

**CITY OF ROSLYN  
CITY COUNCIL MEETING**

**April 12, 2011 – 7:00 P.M.**

Roslyn Council Chambers, 109 S. 1<sup>st</sup>, Roslyn, Washington

**CALL TO ORDER, ROLL CALL, FLAG SALUTE, AGENDA UPDATE: 7:00pm**

Mayor Pro-Tem Cooke called the meeting to order at 7:00pm, led the flag salute and asked the Clerk – Treasurer to call roll.

**PRESENT:** Mayor Pro-Tem Cordy Cooke, Councilmember James Begley (7:01pm), Councilmember Laura Osiadacz, Councilmember Geoff Scherer, Councilmember Andy Januszkiewicz, and Councilmember Bethany Spurrier

**ABSENT:** Mayor Porter and Councilmember Gruber

**MOTION:** Councilmember Spurrier **MOVED** to excuse the absentees. Councilmember Scherer **SECONDED** the motion. The motion **PASSED 5-0**

**STAFF:** George Martinez, City Administrator; Amber Shallow, Clerk – Treasurer; Mitch Long, RUF CAC Staff Liaison

**CONSENT AGENDA:**

- 1.) Accounts Payable Checks #10781 - #10813, in the amount of \$111,565.59 and Manual Check #10780 in the amount of \$2,373.04
- 2.) Payroll Checks of March 15, 2011 #7347 - #7370, in the amount of \$22,495.88
- 3.) Minutes: City Council Work Study Minutes of March 22, 2011 and Regular City Council Meeting of March 22, 2011

Mayor Pro-Tem Cooke read the consent agenda.

**MOTION:** Councilmember Scherer **MOVED** to approve the consent agenda. Councilmember Spurrier **SECONDED** the motion. The motion was **APPROVED 6-0.**

**CITIZEN'S COMMENTS: (non-agenda items)**

Karen Flowers, Roslyn – Ms. Flowers asked about layoffs and if it will be on the agenda for the coming year. Mayor Pro-Tem Cooke stated that Mr. Martinez will be leaving sometime in June and staff has two weeks of unpaid furlough this year. Ms. Flowers replied that Mayor Porter had said the Mr. Martinez would be gone after April. Mayor Pro-Tem Cooke replied back that Mayor Porter is in Texas for an unplanned family situation and Mr. Martinez has agreed to stay on while she is gone.

**ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:**

- 4.) **AB11-025** Kittitas County Public Works Department Presentation – Proposed County Road Standards Updates

Christina Wollman from the Kittitas County Public Works Department was present to inform everyone about two public meetings that the department of public works is

hosting next week. The County Public Works Department is updating the County road standards to reflect the new road design and construction requirements. The proposed updates will ensure that their standards will comply with Federal, State, and County requirements and standards. Before the department takes the proposed standards further they are giving the community an opportunity to learn more about the updates and to comment on them. There will be two meetings next weeks, Tuesday at the Cle Elum Centennial Center and Wednesday at the Hal Holmes Center in Ellensburg. At the meetings there will be a panel made up of the Public Works Director, the County Engineer, Ms. Wollman, and a few others who will be there to answer questions.

Ms. Wollman stated that she was present tonight to invite the Council and their constituents to attend the meetings and to get the information out about the meetings. There is also information available on the Kittitas County Public Works website.

Mayor Pro-Tem Cooke asked Ms. Wollman what time the meetings were being held and she replied from 6pm until 8pm on both nights. Mayor Pro-Tem Cooke then thanked Ms. Wollman and stated that he appreciates the invite.

5.) **AB11-026** Appointment of Roslyn Urban Forest Citizen's Advisory Committee Member – Mr. Jeremiah Gardner

Mayor Pro-Tem Cooke read the agenda bill stating that he and Mitch Long, the RUF CAC Staff Liaison interviewed the applicant, Mr. Jeremiah Gardner to fill one of the vacancies on the CAC. They suggested Mayor Porter appoint Mr. Jeremiah Gardner and she agreed.

**MOTION: Councilmember Scherer MOVED to confirm Mayor Porter's appointment of Mr. Jeremiah Gardner to the Roslyn Urban Forest Citizen's Advisory Committee. Councilmember Spurrier SECONDED the motion. The motion was APPROVED 6-0**

Mr. Long added that after this appointment there is still one vacancy on the Committee.

**INTRODUCTION:**

6.) **AB11-027** Ordinance Amending the Animal Code

**MOTION: Councilmember Scherer MOVED to approve the Ordinance as a FIRST reading and to send it back to the Public Health and Safety Committee and the Roslyn Urban Forest Citizen's Advisory Committee for review. Councilmember Begley SECONDED the motion. The motion was APPROVED 6-0**

Mayor Pro-Tem Cooke noted that the Council received a couple of letters and would read those at the appropriate time, then introduced Ron Snyder, the animal control officer & Police Chief Scott Ferguson.

Mitch Long, Roslyn – I myself am the owner of two dogs and I love the fact that I can have dogs and live in a place like this where I can get out and go on trail basically out my back door with my dogs and have that enjoyable experience. I do support this ordinance because I think that there is a nuisance problem with dogs in our community, I myself have built a fence but I still have dogs that like to enter into my shed and urinate on my things because I have dogs. Also, as a publicworks employee I see the effects of dogs everywhere going to the bathroom on other people's yards, I think it's a big problem that our community has of people letting their dogs out of their house in the morning and bringing them in at night and that in my mind is not a responsible dog owner. I think we need to find a reasonable way to curtail this problem. I have voice control of my dog and I also have leash control but I will not walk my dog through certain parts of this town because there are just too many other dogs that interfere with my walk, so I do support this and your process here, thank you.

