

# Animal Control Advisory Board Minutes

June 1, 2016

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The Animal Control Advisory Board meeting was held at 4 p.m. at the 777 E. Waterman, Wichita, KS 67202. There were five Board members, five City staff, and 13 members of the public present (three did not sign in).

## Members Present

Teresa Burks  
Chris Hagman  
Judy Handley  
Stephanie Fisk McCurdy  
John Stevens

## Staff Present

Capt. Doug Nolte – WPD  
Dennis Graves – WPD Animal Control  
Drew Bessey – WPD Animal Control  
Jan Jarman – Law Department  
Janet Johnson – City Manager’s Office

## Members Absent

Traci Gehrke

## Guests

Teddy Farias  
George Theoharis  
Janet  
Linda Constable  
Debra Miller Stevens  
Sarah Coffman  
Amy Hegestad  
Randi Carter  
Brenda Penney  
Ellen Querner

## ORDER OF BUSINESS

**Chair Fisk McCurdy** called the meeting to order. She introduced Janet Johnson, who will be serving as staff support for the Board, and acknowledged the Board’s appreciation for Robin Bradley’s service. Meeting minutes from April 6 and May 4 were approved 5-0.

## PUBLIC AGENDA

**Vickie Kline, Friends of Felines KS**, addressed the Board regarding two issues. She would like for the City to eliminate its “Breed Specific Laws” (Pit Bull Ordinance) and revise its laws regarding feral cats. She stated these two actions would save the City money. She provided printed information from **Best Friends Animal Society-Save them All, Humane Society of the United States** and **Sheltering Magazine** to support her suggestions. She also stated that Breed Specific Laws prevent local organizations from receiving grants, but no written documentation was provided.

**Board Member Judy Handley** said it would benefit the City if it could rely more on local groups to provide animal services.

**Teddy Farias**, Dean of Health Sciences at the Wichita Area Technical College, introduced himself and announced that WATC is starting a veterinary technician school. He said they are

# Animal Control Advisory Board Minutes

June 1, 2016

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hoping to partner with area animal groups. He will get his contact information to Janet Johnson and she will pass it on to the Board.

**George Theoharis**, neighborhood advocate, told the Board he thought they had a lot of work ahead of them and they should consider extending the meeting time. He also said he thought it was a disgrace that last month when Channel 3 showed up, the Board did not have a quorum.

**Brenda Penney**, Delano resident, asked the Board for assistance in addressing a feral cat issue. She said TNR (Trap, Neuter, Release) is not working in her neighborhood; in fact, it is causing a health issue and is a neighborhood nuisance. She said she has lived in Delano for more than 20 years and never had a problem until three years ago when her neighbor started putting food out for feral cats. She said the food is attracting wild animals and lots of other cats, and multiple litters of kittens have been born. She said these cats have had a huge detrimental effect on her quality of life including a yard full of cat feces, inability to feed wild birds due to cats killing them, smell of cat urine surrounding her house, cats scratching her cars, and being awakened at night to the sounds of cats fighting. She said she asked the neighbors to stop feeding the cats and they responded saying there are only six cats that they are feeding and all of those animals have been spayed or neutered. **Penney** said with the assistance of Animal Control she has trapped nine cats in the past month and a half. She closed by stating that she is concerned about the threat of rabies as these feral cats are very difficult to trap more than once, and that their quality of the life is very poor because they are subject to disease, cruel people and traffic dangers. She pointed out these cats have a shortened life span and don't typically die from old age.

The question was raised as to whether feral cat colonies are "owned." **Jan Jarman**, City Attorney, said per City ordinance, anyone who feeds an animal is considered the owner and will be treated as such. She explained that feeding feral cats is called harboring and is against City ordinance.

**Randi Carter, Beauties and Beasts, Inc.**, asked for clarification on the City's process for deeming a dog dangerous, and specifically, who makes that decision. **Dennis Graves**, Animal Control Supervisor, said he has the authority to declare a dog to be dangerous. **Carter** said she disagreed with him on his ruling regarding a specific dog. She said the dog went through a glass window going after a postal worker, but that it didn't actually bite the worker. She said the dog behaved in that manner because the owner left it alone in the house for days at a time and that if this dog was properly cared for, the problem would go away.

**Board Member Burks** voiced concerns over an animal that would go through a window after a postal worker and said there is a reason that dogs are deemed dangerous.

**Carter** said the dog should be eligible for release to rescue group, based on a trainer's discretion.

**Board Member Burks** said all it takes to become a "certified dog trainer" is a telephone interview.

**Capt. Nolte** said neighborhoods losing mail service due to aggressive animals is a major concern, and a dog going through a window after a mail carrier is a significant incident.

# Animal Control Advisory Board Minutes

June 1, 2016

[www.wichita.gov](http://www.wichita.gov)

The Board asked for clarification on the steps involved in deeming a dog dangerous. **Graves** explained that as the Supervisor of Animal Control, he investigates the details of the incident that occurred, any history associated with the animal, and the chances of the animal doing the same thing in the future. He then makes a determination based on the circumstances as to whether that animal poses a Level 1, 2 or 3 danger to the public.

The owner has 10 days to comply with the findings. For a level 1 determination, the owner is typically required to build a pen to contain the animal and purchase a dangerous dog license.

