

MINUTES OF THE WORK SESSION OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD NOVEMBER 13, 2012, IMMEDIATELY FOLLOWING THE SPECIAL MEETING HELD AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

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CALL TO ORDER AND ROLL CALL

Mayor Joens called the work session to order at 6:55 p.m.

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor  
Karen Pfeifer, Vice Mayor  
Jesse Dowling, Council Member  
Ruben Jauregui, Council Member  
Terence Pratt, Council Member  
Tim Elinski, Council Member  
Linda Norman, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager  
Steve Horton, City Attorney  
Matthew McLean, Deputy Clerk  
Jody Fanning, Police Chief  
Autumn Durnez, Code Enforcement

ITEMS FOR DISCUSSION, CONSIDERATION, AND POSSIBLE DIRECTION TO STAFF:

REQUEST TO REVISE TITLE 6, ANIMALS; CHAPTERS 6.04, GENERAL REQUIREMENTS; 6.08, IMPOUNDMENT; 6.12, DOGS; AND 6.16, BEES; OF THE MUNICIPAL CODE

Chief Fanning stated he is going to turn this over to Ms. Durnez who authored these changes.

Ms. Durnez stated she is bringing this back again with changes to Title 6. She asked the Council how they would like it done, as a rereading or going over the changes.

Mayor Joens stated going over the changes ought to work. She reminded the council they had discussed this during the last work session.

Ms. Durnez stated we did add some new definitions. They were adding a caregiver, the definition for domestic, a term ear tipping, a maintained colony, nuisance, and TNR program. Under Chapter 6.04, the General Requirements, we did add a section for trapping which allows homeowners to trap animals on their property. We also added 6.04.140, Cats, and 6.04.150, Cats - Trap Neuter Release program. In the second section, 6.04.020, Cruel Treatment Prohibited, we did revisit section D., the term dog or dogs, and we did change

that term to domestic animals to include but not limited to poultry and livestock. It still takes into account animals that can legally be poisoned such as rats, mice, and gophers. Under Section 6.04.060, Noisy Animals Prohibited, A., 4., they would still like to delete that section from this ordinance at this time.

Ms. Durnez continued stating Section 6.04.140 is for Cats and it states cats shall not be allowed to roam freely out of doors unless they have been spayed or neutered and have a rabies vaccination. Following the section for Cats is Section 6.04.150, TNR (Trap-Neuter-Return) Program. This was a section that was rapidly added at the request of the council. We would like to revisit this one more time. There are other areas that we have talked to and how they write their ordinances. She doesn't feel at this time that everyone is completely comfortable and would like to rewrite or revisit this one more time to make sure that it is what we are all comfortable with. This is an ordinance that is only for persons or organizations wishing to follow a TNR program for themselves. This is not a city orchestrated or city funded program. This is just opening guidelines allowing people or organizations to start their own.

Mayor Joens stated there is a section where it says it was not legal to feed feral animals.

Ms. Durnez stated this would be an exception to that, following the guidelines. This will still not be allowed on any property outside your own private property. You would be required under this chapter to obtain written permission from the property owner or business owner where you will be feeding.

Mayor Joens questioned if the Council does want to do a community wide program, what will happen with this ordinance.

Ms. Durnez stated she thinks that would have to be revisited.

Council Member Pratt stated he likes this particular Section 6.04.150, because it does allow for a TNR program and doesn't put the responsibility on the city, which he didn't think we are ready to do right now.

Mr. Bartosh stated staff talked about the TNR program with Gary from the Humane Society. The concept so far, and there is still some work that needs to be done, is that not just anyone is doing these kind of programs without the knowledge of the city. If the animal control officer runs across a cage or a caged animal they have some idea that it is part of a program.

Mayor Joens asked if they would administer it through the Humane Society and the city wouldn't.

Mr. Bartosh stated yes.

Mayor Joens questioned where it put people that are managing colonies and feeding them.