Neal Lockett, Roslyn – I support most of what's in this ordinance but there are a couple of things I take exception to. One is portions of an animal ordinance that might be difficult to enforce and that would be the one of having cats on a leash. I just don't see that as being particularly enforceable and I don't see it as being particularly necessary and at the same time the cats that I see in my neighborhood I know are doing a good job for me because they are also keeping the rodent control down, I know this because I see all the little dead animals that they bring in and if we didn't have cats roaming a bit then we would have probably a bigger problem with mice in the area. So I think that might be a little hard to enforce. Secondly, I think there needs to be an expansion of 6.05.06 D, excessive noise by dogs and fowl prohibited because it doesn't give enough criteria of what would constitute fowl or dogs that are making enough vocalization to a point where it's a nuisance. I happen to believe that part of my anti-theft control in my yard might be my dogs either making me aware of the fact that somebody's around or making somebody else aware of the fact that they're in my yard. I probably have one of the only yards where I could keep my animals contained within the present language of this ordinance but I think there needs to be more of an expansion of what constitutes noise. I know when there is a dog that seems to be a nuisance to me but whether or not that would constitute a nuisance to the community or not I'm not exactly sure. I also know that there are some animals that are able to get out of their yards and do damage to neighbors' property and that is certainly something we want to protect the community from but I really think the ordinance by and large is a little bit overreaching. I've lived here for quite a number of years now and one of the reasons why I settled here in Roslyn was the fact that at that time it had more of a rural flavor to it and I have seen an erosion of what I felt was the rural flavor. There used to be a time during the summer times when I could have my door open in my house and I might have seven to ten different dogs of my neighbors come to my house and lay down on the dog beds and commune with my animals and so on and that is something I really liked about it. But since the time that we've been asked to keep our animals more confined I've had to build fences all around my property which I believe breaks the sight lines to what could possibly be a historical district and I think that takes away from some of the flavor and some of the reasons why we might have people come from other communities to see our neighborhood because once you have everything behind fences then that breaks all the sight lines and also when you combine this with an ordinance that now outlaws chain-link fences where you had the biggest sight lines and you had a fence that was capable of withstanding the elements we have around here I think that really takes away from what I thought I was moving into and that was a

by and large a rural community where animals were relatively free to roam. I never had a nuisance problem with dogs in my yard because I welcomed them in there and I think that all too often we put together ordinances like this for a small group of people that are sometimes referred to as squeaky wheels and then we kind of go overboard in trying to pacify them as opposed to allowing our community to be a good place for animals, for people, and for children, and it just seems like all three of those are becoming damaged the more that these ordinances are put into effect.

Millie Radonovich, Roslyn – I don't see any reason why to criminalize the two laws, all the dog laws have criminal offense to it, but a dog at large is not hurting anybody or causing damage and it will happen once in a while when you have your dog for thirteen years it can still be at large and you can still have a fine so I don't see the need for that to be changed to a criminal offense. Secondly, the noise ordinance - there is no criminal offense to the noise ordinance, I think it's inconsistent. Also, somebody suggested there was to be a command law added like Mercer Island has a command law if your dog's right there and you can see that he is obviously walking right by you, can you make a command law of some kind, and I think it should be criminal for somebody abusing an animal. Just because Cle Elum has their laws a certain way; we can have ours a certain way. Quite a few years ago there were two little girls with 8-10 dogs around them and they had a bag of treats and I thought how cute but secondly you know no one is going to mess with those little girls they are very well protected, our dogs do protect our town and our property so I guess I'm just saying leave the dogs at large as a civil offense.

Pam Novitsky, Roslyn – I have a concern about if this adequately addresses, and it doesn't, people leaving their dogs chained continuously in a confined area. I think that right now I believe it's allowed. Had a very troublesome incident, dog had adequate food & water but was never off its chain and lived in its own filth, it had no way to exercise at all. I don't know that with cruelty laws that is prohibited. We have an instance now where playing with your dog and throwing a ball is illegal but chaining your dog 24 hours a day to a tree is not. That is something that I think that we should find a way to adequately address. There is a difference between a dog having a run that it's tied to and having adequate length in a yard where it's confined but with no fence available and still having the dog out; there's a difference between that and having a dog that's just tied to a tree. So I think that we need to research that and decide what we would be comfortable with allowing and where it crosses into not being acceptable. The example I saw was across the street where the dog was not spayed and was attacked by male dogs with no way to escape, and it was a very difficult situation to watch month after month so I really urge us to develop language against that. Secondly I do have a fenced yard and from about December to about two weeks ago my dogs would walk over that fence so I ask that you look at the historic rules about fencing a yard see if there is a way to adequately address letting the dog being in your backyard with a fence at a height that in the winter they don't walk right over the fences. I think everybody who reads about the cats on a leash giggles and smiles, and so we all know that that is not feasible so don't write a law that we all know is impossible to enforce and nobody thinks is necessary, give the people who have to do enforcement a break, give the owners a break. If you wish to require a tag – I think it's much more likely to have people report how many animals they have and register their animal – have the cat registered but don't say that cats have to wear the tags. I guess my major points are really very closely address tying animals out, fence height, and the section for cats including tags.

