

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue

May 6, 2013

Mayor DiTullio called the Study Session to order at 6:30 p.m. Council members present: Davis Reinhart, Bud Starker, Joyce Jay, Kristi Davis, George Pond, Mike Stites, Joseph DeMott, and Tracy Langworthy.

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Chief Dan Brennan; Community Development Director, Ken Johnstone; Commander Jim Lorentz; CSO Mary McKenna; other staff and interested citizens.

PUBLIC COMMENT ON AGENDA ITEMS

1. Animal Welfare and Control Commission

AWCC members present for the discussion: Kathy Deitsch, Erna McIntyre, Rhonda Champion, Virginia Petty, Barbara Hance, Robert Hance.

The discussion began with remarks by members of the Animal Welfare and Control Commission. It is their desire to validate their existence and work towards becoming more involved again.

A roundtable discussion followed.

Concerns and comments from the AWCC included:

- Finding out things long after the fact
- They're asked to give input on the numbers of animals at kennel license hearings, but they have no information upon which to base their judgment.
- The form they're given has no information on it, when they're asked to approve a license.
- The 4 PACFA agents in the state are responsible for all kennel inspection. This district lost their representative. The state lady in Ft Collins said it would be good if they are involved in the kennel process.
- Praise for the animal control officers for educating the public and think they need help. If the AWCC had some education they could help.
- Wheat Ridge has a bad rate of licensure -- 79%. People don't understand the need to license their dogs. Licensing 1) reduces the number of unwanted dogs by promoting spaying and neutering, 2) decreases rabies, 3) helps track dangerous and aggressive dogs, and 4) improves the data base for lost dogs.
- Issues with leash law enforcement. Off-property dogs need to be on leash. In front yards dogs go off their property and they could be dangerous. What kinds

of educational forums can we put on to help? How do you respond to a dangerous dog? Want to be proactive.

- Bob Hance is the chair but wants to resign. Erna is VP now. They run the meetings with assistance of staff.
- There's *always* been an agenda, but they felt like that's all they could talk about.
- We *never* took a role as law enforcement.
- Some feel like staff runs the meeting and that the AWCC members are patronized. To say we are not interested is wrong. We were asked about the pet fair, but not allowed to give any input, so it was cancelled.

Chief Brennan's input included:

- The AWCC is advisory.
- Three notable incidents: a horse killed on 38th Ave., the lady whose rabbits were confiscated and euthanized, and a woman with 79 cats. We have strived to not do an immediate report. Let CSO's find a solution.
- Regarding approval of exotic animal permits: We have 1. Would welcome input from commission on how to increase permits.
- He wants to use good business practices. If there is a welfare case we don't inform AWCC. He doesn't think the commissioners should be operational. CSO's have law enforcement and safety training; they encounter unpleasant people. We strive to educate people when there is a welfare issue. When we bring a commissioner on, we go thru their roles and responsibilities, and strive to make them understand what their responsibilities are. He approves the AWCC doing education and outreach, but he is responsible for kennel permits.
- Commission meetings didn't always have agendas. Staff's agenda is providing structure.
- Very reluctant for ACC's to go on ride-alongs as commissioners may say something inappropriate.
- We do try to engage the commission. Ex: Pet fair – can't get commissioners to work on it. We do try to collaborate.
- If the commissioners want photos on the kennel applications that can be done.

City Attorney Dahl: There are inconsistencies in the kennel code that need to be fixed. Due process issues. Appeal or no appeal. Emphasized that Boards and Commissions are advisory and are not part of the inspection process. They should not be in the operational level for liability reasons. Clarification of the role of the AWCC would be good. Clearer lines. OK for community outreach by commissioners. Prefers gatherings, rather than going door to door.

Council comments included:

- There needs to be lines of responsibility. We are fortunate to have people that want to help. The AWCC people should not be expected to go out and do enforcement. The kennel form really doesn't tell much.
- With only 4 state people to inspect are they passing this down to local people? Mary McKenna said the state does do inspections. We do follow-up because it's

in our code. They don't pass anything to us. Mr. Dahl said when other communities have animal issues their local staff takes care of it. Mary works with PACFA. They are dependable.

- The numbers of unlicensed dogs in WR is because we don't have good cooperation with the vets.
- Sees a continuing need for the animal control commission due to the increase in urban agriculture (chickens), but possibly change its role.
- We need a veterinarian back on the commission.
- Appreciation for the AWCC volunteers and sees that they don't feel respected. Thinks they need more information so the AWCC can work with the CSO. Thinks attendance would be slim for town meetings on pets. Would like to see them work up educational pieces.
- A clarification of duties is reasonable and doesn't agree with the request to have the AWCC be more involved. Thinks education outreach is great; doesn't think it should be written into the code. ~ On kennel approval (referencing how the Liquor Authority and Planning Commission hearings work), thinks some commissioners may not be informed enough to make a judgment. If it's too fragmented it's not a fair public hearing. Dialog is reasonable about what is the right amount of information for AWCC to have to make a judgment. ~ On the requests there is not a lot he approves of. ~ Doesn't hear dissolution of the AWCC is appropriate. ~ Thinks the role of the vet is important and will contact vets in his district.
- Asked Mary if AWCC's could help with leg work when citizens or seniors need help getting resources. (Yes.) Collaboration is necessary. We need a process that will facilitate a definition of roles. Favors having a facilitator.
- Thank you to the commission for their work. ~ Believes they have an advisory role, to be an adjunct to the CSO to help set standards. ~ Agrees code should be fixed right away. ~ Doesn't think a mediator is necessary to assist PD and the AWCC in their discussions.
- Thinks a facilitator is necessary for a discussion process to be successful. Wonders if the commission is necessary. Has serious doubts if this exercise of having the AWCC sit down with PD and the CSOs is valuable.
- Having an AWCC is a unique situation and thinks it's good to have something different. ~ Sees the frustration of the Commission members, but thinks everyone has the same goal. ~ Likes the educational angle. Believes a facilitator will help bring people back together.