Mr. Bartosh stated it puts them in violation of the law. The idea is to do this in a controlled manner. The problem is people just throw food out there and it attracts other animals which creates larger colonies, and more problems that they hoped to help solve. We need some type of balance where people who are doing that are instructed don't do that and do it the right way, versus having a bonafide program.

Mayor Joens stated if we would have done the TNR program four or five years ago, we probably wouldn't be having the kind of problem that we are having now. She questioned how does this program put us into the place we want to be where these animals are spayed and neutered and we move on from this problem as Jerome has done.

Mr. Bartosh stated it is just this ordinance. Obviously Marianne has a lot of interest in this and she was working with Gary from the Humane Society and developing other volunteers to help out with this program. Another piece of this is the whole spay and neuter program, which Marianne has been doing a lot of work with. There is still some work that needs to be done on setting that program up. But the other piece of this that we probably need to come back and talk about so we don't create that continuing contribution to our feral cat problem, is to look at a mandatory spay-neuter program, so that people recognize they have that responsibility when they get a cat or dog.

Mayor Joens stated she liked hearing that we are moving toward that end and thinking along those lines.

Mr. Bartosh stated this is just the first step to solidifying what our animal ordinance says and getting people educated.

Council Member Jauregui stated you are always going to have people throwing feed out for these animals whether you have an ordinance or not; that is still going to happen. Most people who are concerned about these animals are conscious enough to put out the food and pick it up afterwards because they understand there are other animals that come for the food. He himself had a skunk trying to get into his house to get to the cat food. What we are trying to do is be as humane as possible to these animals. He was not denying that this may need some work here, but without starting somewhere we are not going to get anywhere. He knew there is resistance coming against this program, but we have got to get started somewhere.

Mayor Joens agreed.

Ms. Durnez continued with Chapter 6.08, Impoundment, and stated we made no changes to this chapter. Chapter 6.11, Licensing, Vaccinations and Rabies—there were no changes. Chapter 6.12, Dogs, the same recommendation with 6.12.020 creating a noise distribution prohibited, and again the deletion of section A. number 4. That is the conclusion of the rewrite at this point.

Mayor Joens thanked Ms. Durnez for her work on that.

Council Member Pratt stated he appreciates all her work and his recommendation is to go forward with it and bring it back as an official ordinance.

Mayor Joens asked if there was anyone else in the public that would like speak on this item.

Marianne Jiménez stated the council also asked for information on what the Town of Jerome was doing, and indicated there were representatives from the Town of Jerome and the Jerome Humane Society here that could answer questions for the council.

Mayor Joens stated she would like to hear about the program and asked if it has been about 20 years since they have been working on this issue, because they have heard about this for many years.

Mary Wills, from Jerome Humane Society, addressed the council and stated Sally Dryer is also here who is the anesthesiologist and maintains our x-ray machine, and Marge Mitchell who is the president and does everything. They started in Jerome about 20 years ago. They had a huge feline leukemia problem and a lot of stray cats, so they banded together and formed a humane society. The first three years they spayed and neutered 300 cats and tested them for feline leukemia. At that time they did it all in her apartment which was approved by the veterinary board. They had a veterinarian that came from Phoenix and now has been coming here almost 20 years. This program took a very, very longtime. Some of these animals they had up until about five years ago. Some animals took two or three years to trap. It is a very labor intensive program and it certainly makes sense and we have no uncared for animals in Jerome, cats or dogs, regardless of people's ability to pay for it. They have been very, very successful in fund raising and they have done a lot of outreach in Clarkdale and Cottonwood where there seems to quite a few of what they call collectors--people who feed animals, but don't spay or neuter them. They are more than happy to help Marianne and other groups.

Mayor Joens thanked her for that offer.

Council Member Elinski asked about Morningstarr.

Ms. Wills stated they were not connected to them at all. It is a new low cost spay and neuter clinic, which she thought they have been working with Gary as well.

Council Member Elinski stated it just seemed to be a big hurdle.

Mayor Joens asked Ms. Jiménez about Morningstarr.