Neal Lockett – I operate a business in unincorporated King County area and one of the things we do is pet licensing for the City of Seattle and King County. They have a small permanent tag that is renewed each year and is of better quality.

Chief Ferguson – this ordinance is not something we wrote, this is Roslyn’s ordinance and we’ve done very little with it. We certainly we have added a couple of things like the excessive noise of dogs and fowl. Primarily the problem with this code is the penalty structure, we didn’t think it was fair to the citizen’s of Roslyn; for example the first offense states not more than \$50. What does that mean? If I’m the officer that’s there am I going to write a ticket for less than another officer? Second offense is between \$50 and \$100, what does that mean – is that \$51 or \$99 and so on. Ideally when we looked at this we wanted to have it so it was fair as far as you would know what the penalty was. Another thing I want to add is that this is not an attempt to increase sales tax and it’s not a tax on the public it is an attempt to clarify. Another issue is why does it need to be criminalized, the first offense is \$50, the second offense is \$100, and we felt that if we don’t have the situation resolved on the third offense then maybe this needs to be stepped up and then it becomes criminal. The other slight modification we made was on cats – this isn’t something we are going to actively enforce however we have had an issue with cats and feral cats, we’ve had reports from people of cats digging up gardens and causing issues so we need to have a tool that will enable us to address those issues, this will give us that tool, but we will not be out chasing down cats.

Karen Flowers – I have dogs like most of us do and we seem to have lost sight of where we live. We live in the mountains, we live in a very historic community; we do not live in the City. Certainly we should have rules in place for aggressive, dangerous animals. I think the fees are excessive, personally I don’t feel great about how the City manages their money. I think it needs to be looked at more; let’s keep looking at this and make it so everyone can live here comfortably.

Chief Ferguson – we do have a responsibility to the citizens of this community and the visitors; people do get hurt/bitten. We had an incident where visitors were attacked and bitten by a dog; we have a responsibility to protect people. There are a lot of good dogs and a lot of good dog owners, but they aren’t all good.

Ms. Radonovich – that law is already covered, a biting dog or dangerous dog is a criminal offense. When the snow is too high and the dog might go to a neighbor’s house for a treat or something shouldn’t be criminal. Also, I do advocate if your dog goes to the bathroom in your neighbor’s yard go pick it up.

Ms. Karen Flowers – dogs are not the only dangerous animal, have any of you walked on the Coal Mines Trail and noticed fresh bear poop. I mean fresh – that means they aren’t that far away. We have cougar, bear around here – I’m not saying we shouldn’t address dangerous animals but we need to, we need to really look at this.

Councilmember Spurrier – I don’t think we can control bears or cougar issues as much as we can control our own dogs. I have two dogs and one is aggressive and always on a leash. Millie’s dog runs through my lot every day, “I love your dog it’s a sweet dog.” Ms. Flowers’ dogs have run up to my dogs and caused a scuffle, if I didn’t know the dogs or was a tourist I would have been terrified. That is the issue we are dealing with, people

letting their dogs run loose and having the person that is not comfortable with dogs feel threatened and that becomes an issue for the City so that's what we are looking at, keeping our dogs under control – leashed.

Ms. Karen Flowers – I'm talking about reasonable, I'm not saying do nothing, look at voice command and a place for dogs to play; Councilmember Spurrier responded that we are looking at that, a place for a dog park and that is part of why we are allowing dogs in the Urban Forest.

Councilmember Begley – that is why we are doing this to get feedback from community, we are trying to get a reasonable solution to this issue.

Pam Novitsky – what about neighbors who are willing to allow the dogs go from yard to yard, what if my neighbor allows my dog go from my yard across the neighbors yards to throw the ball? Can we look at something that would allow that?

Chief Ferguson – I don't think Officer Snyder is looking for that, he's looking for dogs in the right of way. Officer Snyder said unless I get a complaint from someone about a dog in their yard I'm not going after them. If they don't cross the public sidewalk or road I'm not going to chase them down.

Mr. Lockett – you can't always go on somebody's word because we had a situation where someone was mad at us and complained that our dog was out on Memorial Way but it wasn't our dog.

Officer Snyder stated that there is a big difference between public and private property and these laws apply to public property. Chief Ferguson clarified “unless there is a bite or aggressive dog.”

Councilmember Januskiewicz – as I read 6.05.020 it does say that the dog or cat needs to remain on the owner's premise, so Ms. Novitsky's point is well taken. According to this ordinance that if it's off your property on other private property it would be considered at large. One of the things that struck me when I was reading this was when it was talking about the Urban Forest being an off leash area for dogs, it occurred to me that one of the consequences of that would be that there would be more dogs in the Urban Forest. That, if that is the only place where a dog can be off leash and be exercised off leash there is going to be a higher impact because of that, but that is the only place you can go, so where do you go – you're a law abiding citizen that's where you go. I think that might not have been the intent of that language or was an undetermined consequence of that language; so I just wanted to bring up those two things at this time.

Ms. Karen Flowers – I don't think it was a unanimous decision of the Committee to support that, Mayor Pro-Tem Cooke replied that it was 4-1 vote.

Councilmember Spurrier – wouldn't it take a lot of dogs to significantly damage flora and fauna. Councilmember Begley replied that there are some areas that are more sensitive than others and we don't necessarily know where those are, but I don't think there would be a big negative impact. I don't think we will see a large increase of dogs that aren't already there. Councilmember Spurrier responded that she agreed and didn't think there

would be many people with their dogs up there just because there are bear and cougar up there.

