

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
City Council Chambers 7500 W. 29<sup>th</sup> Avenue

**July 15, 2013**

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

Absent: Kristi Davis, Tracey Langworthy

Also present: City Clerk, Janelle Shaver; Treasurer, Larry Schulz; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Police Chief Daniel Brennan; Administrative Services Director, Heather Geyer; other staff, members of the Animal Welfare and Control Commission, guests and interested citizens.

**PUBLIC COMMENT ON AGENDA ITEMS**

**Rhonda Champion** commented on the use of leghold traps in our Coyote Management Plan. Leghold traps have been outlawed in Colorado since 1996, but there is an exemption for coyotes. She is concerned about their use and unintended targets. Dogs that are normally well secured can become frightened during a storm, jump the fence, run frantically at large and become caught in the trap. Because the traps are only checked every 24 hours a stray pet or unintended wildlife might suffer from these painful traps. She suggested the City use another kind of trap – such as padded traps, traps with alarms, and traps that have wax coating with a sedative. These are a little more expensive to use but it would be well worth the investment, especially since their use is supposed to be an exception, not the rule. If the alarm was triggered, a designated person could check the trap and immediately euthanize the intended target or attend to an unintended target.

**Jesse Hill** does not support an increase in sales tax and addressed the language for the \$6,000,000 tax increase that Council will be proposing this November. He said it is not specific and recommended Council approve language that follows the SMART principle – that the need for this 33% increase be Specific, Measurable, Achievable, Relevant and Time bound. This will be a regressive tax, especially on our senior citizens.

1. Staff Report(s)

Chief Brennan addressed the Annie Meyer case. In working with Park County and both district attorneys it has been agreed by both districts to transfer the jurisdiction for this case to the 11<sup>th</sup> Judicial District. Wheat Ridge will remain involved though.

2. Lease Agreement with Jefferson County for Purpose of Managing Recreation Gold Panning ~ Joyce Manwaring

Background: There is an area of undeveloped land west of I-70 and Youngfield St. adjacent to Clear Creek that is within City boundaries, but owned by Jefferson County. It appears to be a continuation of open space, but it's actually land included in the master plan area for the Clear Creek development project.

Because the land is neither County nor City of Wheat Ridge open space, the gold panning activity that occurs in the creek is not managed. Without management, equipment larger than what is considered recreational, as well as motorized equipment is being used for dredging, and is causing damage to the creek bed and banks.

Recreational users of the site have been requesting for many years that rules be enforced in the area for recreational gold panning only. These rules would not allow motorized equipment and would limit the diameter of dredging hoses and locations for using the equipment, such as the banks of the creek.

Jefferson County Open Space *does* allow gold panning in open space areas such as Clear Creek Canyon west of Golden, but they don't manage this particular area as open space and therefore don't apply their gold panning rules to the area.

The City of Wheat Ridge does *not* allow gold panning in Clear Creek within the Wheat Ridge Greenbelt, but since the City doesn't own this property and it's not part of our open space, we have no authority to enforce our Park Rules and Regulations.

Jefferson County has proposed to lease the area to the City of Wheat Ridge for the purpose of managing and providing gold panning in the area. A lease will allow the City to create and enforce rules regarding motorized equipment, pipe sizes, and locations for dredging. The Parks Department can manage the gold panning and reduce the environmental impacts to the creek banks.

Mrs. Manwaring anticipates prohibiting motorized operations and a damaging technique called high-banking.

Council expressed approval of the lease. Staff will bring back a resolution.

3. Ordinance amending the Wheat Ridge Municipal Code concerning the Licensing of Dogs & Cats ~ Chief Brennan, Heather Geyer, and Heather Cameron Ex Dir of Foothills Animal Shelter.

In August, 2012 the City of Wheat Ridge entered into an Intergovernmental Agreement (IGA) for the operations at the Foothills Animal Shelter (FAS). Along with other cities in Jefferson County a methodology was created to fund the operations of the shelter with revenue from the county-wide dog licensing program. Under the terms of the IGA,



Jefferson County was to be the licensing body and each community was given a compliance rate based on population.

Due to work by the FAS Board, Jefferson County recently revised the IGA and shifted the administrative duties over to Foothills Animal Shelter. The County recommends that each participating agency remove all reference of "Jefferson County" as the administrator and replace it with "Licensing Administrator" in their ordinance. They also recommend adding a definition of "Licensing Administrator. Wheat Ridge will still issue licenses and take in funds, but those dollars will now go to FAS – not the County.

From Council questions it was determined that WR will still issue licenses. Staff also recommends the licensing requirement be changed from 6 months of age to 4 months.

