

SPECIAL PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Thursday, June 27, 2013, at 4:00 pm, (Board Room, 2nd Floor)

Members Present: Rasmussen (C), Winters, Kellbach, Wagner

Others Present: Alfonso, Rayala, Officer Lisa Rennie, Amy Raddatz, Brett Raddatz, Cynthia Steinke, Len Fike, Media

Present via phone: Chief Jeff Hardel

Hearing: Raddatz appeal of vicious/dangerous dog designation assignment

Rasmussen called the appeal hearing regarding the vicious/dangerous declaration of Marty (Boxer/American Bulldog mix) to order. She explained that is an informal hearing; however the only testimony to be heard has to be relevant to the event of June 12, 2013. Rayala swore in the following attendees as witnesses that were to give testimony: Officer Lisa Rennie, Chief Jeffrey Hardel, Amy Raddatz, Brett Raddatz, Cynthia Steinke, Len Finke.

Officer Rennie went through her report and what she found out through the investigation. Rennie interviewed Amy Raddatz and her two sons about the incident of June 12, 2013. She also recapped the interviews she did with the victim and several neighbors of the dog owners. Rennie also viewed and took photographs of the victim's injuries. Wagner asked if there was more than one bite. Rennie replied there were two bites. Rennie shared with the committee the incidents that involved Len Fike and Marty.

Winters asked Rennie how far the dog traveled from where he was originally to where the incident happened. It was stated it was about 75 feet.

Raddatz asked Rennie several questions regarding the police report and the interviews with neighbors and witnesses.

Chief Hardel gave testimony. He reviewed Rennie's report and looked at the pictures of the bite. He said it was a very significant bite and it was unprovoked. The dog approached the victim off the owner's property. He said it is his job is to protect the community and reviewing the circumstances he feels this dog should be declared vicious or dangerous.

Cynthia Steinke, certified dog trainer for over 26 years. She worked with Marty as a trainer. She evaluated him because she was told that Marty had bitten the hand of a friend causing a blood blister. Steinke worked with Marty three times. Steinke said that she had no problem with Marty, but she is very calm around dogs. In her opinion, there was gross irresponsibility. She said that she stated that the dog was not to be outside unattended by an adult. The children don't have the control over the dog. She said she doesn't think that he's a vicious dog. He needs more training and needs to be managed and the children cannot manage him. He needs to be contained properly.

Wagner asked if there are any provisions in the ordinance to have the dangerous dog label lifted. Alfonso responded that yes, if the chief of police decides that he sees that there is a change in circumstances or measures are taken by the owner to mitigate the risk, and that there are no additional reported instances within 36 months of the original order; and there is documentation of dog training, and the chief concludes for all of the evidence that the dog is no longer a risk, he can remove the designation.

Fike came forth and gave testimony. He reiterated that he walked in when Marty was sleeping in a darkened porch, unannounced. Fike stated that he has always been afraid of dogs, and that he created a history with that dog by meeting him in his domain, unannounced, when it was sound asleep. He said he has been to that home many times and the dog pays no mind to him as a dog should. He said the dog is not aggressive to him.

Rasmussen asked about the second bite that was inflicted. Per the police report, this occurred in the Raddatz's garage when it was decided to see if Marty would tolerate Fike's presence. Marty was wearing a collar and Mr. Raddatz was holding him and when Fike reached to pet Marty he bit him. Fike replied, that yes that is when Marty left the mark on his hand.

Amy Raddatz asked to read prepared testimony. Marty is a rescue dog. Two weeks after this incident, Ms. Raddatz went to the police department in person and picked up her citation for dog running at large. She has lived at 1804 Stark Street for over eight years. They see dogs, cats, turkeys and deer running at large in their neighborhood. As good neighbors, they have walked or carried those pets home. Raddatz said that they are taking responsibility for the victim's injuries. They have learned from their mistakes and are cooperating with the victim and are willing to

cooperate with the Chief, who according to ordinance can lessen the sentence. Raddatz said they cannot afford to purchase a quarter of a million dollar liability policy on their home for three years or anything. A double fence would be unaffordable and not effective. Keeping Marty in a locked kennel while he's outside would exacerbate his immaturity. They are asking the chief and the committee to handle the determination of a dangerous dog on a case by case basis and work with them in rehabilitating Marty so that he doesn't end up in an overcrowded shelter where he will end up if this decision is rescinded. She thanked the committee for meeting with them and considering their side of the story.

Rasmussen read the definition of a dangerous dog into the record:

1. Any animal which approached or chases any human being or domestic animal in a menacing fashion with an apparent attitude of attack without provocation on public or private property;
2. Any animal which bites, inflicts injury, attacks or otherwise endangers the safety of human beings or domestic animals, without provocation on public or private property; or
3. Any animal owned, harbored, or trained primarily or in part for the purpose of fighting.

Winters motioned, second by Kellbach to move into closed session pursuant to Section 19.85(1)(a) of the Wisconsin Statutes for the purpose of considering the follow: Deliberation concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before the governmental body. Roll Call Vote: Wagner aye, Kellbach aye, Winters aye, Rasmussen aye. Motion to move into closed session passed 4-0, at 4:55 pm.

The Committee reconvened into open session at 5:35 pm.

Rasmussen read the Finds of Fact report. (on file in the Clerk's office).

The final conclusion was that the pet owner's dog, Marty based upon the findings does constitute a dangerous animal as defined in W.M.C. §8.08.200(b). That because Marty's actions outlined in the findings of fact does constitute a dangerous animal, the Chief's designation of Marty as a dangerous animal under W.M.C. §8.08.200 is justified and upheld. The Findings of Fact was signed by Public Health & Safety committee chair dated June 27, 2013.

Adjournment

Motion by Wagner, second by Winters to adjourn. Motion carried unanimously. Meeting adjourned at 5:45 p.m.

Respectfully submitted,

Toni Rayala
City Clerk