore said that he would do so and noted that he was licensed with the state of Iowa.

Committee Member Arentsen asked if there is any assurance that the past incidents won't occur again.

Mr. Honore said that his job is to train the dog so there won't be future incidents. He said that the training would be complete by the end of October.

Committee Member McGrath said her concern is that Ms. LaRue had been aware of past incidents and hadn't made any proactive changes. She said she wasn't sure that anyone can know a dog in a month and half and change its behavior. She said she also wanted an assurance that the dog owner would follow up with training. She noted that the owner and trainer didn't want the dog to be tied up.

Mr. Honore said part of the training would be evaluating the dog. He said that if the dog wasn't responding to the training he would report that to the owner and the committee.

Ms. LaRue said she operates a daycare in her home and previously the dog would get loose as people arrived or left. She said she has made sure he is not near the door when people arrive or leave.

Committee Member Enos said that he was concerned because when the dog tears away at boards and escapes the yard he is a potential danger to other pets and to the dog itself. He said he would defend his pets from harm and other pets owners could be motivated by the same desire which would place Nuge in potential danger.

Ms. LaRue said the back and side fences have been replaced and Nuge is on a 200-pound tie-out cable attached to her cement back steps and can't reach the fence. She said Nuge weighs 110 pounds.

Committee Member Enos invited Rebecca Wahlert to speak.

Rebecca Wahlert, 104 7th Court, Southeast, addressed the committee and said that she is the neighbor whose dog and cats have been killed by Nuge as recorded in the incident reports.

She said Nuge has pulled off fence boards and entered her yard 21 times. She said he charged her sliding glass door attempting to get to her pets inside the house. She said that concerning the February report Nuge had been seen running loose and when her cat's body was found it had wounds that indicated a dog attack. The night her dog was attacked and died her other cat went missing and hasn't been found. Ms. Wahlert said that it is her feeling that Nuge is good with people but he has a very strong prey instinct that causes him to attack animals and doesn't feel that his behavior will change. She said Ms. LaRue has chained Nuge after attacks but then stops when it is inconvenient. She said her children are afraid of Nuge and because of his history worries about her other pets. She said she would like to get another dog but can't because of Nuge's behavior and doesn't think it is right that Ms. LaRue gets to keep her dog but she can't have one.

City Administrator Member Arentsen said the ordinance has provisions if a dog is declared a vicious animals including confining a dog to the premise within a proper enclosure. He said the committee would need to determine what the proper enclosure would be. He said that based on the two documented events it was his opinion that Nuge should be declared a vicious animal. He told Ms. LaRue that if the committee agreed with that opinion and she could appeal to the City Council. He also said that after the committee declares an animal to be vicious that future incidents could be a misdemeanor which would be punishable with a \$750 fine or 30 days imprisonment.

Council Member Enos said the dog has killed other animals, which is a disturbing trend, and although Ms. LaRue has started training the dog now he said he is concerned about whether she will continue the training. He said Ms. LaRue needs to know that once the committee sets stipulations there will be specific dates and missing those dates will have legal ramifications.

Committee Member McGrath said that dogs do get out of fenced yards and would like to have the dog put in a kennel.

Council Member Enos said the kennel would be a better solution because chain link fences can become loose and dogs can shimmy under.

City Administrator said he agreed with the idea of requiring a kennel.

Ms. LaRue said she is willing to build a kennel.

The committee and guests discussed the pros and cons of installing a chain link fence or installing an electric fence. It was agreed that neither would be appropriate for this situation.

Council Member Enos asked Ms. Wahlert her comfort level with what the Committee had discussed so far. Ms. Wahlert wanted clarification on whether the dog would be in the kennel 24-hours a day and if the kennel would be secure. She also said she didn't trust that Ms. LaRue would follow any stipulations or deadlines set as she had not been very conscientious previously. She said that she was not happy that Nuge was allowed back in the neighborhood when she had been told he had been removed after her dog was attacked.

Committee Member McGrath said that according to the Ordinance Nuge can't be removed from Bondurant if declared a vicious animal. She said the only other options are to make stipulations that Ms. LaRue must follow or incur consequences.

Ms. Wahlert asked how many times Ms. LaRue would be allowed to violate those stipulations and how the violations would be reported?

City Administrator Arentsen read the Ordinance which states, "Failure to comply with an order of the AMC officer or Council issued pursuant here to shall constitute a simple misdemeanor, and is also punishable pursuant to section 1.14 of this code." He also said that someone would have to file a complaint and document any noncompliance which could be simply taking a picture and calling the City.

City Administrator Arentsen made a motion to declare the dog owned by Dawn LaRue, 101 5th Street, SE, Bondurant, a vicious animal and that the owner, Dawn LaRue, be ordered to comply with the following conditions:

1. The dog is to be chained in the yard until such time as a kennel is constructed
2. The dog is to be kept in a kennel that is to be completed by September 19, 2014, and inspected by the City Administrator
3. The owner is to keep the dog in the kennel when outside at all times and not be loose in the yard
4. The owner is to have the dog complete training with designated trainer, Derrick Honore, by October 31, 2014. At the completion of training, Mr. Honore is instructed to provide the City with documentation showing the training has been successful. Mr. Honore is also to send the City documentation of his training methods and any relevant professional certification.

Council Member Enos seconded the motion with the conditions.

Votes: Aye: McGrath, Aye: Arentsen, Aye: Enos. Motion passed.

Council Member Enos made a motion to adjourn the hearing, seconded by Arentsen.

Votes: Aye: McGrath, Aye: Arentsen, Aye: Enos. Motion passed.

Meeting adjourned at 9:30 a.m.

Mary Rork-Watson, Asst. to City Administrator

ATTEST:

Wes Enos, Council Member