Heather Geyer, who serves of the FAS Board, reported that FAS is very innovative and progressive working on ways to generate revenue. They've been at the new shelter for 3 years now and are on a real positive track on the changes they are making to the dog licensing program.

Heather Cameron, executive director of the shelter, reported the following:

- New licenses will be able to be obtained online.
- Licensed pets will be rewarded with a discount on impound fees.
- Funding is always a concern. 8,000 lost animals are processed each year, plus other services they provide such as spaying/neutering, court ordered holds for vicious dogs, rabies holds, protective custody holds -- it all costs money.
- The main goal of licensing is a quick return of pets to their owners.
- They will be working with PetData, a Texas company that operates a robust database where good Samaritans can check license numbers online and locate the owner.
- An education campaign done by Barnhart (pro bono) will be rolled out Aug 1 to encourage pet licensing.
- A licensing compliance rate of 20% is expected. WR currently has 22%.
- Tax dollars no longer support the shelter and licensing. It's funded by pet owners.

#### 4. Animal Welfare & Control Commission Discussion on Use of Meeting Facilitator ~ Division Chief Lorentz

When City Council met with members of the Animal Welfare and Control Commission (AWCC) on May 6 regarding the AWCC duties and responsibilities, Council agreed on the following goals:

1. The City Attorney and Police Department will work together to bring the Chapter of the Code of Laws related to animals up-to-date;
2. Police Department staff will work with the AWCC to clarify policy and the role of the AWCC;

3. The AWCC and Police Department staff will work on producing educational programs and fliers regarding animals and Code of Laws related to animals;
4. Police Department staff will provide more back-up information to the AWCC regarding kennel applications;
5. The Police Department will bring in a facilitator to work with the Department and AWCC on relationships and roles.

The Police Department identified three possible facilitators, ranging in cost from \$3,000 to \$5,000. On May 21 at a regular AWCC meeting the Police Department staff reviewed the five goals and provided information about the facilitators. Members of the AWCC felt a facilitator was an unnecessary expense for the City, and they believe they can accomplish the five goals with the help of Police Department and City Attorney's Office staff. The AWCC voted 7-0 to postpone use of a facilitator and to continue to work with the Police Department and City Attorney's Office, if that's acceptable to City Council.

On June 3, 2013, the AWCC met in a Special Session to review an application for an Exotic Animal Permit. The permit was recommended 7-0 by the Commission.

On July 1, 2013, the AWCC met in another Special Session to discuss amending Sections 4-1, 4-8, and 4-30 of the Wheat Ridge Municipal Code concerning licensing of dogs and cats. The Commission recommended that Council approve the ordinance changes 7-0.

The business of the Commission is continuing with regularly scheduled meetings and special sessions when required. Meetings have occurred without conflict, and necessary business has been accomplished appropriately. Staff requests guidance from Council on whether or not to proceed with hiring a facilitator.

There was little discussion. Councilmembers were agreeable to have the AWCC proceed without a facilitator. It was pointed out that Council should not step down from its responsibility to make sure the five goals are proceeding.

5. Jefferson County Regional Crime Laboratory-IGA ~ Chief Brennan, Commander Joe Cassa, and Division Chief Jeff Shrader from the Jefferson County Sheriff's Office

The Chief introduced Division Chief Shrader from the Sheriff's office who has been the lead in Jefferson County in terms of a regional crime lab and noted that WR Commander Cassa has been part of a core group of senior managers from local jurisdictions working with the Sheriff's office on this regional lab.

Chief Brennan gave an overview of why he thinks the regional lab would be a good thing for WR. We currently send forensic evidence to the state crime lab (CBI) for processing. Due to the volume of work a backlog is typical, resulting in significant delays in the analysis of DNA, firearms and other processing. He gave an example of a ball cap we sent to CBI for processing and by the time results were returned the statute



of limitations had almost run out. There wasn't time to prosecute the case. Council was briefed on this upcoming opportunity January 28, 2013.

Along with other law enforcement regionalization efforts it made sense to look at a regional crime lab to increase effectiveness and provide cost savings as well. When the Sheriff's Office began looking at expansion of its crime lab, law enforcement from Arvada, Golden, Lakewood and Wheat Ridge joined the County to collaborate on a regional lab that would improve service, especially in the areas of DNA, firearm and tools analysis, some blood work and latent fingerprint examination. Meetings were held; studies were conducted. The proposed IGA (approved by the County Commissioners in May) is a result of that process.

Staff believes it is important for the City to join this effort.