Councilmember Begley – you can walk your dog on the Coal Mines Trail outside the City limits.

Jon Wagenknecht, Roslyn – I'm currently not a dog owner but I seem to be a surrogate for about every other dog in town. I have concerns with discretionary application. I fully agree with dogs at large, but if I'm walking my dog a block and a half up the street to the Urban Forest off leash to me that is not a crime because I have him under voice command going up there. Also, people throwing a ball in the street in front of their house letting their dog get some exercise or throwing a ball in the park; that to me should not be a citable offense if the dog is with a responsible owner it just seems like you're trying to make money off this responsible dog owner because they have their dog off leash versus a dog who is going crazy all over the place. I think you need to have some discretionary application.

Councilmember Spurrier – is there a way the animal control officer can verify the owner's control of their animal. In a situation like Mr. Wagenknecht is talking about, someone throwing a ball for their dog, they are off the leash, it is technically off leash – is there way that we can verify that the owner is in control and then it's not an issue. You're throwing the ball for your dog I see that the dog comes to you you're exhibiting voice control which is what a lot of people in this town do want, it's to me not feasible because there are a lot of dogs that aren't going to work with that but like Jon is saying, throwing a ball, is there a way we can verify the owner is in control.

Chief Ferguson – I would argue that allowing a dog to run at large in the park is where we are most vulnerable, that's where our kids are playing baseball.

Councilmember Spurrier – I'm not necessarily thinking about the park because I think dogs in the park means dog poop in the park, that's what I see. I'm just saying I've seen owners throwing their ball down the street for the dog, the dog's responding so I'm just wondering. People do have control over their dogs and I would like to see a little leeway for dog owners because there are people out there that are responsible.

Chief Ferguson - I see what you are saying but I think it's a slippery slope, I think it's selective enforcement for certain people; if that is the direction Council wants to go as far as voice command then at least be all or nothing. Dogs not permitted at large or consider voice, but the whole selective enforcement is a slippery slope.

Mr. Lockett – I would think that we have hired an officer who needs to use his eyes and common sense and have an understanding of what the ordinance intent was and be able to apply it fairly, you can't ask much more for that.

Councilmember Spurrier – I would consider an investigate of a scenario and have him come to a conclusion that this is an innocent situation between a dog owner and his dog throwing a ball, I just think there are a lot of people who just want to be able to enjoy their dogs and I have a hard time trying to find a fair level for everybody.

Mr. Wagenknecht – when my dog was alive she would insist on laying 20' outside the door, yeah she was at large laying alongside the road, that's an offense – not everybody's yards are fenced – my next door neighbor's dog would do the same and doesn't move all day long and you've already talked to her about it and tried to write her a ticket about that and this dog is not causing a problem for anybody it's just laying in the road and I think it's ridiculous to ticket her.

Chief Ferguson – last Friday on Horvatt Road a dog was twenty feet off from his property, the neighbor dog was twenty feet off of his property, the larger dog came over and grabbed the smaller dog punctured the dogs neck they thought he was shot and the dog almost died, these dogs were only twenty feet off the property sitting sunning themselves.

Councilmember Osiadacz – I have a couple of things to say about this, and a couple of different species or pets that are involved. We are talking mostly about dogs right now; I do think there is definitely a problem with dogs at large in this town. I finally because the memory on my camera was so full, took out all the pictures of the confetti of garbage sprawled out through my yard no matter how many bungee cords or different things we did to try and keep the dogs away from our garbage, they still found their way in there. It's not fair for owners such as me to go in there week after week after week, especially I have a two year old baby do you want to pick up a soggy wet diaper that's been in your yard for a week. That's not a pleasant experience and that's something I've had to do many times. There is definitely a problem; there is definitely something that needs to be done. I've seen one of these responsible owners on leash command walk down the alley behind my house, stand there and watch their dog poop in my yard and walk off I had to say to her, "excuse me, do you see what your animal is doing?" She didn't have a doggie bag with her, she said she was going to come back and pick it up but if I hadn't said something because I saw her out my back window it probably wouldn't have happened. There are responsible owners with voice command but still they are causing a nuisance. I do understand, I grew up with dogs, I love dogs but I think there needs to be some sense of control within our town. It's out of control, since we've had our officer I've seen an improvement as far as the number of dogs running around but it's definitely not something that I would consider perfect because I see the same dogs that were in my backyard before still coming in my backyard. They don't have a tag and I don't even know if I want to approach them because I don't know if they are going to bite me because I don't know anything about that dog. If we need to do something different with height restraints on fences, or whatever the solution is there needs to be something different than what is currently in place. As far as, the cat situation – this is completely ridiculous what I read in here I do not see how, what kind of fence is somebody going to build that a cat can't climb, there isn't going to be a fence; cat's climb the telephone poles so to write a law that almost everybody is going to break – it's ridiculous to write that law, so I completely do not agree with that law. Maybe there needs to be something written differently to acknowledge owners that are irresponsible with their cats but I don't think the way it's written is the way that I want to see this move forward. If you were to post this in the Seattle times and say this is what the City of Roslyn passed it would be a joke. To me that is completely ridiculous and we might as well start going after the skunks.