Ms. Jiménez stated following the last work session on October 9 when they discussed this and she brought up some concerns, she met with Fran Freedman from Morningstarr and visited the clinic there. They are going to be ready to start December 3 with their first spay-neuter clinic and they are going to offer neutering for \$35 and spaying for \$55 for cats. Fran is willing to work with her and the city in maybe providing a lower cost for feral colonies.

Fran is also willing to help write grants for the city for feral cat spaying and neutering, so she is very supportive of this. Ms. Jiménez also stated she spoke with the animal control officer in Camp Verde. They are starting a TNR program in Camp Verde and they just had received a feral cat spay-neuter grant. In Camp Verde, the animal control officers loan out the traps with a \$50 dollar deposit to people who want to trap the feral colonies and get them spayed and neutered. She hoped they could, with some help from the council, purchase some traps, and offered to spearhead this program. She indicated Gary from the shelter has been very gracious in offering to assist with this, and she hopes to work with the community.

Mayor Joens asked if Gary or Kyla would like to speak.

Gary DeGeromino, Executive Director of the Adopt for Life Center for Animals, stated he was here in support of Marianne to help her with this program. They obviously would want to be involved with helping out with the problem with feral animals. It is more than a TNR program. As Mary from Jerome said, it is a long-term process. It is actually TNRM, which is trap-neuter-release and monitor. It takes several years to see progress, but we must start somewhere and this would be a great place to start. Marianne is doing a lot work, and with the help of Jerome and their wisdom of having done it before we feel that we could make this work and see some progress in the feral cat population in the city, which they see at the shelter as a major problem.

Mayor Joens stated it kind of sounds like this ordinance is a win-win. She questioned if this would be brought back to another work session.

Ms. Durnez stated if possible she would like to bring it to another meeting.

Mr. Horton stated at that point he has been waiting for the substantive discussions to play themselves out, but then we will do legislative work to make sure that the content here fits in with the way the city writes its codes.

Mayor Joens asked Mr. Horton if he has already looked at this, and Mr. Horton stated yes.

Chief Fanning stated the only change they are looking at is to reduce some of the possible liabilities the city could incur if we were to run the TNR program. We are trying to make it to where it's not the city's program, because if we take the program on we assume the liabilities. The way it is currently written we have a little bit too much oversight which could be portrayed as our program, so we are trying to remove that liability.

Council Member Jauregui asked if the city has a liability with the feral cats running around now.

Chief Fanning stated Mr. Horton could answer that much better. Right now we pretty much have liability to everything that happens in the city because we are the city.

Mayor Joens stated in Jerome that is really not a Town of Jerome function; it's private volunteers. Jerome Humane Society is non-profit so it works the same way there as what he is suggesting.

Chief Fanning stated that is what they are suggesting, that we take it off of the city running it and allow for Marianne and somebody else to run it.

Ms. Wills stated animal control doesn't do anything about cats. Animal control is primarily involved with dogs. It's great that the city get a program and they would love to help, but the city needs some type of funding. It's one thing not to have a responsibility, but they are going to need some funding for this program and they are going to need lots of support from lots of people. Aside from not just not wanting to have any liability, the city needs to look at how to make this happen and it will take some money.

Mayor Joens stated she thinks there might be opportunities to do some grant writing for this on behalf of the Verde Valley Humane Society and the council could determine that they want to donate some funding for the program.

Mr. Bartosh stated just to clarify the liability issue, the real concern was, and it was actually Gary who brought this up, that you have a lot of volunteers that makes this program work and if a volunteer gets scratched or hurt the city could be seen as being responsible. As we bring the TNR program back to the Council, and he and Marianne have had a lot discussion about potential funding, they will come back with some recommendations.

Kyla Allen, Board President of the Adopt for Life Center for Animals, stated she has written two grants. One is spaying and neutering for owned cats, and the other one is for Trap-Neuter-Release of animals, but we won't know until January.

Mayor Joens stated she thinks the direction that we are being asked to give is to bring it back to a regular meeting and have it all cleaned up and ready to go. The public will have an opportunity to comment again.

#### ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Council Member Jauregui, and carried unanimously. The work session adjourned at 7:25 pm.

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Diane Joens, Mayor