

**UNAPPROVED MINUTES**  
**Earlham City Council Meeting**  
**June 26, 2019**

The Earlham City Council will meet in special session on Wednesday June 26, 2019, 7:00 p.m., at Earlham City Hall. Mayor Lillie called the meeting to order at 7:00 p.m. and the following answered roll: Fredericksen, Griswold, Payne, Petersen, Swalla. Staff present: Clerk Hibbs, Officer Sand.

1. Approval of Agenda

**Motion by Petersen, second by Griswold to approve agenda.**

**Roll: Ayes – unanimous. Motion passes.**

2. Report by Office Justin Sand - incident regarding bite by dog owned by Zackary Powers, 360 NW 3<sup>rd</sup> Street.

On June 22, 2019 at 11:46 PM, Sand was notified by Madison County Sheriff Office a dog bite had occurred at 360 NW 3<sup>rd</sup> Street in Earlham. Caller said boyfriend had been bitten on the ear and ear was ripped in half. Dog had been isolated in bed room by time he got there, and the caller also stated the dog was a pit bull terrier mix. The Earlham Rescue and Madison County Ambulance was also dispatched. He stated he arrived at the home at 11:51 p.m. Spoke with the caller, Karla Frasier. She stated her boyfriend, Kyle Chapman, was the one that was bitten. He was upstairs putting on a clean shirt. When Mr. Chapman came down, Sand examined his ear and noticed the right side of his face and his shorts were covered in blood. Upon closer examination of the ear, Sand noticed that the inner part of the ear downward towards the earlobe was separated, basically in two parts flapping. By that time the Earlham Rescue arrived, and he turned his attention to getting the dog out of the house. Ms. Frazier stated she wanted the dog removed and that she was not the owner of the dog. Due to the fact that dog was a pit bull mix and the attack occurred above the shoulders on a person, Sand took the dog into custody and transported it to city shed. He could not determine if the dog had been vaccinated against rabies, but because it bit a person it had to be quarantined and is currently at the vet's office. He stated by the time he returned from getting the dog into the back of his vehicle, Mr. Chapman's ear had already been wrapped so he could not get pictures. He stated he does have body cam video that shows the ear, if council wished to view it. There was severe damage to his ear. Mr. Chapman declined riding in the ambulance to the hospital, but instead went by private vehicle. Once he got the dog in the city shed, Sand said he called Mr. Powers, explained what had happened, and what the process was going forward. Officer Sand asked about the rabies and stated Mr. Power said the dog was up on his shot, but was in Des Moines and couldn't get the papers to him. He brought the vaccination records the next day and Officer Sand had possession of them. Sand noted that it does state pit bull mix under "Breed".

3. Comments from owner of pit bull in question, and/or witnesses.

Mayor invited Mr. Powers to come forward and thanked him for coming. Mr. Powers said he was in Des Moines when he got a call from his roommate, Kyle, who is also his cousin. They called 911 and that's when the officer arrived on scene and after that it was taken care of by the officer and his cousin. He got a called later from Officer Sand who walked him through the process.

4. Discussion by Council and determination on fate of the dog.

Mayor asked Mr. Powers what his intention at this time. The dog being a pit bull and also with an attack above the shoulder, there isn't much leeway. Animal either has to be removed from city or be put down. Mr. Powers said he is still undecided on putting dog down. He told Mr. Powers he appreciated letting council move the meeting within the 72 hour notice period, as there were several conflicts. Sand added the dog has been quarantined, and must remain so for 10 day for rabies incubation period. That period ends until July 2<sup>nd</sup>.

**Motion by Fredericksen, second by Swalla, to designated the pit pull owned by Mr. Powers as vicious.**

**Roll: Ayes – unanimous. Motion passes.**

Mayor stated it was now his responsibility **to order the pit pull to be removed from city limits immediately after the quarantine period, unless Mr. Powers allows for the dog to be destroyed.** If that is the route he wishes to take he can handle that with the veterinarian's office. If not, the dog must be removed from city limits and never return.

5. Adjourn  
**Motion by Frederickson, second by Griswold to adjourn.**  
**Roll: Ayes - unanimous. Motion passes.**

Being there was no further business, the meeting was adjourned at 7:09 p.m.

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Jeff Lillie, Mayor

Attest: \_\_\_\_\_  
Mary Sue Hibbs, Clerk/Treasurer