Cori Stutz, Roslyn – I have a dog that is a complete knuckle head, he is almost deaf and leaves our yard every morning and goes down the alley because he is fed by the man that lives down there and he enjoys feeding and visiting with my dog. The person that I rent the home from will not pay to completely fence in the yard. I have a young daughter and it's hard to get out of the house to exercise the dog. In our neighborhood dogs roam freely and it is welcome. No disrespect to the officer but when he did come to our yard the other day he had treats and I don't think that is necessarily a good thing. Officer Snyder stated that he did ask for permission and it got the dog to come back home.

Mayor Pro-Tem Cooke read a letter submitted by Ms. Ellie Belew of Roslyn. The following are a few of the suggestions Ms. Belew had: asked for more accountability than the draft ordinance requires, suggested language that would limit dog activity in specific areas, even portions of the Urban Forest, increased penalties for a dog not being immunized.

Mr. Lockett – I live on Fifth Street and I can tell you that most of that letter is not true. There are two gentle dogs that live up by that person and that letter is a mischaracterization of what happens on Fifth Street.

Councilmember Spurrier – in defense to that I run right past Ellie's house where she's talking about, all those dogs run out to me with my dogs on a leash as I'm running and they all run and involve themselves with my dogs. The dogs have never bitten my dogs but they are very investigative every time, there are three or four dogs that do this every time.

Ms. Radonovich – there are penalties for that and it doesn't need to be criminalized. People are more able to afford fifty – hundred dollars but I'll be darned if they can afford a thousand dollars and going to criminal court with a poacher there and another guy that's poured gasoline on his girlfriend there so I'm just saying again, for dangerous dogs it is a criminal offense but the rest doesn't need to be.

Ms. Novitzky – there are a lot of things to be thrown out. It appears that originally this was intended to look mainly at the fines, but it is becoming apparent that as the ordinance is written it is not receiving unanimous support. So as it is reviewed I encourage you to look at your dog now and what kind of freedom it receives. There are ways to ensure that a day in the life of a dog in Roslyn is better than a dog in Seattle. Aggressive/biting dogs aren't what we are talking about – we are talking about the friendly neighborhood dogs.

Mr. Long – I very much would like to say that yes this is a rural community but it is still a City and we do have streets and a highway that run through town. I know that having dogs being able to roam is something that is part of the culture here but I would say that is not treating your animal correctly and bordering on abuse, because your dog could get hit by a vehicle and there is also the danger of the people in that vehicle swerving to miss that animal. That to me is a big issue, so I think we need to take some time to think about those things because it isn't fair to the dog to be able to wander wherever it wants and get hit by a car or stolen. It's also not fair to the people driving, trying to be safe.

Mr. Lockett – I've only been into Marko's about three times in all the years that I've lived here but in the times that I've been there always there have been dogs in there lying

around, sometimes they have peanuts that the dogs eat too. Under this ordinance I believe that when they had their doors open and sometimes the dogs were lying out on the sidewalk it would criminalize all those dogs. I think that it pretty important to reflect on because I thought that was kind of neat.

Councilmember Spurrier – I don't know I think that has to do with who owns Marko's and if they allow dogs in there.

Mr. Locket – the City owns the sidewalks.

Councilmember Osiadacz – how this is written, it says if it is not on your premises so Marko's belongs to a private person.

Mr. Long – if someone is in Marko's and they are letting their dog hang out in the sidewalk they aren't paying enough attention they could walk out onto the highway possibly causing an accident and hurting a dog. One of things being a Marko's patron who brings my dog there and if the doors are open I pay attention to what my dog is doing and that is my responsibility.

Councilmember Begley – I have seen dogs bolt out of that door and across the highway many times.

Lindsay Flowers, Roslyn – I think that everyone is kind of on the same page that there is something wrong in this town with dogs running wild. I think that voice command is a good option, the dogs that are running around getting into garbage don't have the owners with them, and they are out running wild unsupervised. Walk to post office with my dog and go inside to get mail while dog stays outside would be okay. That is something that I have always enjoyed but I also understand that some dogs do need to be leashed. I know there is a huge problem with wild dogs in this community and I think we need to try to figure out how to fix that.

Lori Clemente, Cle Elum – I have been running ARRF four years and seen the dog issue in Roslyn; before animal control was here I was the one that people called. I've had to help with dogs that have been hit and there have been a few that needed to be brought to the hospital. You can have nice dogs on voice command but when dogs get in packs they tend to have a pack mentality and could attack, even a dog under voice control. People think that they have voice control over their dogs but you don't necessarily if they see something they can take off. I've seen the best trained dogs under voice command but when there is a pack of dogs around or they see something, a kid or another dog, they can wander off.

Mr. Lockett - as you shape this ordinance I hope you also take into consider the elderly or infirm who's only other family member is their pet, and they don't always have fences or adequate fences or they don't have the ability to exercise their pets as they deserve to be. It's their responsibility to take care of the animal but they can't always do that.

Councilmember Januskiewicz – one of the things that I brought tonight is some wordage about what voice command would sound like and also a segment about removing feces and having a penalty for it. I've heard several people talk about voice command

including Chief Ferguson about making it a possibility. I believe what Mr. Ferguson said was it either needs to be one or the other; it can't be halfway in between the two. Councilmember Januszkiewicz then read the language.

Mr. Wagenknecht asked where that was from and Councilmember Januszkiewicz says he believes that it is from Mercer Island's animal control ordinance.