- There continues to be discussion at the CBI and the state legislature about charging of fees to process evidence. Those fees have yet to be determined.
- It is believed that a regional lab would be more effective and provide results sooner.
- Reducing the 'down' time waiting for forensic analysis will benefit the investigation of pattern crimes.
- The ability to file criminal charges in a timely manner strengthens the prosecution of criminal offenders in the criminal justice system -- which aids in the closure of cases for victims of crime.
- Funding will be accomplished by
  - Capital expansion by Jefferson County
  - Federal seizure dollars from West Metro Drug Task Force
  - Member agencies (We would use our seizure fund.)
  - Justice Assistance Grants (JAG grants)
- Initial services will include drug evaluation/chemistry, serology/DNA, and latent fingerprint examination, with firearms and tool mark evaluation in early 2015.

Commander Joe Cassa spoke of the time the Wheat Ridge staff has taken to do due diligence to provide good services for the citizens of WR. He highly endorses this IGA.

Chief Shrader said Jeffco has a full time crime lab, but they lack DNA, and tool or pry mark analysis. As they sought to expand their capabilities it seemed responsible to include other jurisdictions. The cost to increase the capabilities and make a regional lab basically adds 2 cubicles. This joint effort would use that facility. He noted the Jeffco Sheriff's Crime Lab is nationally accredited and is amongst the first in the state to be so.

Chief Schroeder said exact operational costs are hard to determine specifically as this facility will be conjoined to the sheriff's complex; utility costs will be managed by the County. Overall operational costs for the partners are estimated to be a shared \$250,000 annually (approx. \$31,000 for Wheat Ridge). ~ The lab will be opening in April of 2014.

At Council's direction staff has moved forward with a ballot initiative requesting a 1% increase to the City sales and use tax rate. This increase would generate approximately \$6 million dollars in additional revenue annually to fund general operating expenses and capital improvement projects.

Mr. Goff went through the timeline for getting a sales tax increase on the ballot.

August 2nd – Ballot language from the City Attorney's office due for packet

August 12th – Ordinance on 1st Reading

August 26th – Ordinance on 2nd Reading

September 6th – Ballot language due to County Clerk

After 2<sup>nd</sup> Reading campaigning will be restricted to Non-City sponsored activities only.

Mr. Dahl pointed out that because this ballot question is subject to TABOR requirements, most of the language in the draft is non-negotiable, but the bulleted points can be changed or deleted and Council can choose to be specific or general.

There was concern about including information gleaned from citizens at the Town Hall Meeting on July 29<sup>th</sup>. Mr. Goff noted that citizen input can be obtained at the Town Hall Meeting on July 29<sup>th</sup> and that Council could have its final discussion at the Aug 5 study session to fine tune the ballot language before 1<sup>st</sup> reading on August 12<sup>th</sup>.

A draft of the ballot language was discussed. There was lengthy discussion during which some councilmembers offered suggestions for wording of the bullet points that will explain to the voters how the money would be used.

Mr. Goff was satisfied he had enough direction from Council for the ballot language.

## 7. Elected Official Report(s)

**Joe DeMott** brought up the house adjacent to Randall Park. Council previously declined to pursue its purchase. There was some discussion. Four of the six councilmembers present favored seeing if it was still available for purchase. The August 5<sup>th</sup> Study Session was deemed soon enough to discuss it, and give staff enough time to gather information.

Mr. DeMott also brought up the Business District's desire to have more funding for the accessibility compliance grants. These grants have been popular and the Business District has crafted guidelines. The current line item is \$20,000 this year and he's proposing it be increased. There was brief discussion and Joe will gather some figures and report back.

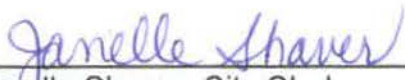
**Mike Stites** expressed serious concerns about code enforcement for weeds. He also made a point that businesses that are required to have landscaping and trees need to be replacing them if they die.



Regarding Randall Park, Clerk Shaver mentioned that construction equipment and piping is being stored in the southern parking lot at Randall Park so people can't park there and watch a ball game. ~ Regarding code enforcement, she said the house just south of the gas station at 38<sup>th</sup> & Wadsworth has a garage sale every Sunday. Mr. Goff will look into those issues.

**Clerk Shaver** reported she will be preparing some information for Council based on her 6 days of classes last week at the Clerk's Institute. ~ She would also like to send out to Council some information from CML about the possible licensing of recreational marijuana facilities in Wheat Ridge. It includes pertinent questions Council might want to be getting citizen input on before they decide whether to allow recreational sales within the City, and if so, what limits they would like to put in place.

The Study Session adjourned at 8:28 pm.

  
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Janelle Shaver, City Clerk