Council agreed on the following things:

1. The City Attorney and Police Dept. to clean up the Code
2. Staff to work with the AWCC to clarify policy and the role of the AWCC
3. The AWCC and staff producing educational programs and fliers
4. Staff will provide more back-up information on the kennel applications
5. When PD and the AWCC meet there will be a facilitator. (This consensus vote was 5-3.)

Councilmembers Davis, Jay and Reinhart agreed to use some of their outreach funds to pay for a facilitator.

2. Coyote Management Plan

Chief Brennan introduced the packet material, the Coyote Management Plan. The Plan includes Purpose, Responsibility, Definitions of Coyote Interactions, Guidelines for Response to Interactions, Definitions of Coyote Behavior, Definitions of Responses, Guidelines for Response to Nuisance and Dangerous Coyotes, and citing of authority by state statutes and /city code.

The Mayor asked if this could be brought to the Animal Commission before it is approved. The AWCC that were still in attendance liked that idea and the Chief said he would be glad to do that.

3. Senior Resource Center – Building Renovation and Senior Circulator Bus Service Update (John Zabawa, President/CEO; Hank Braaksma, Director of Transportation; Bob Timm, V.P. of Development)

John Zabawa, President and CEO of the Seniors' Resource Center was present to update the Council on legislation affecting funding for seniors.

He expressed appreciation to the Council for its support by waving the use tax fees for the first phase of their renovation. He asked Council to approve that waiver again for \$19,000 to rebate use tax on Phase 2 of their renovation. This amount will be considerably less than the \$100,000 rebate for Phase 1.

He asked for continued support for the Senior Circulator Bus. \$30,000 would fund continued service; \$42,000 would allow for expansion of the service.

Hank Braaksma reported that the Circulator Bus is successful. There are lower numbers of riders right now, but he believes there will be an increase. In his 36 years of involvement with senior transportation he said that periodic ebbs and flows are common. They have made efforts to lower operating costs with the use of fuel efficient and hybrid vehicles. Any money the City contributes will be leveraged for additional federal monies.

Questions and comments by the City Council followed.

Patrick Goff informed Council that the Business Zone District (BZD) model was used for the previous use tax waiver. He also noted that CDBG money for the circulator bus has pretty much run dry. The lower availability of CDBG funds makes this type of application a very low priority.

There was unanimous consent to proceed with the use tax waiver for \$19,000.

There was unanimous consent to fund \$30,000 for the Senior Circulator Bus.

4. Proposed Zoning Code Changes (Ken Johnstone)

Mr. Johnstone briefly summarized the few zoning code changes that staff will be undertaking this year. Some are just best practices adjustments; others come from the Neighborhood Revitalization Strategy.

Short term amendments (2013)

Subdivision Regulations. Current regulations do not adequately address land for commercial and infill projects, which are the majority of development types we have now since we are largely built-out.

Longer term amendments (2013/2014)

- Accessory Dwelling Units – not currently permitted in our code; any proposed amendment should be coordinated with the recommendations of the Housing and Aging Task Force and the Housing Diversification Strategy.
- Microbreweries – are becoming more popular and are not addressed in our code. It would be good to define their use and identify the zone districts in which they would be permitted.
- Exterior Lighting Standards -- we have no measurable standards. It would be helpful to set measurable maximum levels.
- Sign Code – our code hasn't kept up with changes in the sign industry and sign technology – such as changeable copy, digital, and electronic signs. This will go through a fairly extensive public process.

Staff added that adoption of the National Electric Code will be coming to Council soon, and a new planner, hired from Kansas, will be arriving soon.

There was some discussion about allowing icon signs. Staff will look into that.

5. Staff Report(s)

Patrick Goff explained efforts that are being taken to shorten the review process for granting new Liquor Licenses. The CBI background checks are currently way behind and very slow in coming. Some options that will help speed up the process will be brought to the WR Liquor Authority this Thursday. Clerk Shaver had some comments.

6. Elected Officials' Report(s)

Bud Starker noted that on May 11 dumpsters will be available in District 1 for a clean-up day. Residents can bring trash. Also, the time for the June 7th District 1 meeting at Ye Olde Firehouse is 5:00 pm.

The Study Session adjourned to Executive Session at 9:10 pm.



Janelle Shaver, City Clerk