Councilmember Begley – I like the sounds of that sort of language but I do see difficulty with enforcing it, being a dog owner myself I walk my dog with leash even though most of the time she could be under pseudo voice command but she would bolt if she sees something. We've heard it over and over here tonight and prior times that there are problems with dogs at large, and also a problem with removing feces, it is something that needs to be addressed.

Mr. Lockett – I generally take my dogs outside the city limits for any exercise they are going to get. I'll be rehabbing one that just had surgery yesterday so that will be a way I deal with it is by bringing them outside the City limits. I think that if you incorporate the language of voice command I still think it's important that any pet owner that's walking a pet like that should be required to have one leash for each animal that he's walking because sometimes even if they are on voice command I never take it for granted that my dog isn't going to want to run and play or do all the kinds of things like check the license plate of the other ones or be down the street. If you are walking your dog through the City of Roslyn, voice command doesn't quite make it because if you can't grab them by the collar and hold them you should have a leash to put on them if they are going to be approaching someone or something where you would like to restrict the activity of the animal.

Ms. Lindsay Flowers – the trail right outside my house, a lot of people are bagging their feces but leaving the bags. We have quite a few times picked up the bags and disposed of them at our house. If we are going to allow dogs in the forest then you should have some kind of trash can or something to hold the bags. Councilmember Spurrier stated that they do have receptacles with baggies and we are looking into that.

Chief Ferguson – voice command works until the second it doesn't work and there is always the potential that the dog will run off and hurt someone else or themselves.

Mr. Wagenknecht – I agree with Mr. Lockett about carrying a leash with you; also is there a way to fine people who scoop up the poop out of their yard and throw the poop in the alley or out in the road?

Mayor Pro-Tem Cooke had an anonymous letter, and stated that it is not appropriate you should put your name on anything that you bring to City Council, then read the letter which stated that they seen in the paper that Roslyn is raising animal fees to raise revenues and asked for stricter rules regarding animal abuse and requiring animal owners to provide shelter, food, water, and veterinarian care among other items.

Mayor Pro-Tem Cooke – this thought that this is a revenue raising thing, get that out of your head that's ridiculous, that is not the intent of this ordinance. It is not about revenue enhancement, it's about public safety and protecting dogs and dog cruelty. I'm in

complete concurrence with the adequate food, shelter, and animal cruelty and I think there is an attempt by the ordinance to address that issue and in a way that is new and more powerful than we have discussed before. We do offer lower license fees for altered animals, dogs and cats, that is already in place. Animal training class is intriguing idea but I'd rather have the officer on the street. In regards to puppy mills, is there a puppy mill in the City of Roslyn, Councilmember Spurrier stated she thought there was something in the code relating to that. Mayor Pro-Tem Cooke said he didn't recall that and asked Chief Ferguson if he seen anything relating to that.

Chief Ferguson – unless it's a state law I don't think there is anything in Roslyn's code.

Mr. Lockett – one final point this only addresses issues for the residents of Roslyn, however I can only speak to Memorial Way which is where I live, most of the mess that comes from dogs along there are from weekenders that come over to rent a rental in the community and walk their dogs up that way without a lease. I go up there an police it as far as the cemetery just to keep that avenue clean, this ordinance doesn't address what might happen to somebody who offends that doesn't live here and doesn't have something enacted for a posting of it so that people who do come to our community will be aware of what will be or has been enacted.

Councilmember Osiadacz – perhaps there is something we can write in the ordinance that pertains to rental properties and that if a owner wants to make their property a pet friendly property that they meet all the requirements for the property to really responsibly be pet friendly and that if you're wanting to rent your house in the City of Roslyn and allow pets that you create an environment that is friendly to pets but not rent it to pets and make it impossible for the occupant to actually be a responsible renter and citizen.

Ms. Lindsay Flowers – I've seen it at the park where people pull up in an RV and let their dog out to go to the bathroom and run.

Chris Fitch, Roslyn – I think you guys are addressing something that needs to be addressed, I'm a little unsure of the criminalization. I can envision getting to a point where I can let my dogs off leash in a certain area. I happen to own both sides of the City alley and I'm hoping that can be observed and I won't get in trouble for utilizing both properties as I toss a ball for my dog from one lot to the other. I do think the leash law is good idea, but I am leery about criminalization.

Councilmember Spurrier – I agree with Millie, making it a criminal offense turns it into an expensive ordeal.

Chief Ferguson – my comment to that is Mr. Snyder is a reasonable officer, when we talk about first or second offense, there will be a warning first so your first offense is really your second offense. If you get a speeding ticket and fail to pay the ticket the State of Washington is going to suspend your license that how they hold you accountable, whereas a civil dog infraction if you fail to pay that the worst that would happen is that you would go to collections and that process could take up to a year and so there really is no teeth in enforcing that. That's why we felt what is technically your fourth offense within a twelve month period should be criminal. If you've been contacted four times within twelve months you aren't getting it and we need something stronger to send the message. A comment on letter read regarding no shelter for dogs we pick up; there is a

facility that we use, not the best but warm covered and clean facility. We have identified a nicer building that we are moving forward on, it has some issues and our plan is to partnership with ARRF who has told us that once they have ownership of the building they will help make it better. The comment that no one knows where the shelter is; we have a responsibility to the dogs to protect them and ensure that someone doesn't break in and turn them loose or steal them.

Ms. Karen Flowers – there is some teeth that when people get sent to collections their credit is ruined so there is some teeth to that.

Ms. Radonovich – I agree being in collections is not fun.

Mr. Fitch – I'm with those two, collections is a serious event.

Councilmember Spurrier – I think it's one way to make it a little bit more pet friendly in Roslyn if it's not a criminal offense for something that was not a violent dog, for things like a dog at large, which we all know there are people in Roslyn that are going to let their dogs run at large far after this is all taken care the dogs are still going to run at large, they are happy dogs, they aren't going to be biting anybody those people that get fined again and again they are going to feel it in the wallet and they are going to change their behavior but making it a criminal offense makes it a harsh reality to have a pet in Roslyn for those lots of people who let their dogs out in the morning and the dogs run around for a little bit it's going to be an unfriendly town for dogs if we are going to make it a criminal offense.

Ms. Stutz– I agree, I have the quintessential dog at large, I did receive a citation for it and I did license my dog and it did hurt a little to pay the fine but I did, however to have an unfenced yard makes it hard to keep him close to home. Officer Snyder clarified that Ms. Stutz received a citation for an unlicensed dog not an at large fine.

Ms. Radonovich – thanked Ms. Clemente & ARRF for doing a great job; ARRF received round of applause.

Councilmember Osiadacz – I have one questions, so the animals that are at large that aren't licensed, how is that being taken care of? Are they being taken to the shelter at that point? Because to me, first of all it would be easiest to find someone who is at least somewhat following the rules; so if your animal is licensed and at large it is very easy to catch the owner, and if your animal is in your fence and licensed it's very easy to see who it belongs to. However, if you have a dog or cat that's running around without an owner, or in their yard, or licensed that seems like that's the biggest issue and I don't know how that is going to be handled.

Officer Snyder – what'll happen is I'll pick the dog up and ask around, the citizen's and public works crew help me ask around to find owner. There has been only one dog that we had for two weeks and were unable to locate owner and with ARRF's help it was adopted out.

Chief Ferguson – we really try to keep animals out of the shelter because it requires Ron to come in on his day off to ensure the facilities are clean and the dogs are fed on a daily basis so we really don't want dogs in there if we can avoid it.

Councilmember Osiadacz – asked if they will be collecting cats.

Officer Snyder – Honestly no but there needs to be a way for us to address the issue with cats if it arises.

Chief Ferguson – we can concede that language about a cat on a leash, but on the other hand I would ask Mitch how many cats he's picked up here that were hit on 903, Mitch replied that they've sterilized quite a few because they are tired of kittens.

Officer Snyder – the City of Seattle has language, cats require licensing and can't be at large but they don't have to be on a leash, but there are trespass laws and offered to provide a sample of language.

George Martinez, City Administrator – we would prefer you to take action on your first reading and give us direction as to where you want to see this ordinance go. The original intent of this was to deal with infractions and the civil or criminal issue. We realize that there is a lot more to do on this, as was pointed out most of this has been on the books for years and years as it is, but we've gotten a lot of feedback so now we'll go back and revamp the ordinance.

Councilmember Osiadacz – Do we have to say yes or no on this, I don't want to approve this as a first reading without some changes being made. I feel it can go on to the next reading but there needs to be some changes as well.

Councilmember Spurrier – I think there is a really valid argument about the criminal offense, I've had a lot of feedback from residents about it not being a very animal friendly town if you make it a criminal offense, so I want to look at that and see if we can somehow come to a compromise.

Councilmember Osiadacz – I would be interested in seeing the other language on cats, I understand there's an issue but the way it is written may not be the best language, because if you were to follow this to the law almost everybody in the town that owns a cat would be a criminal unless they were cruel to their animal and didn't let their cat outside, and then you'd be a criminal as well because you were being cruel to your animal by not letting them outside.

Mayor Pro-Tem Cooke – Correct me if I'm wrong, but passing this tonight does not preclude changing the ordinance later, passing it tonight just means we intend to do something in this area.

Councilmember Spurrier – We are just passing it as a reading.

Mr. Martinez – It allows it to go on for a final reading, you could completely change it and you could not pass it the second time and it has no effect.

Mayor Pro-Tem Cooke – If we pass it tonight it would go back to committee where it would be reviewed, that's what I would hope and then when the committee meets those of you that are passionate should be at that meeting.

Ms. Karen Flowers – I was wondering why you would pass it if you want to change it?

Council explained to Ms. Flowers that it was a procedural thing and this is how the Council works, they are not adopting the language, they are just accepting it as a first reading. If they didn't pass it then it would mean they aren't doing anything with these issues, they would be starting over from scratch which they are not doing, they are taking the input that the public has offered and that the Chief and Officer Snyder offered and working that together.

Councilmember Januszkiewicz – So we are giving no direction to City Staff to do any changes regarding the cats or the criminality?

Mr. Martinez – I would love your feedback as to what you want to do with this, the motion is separate just to approve it as a first reading, that is procedural but then please let us know where you want to go with this. Do you want it to come back at the next meeting, do you want it to go back to committee for further review, or do you want to make some changes and that's fine.

Councilmember Januszkiewicz – I would like to look at voice control in this ordinance.

Mr. Martinez – let me clarify that the first time this was looked at the Public Health and Safety Committee did consider voice control and it can go back to them again.

Mayor Pro-Tem Cooke – again that is the committee's recommendation, we make the decisions here at this table.

Councilmember Spurrier – it's unfortunate because people have great dogs that can have voice control over their dogs but it is not the general public that has complete control over their dog, now if we give voice control to every dog owner in Roslyn what's going to happen is everybody is going to let their dogs do exactly what they've been doing and there isn't going to be any changes. I know this because I am a dog owner, I know what it's like to let your dogs off the leash – it's great – I don't because my dogs are stupid and would get in fights, the voice control would only work for a few people. I think if you have a choice of letting your dog off the leash you're going to do it because your dog is happier off the leash but that could make you an irresponsible pet owner, but if there is a law that says you can have voice control then everybody will try it.

Mr. Lockett – It doesn't seem to be this imperative that you necessarily take any action on this as there is an existing ordinance in effect at this time. Until such time as you can have enough discussion to talk about things such as the Roslyn Urban Forest and what you want to allow there and voice commands and things like maybe having people have a leash along. Then it would give you time to further consider this issue and refine it before you start taking action.

Ms. Karen Flowers – Maybe consider parameters and ways it could work.

Councilmember Begley suggested sending this back to the committee for further review of the feces law, off leash and further define the area of the Urban Forest to be used.

Mr. Lockett – You'll need to consider signage and posting requirements along the Urban Forest because of the out-of-towners that will be having their animals out there and they will have to follow the laws to.

Councilmember Begley - we should consider signage sporadically around town, pamphlets available at City Hall that outlines our ordinance and expectations, and our website or whatever else we can think of.

Mr. Martinez – that was the intent, we fully believe that we were not done with this ordinance, we are currently looking at the penalties and we it was in the news that Cle Elum had done theirs and we were working on ours. We received a lot of comments as to when we were going to bring it forward and when it would be before Council.

Mayor Pro-Tem Cooke – I would like to attempt a summary, I would like the ordinance go back to not only the Public Health and Safety Committee but also the Urban Forest Committee should look at it after the PH&S Committee. I would like to see Officer Snyder and the Chief continue as they have been primarily focusing on education folks and encouraging them to do the right thing. I would like to provide at least a month for those two meetings to occur in a way that a discussion can occur so that it would be a month before it comes back for reconsideration here in Council Chambers.

Mr. Lockett – You need to have consistency and continuity with the other two communities that are involved because if your intent is to kind of blanket the whole area then they are going to have to have some discussions about what they want in there and make sure it conforms with what you want.

Mayor Pro-Tem Cooke – When we decide on what we are going to do here we'll have that discussion with Cle Elum and South Cle Elum.

Councilmember Osiadacz – Do we need to highlight the things we would like to see looked at?

Mayor Pro-Tem Cooke – There are minutes from the meeting currently and I assume you have most everyone's comments so I would ask that both committees look at the minutes or if you desire we could make a list right now.

Councilmember Osiadacz – I think that would be a good idea, just to highlight some of the hot topics.

Mr. Martinez – that would be fine, whatever the Council wants to do, I think it's pretty clear that there are issues with the off leash and voice control, issues with the cats, issues with the criminal offense, the Urban Forest and the feces.

Mayor Pro-Tem Cooke – I think there was also issues rentals and fences, chaining animals, inadequate shelter, and neglect or abuse of animals.

Officer Snyder replied that there are state laws that cover that far beyond the City's regulations.

Mayor Pro-Tem Cooke – I would ask the community to be patient with this, as you can see there is a lot of interest, a lot of issues, and a month may not be long enough for the two committees to consider it, I would like for a month to be our goal but also a little flexibility in case it needs to go six weeks or eight weeks in order to get an ordinance that represents the community.

Mr. Karen Flowers – I appreciate the same patience with us as we all adjust to the changes that will be made.

Mayor Pro-Tem Cooke – I would really like to thank the Chief and for Officer Snyder for spending so much time with us and clarifying so many issue for us this evening, that was a very big help, thank you both of your gentlemen for coming tonight.

#### **MAYOR AND COUNCIL CONCERNS AND INITIATIVES:**

Mayor Pro-Tem Cooke announced that there will be a Council Work Study on April 19, 2011 at 7pm with FCS Group, who is evaluation the water and sewer rates. Then on April 26, 2011 there will be a work study at 6pm on the WUCC, discussing the appropriate water service area for the City of Roslyn.

Mayor Pro-Tem Cooke noted that through considerable effort from the Mayor and Staff there will be an ad in the Seattle magazine listing events that occur in Roslyn in an effort to bring additional tourists into town.

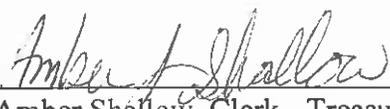
Mayor Pro-Tem Cooke stated that we had the potential for a major flooding event and the only reason it didn't occur is because City Staff, members of the Volunteer Fire Department, and other volunteers worked until 3am to keep the grates open to prevent flooding.

Councilmember Begley asked if staff could let the public know when the Public Health & Safety Committee will meet and Mayor Pro-Tem Cooke stated that he would have staff send out an e-alert and told the public to watch the box at the Post Office for a notice. Mayor Pro-Tem Cooke then informed everyone to call City Hall to sign up for the e-alert list if you haven't already.

#### **ADJOURNMENT: 8:54pm**

**MOTION: Councilmember Begley MOVED to adjourn the meeting. Councilmember Spurrier SECONDED the motion. The motion was APPROVED 6-0.**

  
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Cordy Cooke, Mayor Pro-Tem

Attest:   
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Amber Shallow, Clerk - Treasurer