If the dog is determined to be a level 2 then the owner must purchase a \$100,000 insurance policy and if it is determined to be a level 3 then a humane euthanasia is ordered.

If the owner disagrees with the determined level, they have the right to present their argument in front of a Hearing Officer. If they disagree with the Hearing Officer they can appeal and be heard by the City Council. If they disagree with the City Council's decision, they can then appeal to have the case heard in District Court.

**Carter** wanted to know if she could appeal as an animal rescue that wants the dog. **Jan Jarman**, City Attorney, said no, that a Rescue has no legal standing in the matter if they weren't the owner at the time of the incident.

**Chair Fisk McCurdy** asked that the dangerous dog ordinance be placed on a future agenda for review.

**Chair Fisk McCurdy** read the spay/neuter proclamation that was presented at the City Council meeting. A member of the public asked if the proclamation produced any results. **Capt. Nolte** said no, that it was a nice proclamation, but produced no visible results.

## STAFF REPORTS

Staff provided data on the number and type of intakes at the Wichita Animal Shelter for the month of April, as well as bite information by Council District for the months of January through April 2016. The Board said they would like to be able to compare the numbers to the previous year. Staff indicated the new computer system is problematic when trying to retrieve data and run reports.

## NEW BUSINESS

### Meeting date

**Chair Fisk McCurdy**, said staff reports will become a regular portion of the monthly meeting, but in order to receive the most current data, the Board meeting needed to be moved back later in the month.

**Action taken: Handley/Burks made a motion to move the meeting date to the third Wednesday of the month. Motion passed 5-0.**

The Board would like to meet on June 15 if the room is available. **Johnson** said she would check and let everyone know.

# Animal Control Advisory Board Minutes

June 1, 2016

[www.wichita.gov](http://www.wichita.gov)

## Re-appointments

**Chair Fisk McCurdy** announced that Sara Guengerich resigned from the Board. Council Member Bryan Frye will appoint someone from District V to fill her vacancy. **John Stevens** and **Judy Handley** also have one year terms and both indicated they would like to be re-appointed. **Johnson** said she would complete the necessary paperwork. **Stevens** said he would like to stay on the Board for the remainder of Council Member Lavonta Williams' term.

## OLD BUSINESS

### Dog license fee increase for spay neuter fund

**Chair Fisk McCurdy** asked for volunteers to serve on this Board Sub-Committee. **Capt. Nolte** said he would like for the Committee to study the possibility of using a portion of dog license fees to pay for the spay/neuter of pets whose owners can't afford the surgery. He said he would also like for this Committee to work on a public education campaign that the Board could initiate around February – National Spay and Neuter month.

**Capt. Nolte** said a staff member from Animal Services will serve on this committee and Branden Hall, Finance, will be consulted on an as needed basis.

Volunteers for the Subcommittee include: **Chris Hagman** and **Teresa Burks**, Board members; **Sarah Coffman**, Wichita Animal Action League; **Ellen Querner** and **Linda Constable**, Spay Neuter Kansas/PALS Animal Rescue and **Randi Carter**, Beauty and the Beasts.

The volunteers were asked to provide their contact information; **Capt. Nolte** will contact them about the first meeting.

### Animal Abuse and Neglect-Review of City Ordinance

This item was carried over from the May agenda. The Board was to review the current ordinance and then discuss how and why it is not meeting the community need.

**Sarah Coffman**, Wichita Animal Action League, said she receives lots of calls from citizens who are concerned about animals that are not receiving daily care. According to her, fairly often, the citizen takes matters into their own hands, forcing entry and taking the animals. **Capt. Nolte** said he would be very interested in knowing who those individuals are so that WPD/Animal Control can follow up with them to determine why they felt that Animal Control wasn't responsive.

**Coffman** noted one case where a dog was left in a house alone for three days. **Graves, Nolte** and **Jarman** all agreed that under normal weather conditions, a dog being left alone for three days does not qualify as exigent circumstances and no Judge would issue a warrant for that. **Graves** said in order to get a warrant to force entry into a residence he would have to take a number of factors into consideration such as the weather conditions, interviews with neighbors, overall condition of the property, note whether the grass is mowed and if the mail is collected. He said he has to be able to develop strong probable cause in the affidavit in order to be granted a warrant.

# Animal Control Advisory Board Minutes

June 1, 2016

[www.wichita.gov](http://www.wichita.gov)

**Board Member Burks** said there may be a disconnect between community members and the City Ordinance on the definition of animal neglect. She gave an example of a dog that lives outside in a pen year round and its owner never gives it attention; but they do provide fresh water, food and shelter. She said while it might be immoral, it's still legal.

A Board member asked how long it takes for staff to work through the abandonment process on a complaint. **Graves** and **Jarman** said it can take several days. **Graves** said if Animal Control has access to the animals, i.e. in a fenced in yard, his staff will provide food and water to the animals during the time it takes to work through the process. He did point out if the situation is dire, i.e. a dog on a chain with no shelter and it's 20 degrees below zero, Animal Control will go ahead and take the dog. When staff does this, they leave a notice for the owner informing them of who to contact in order to find out the status of their animal.

**Graves** said if it's a situation of a tenant leaving their animal behind at a rental property, the property owner is required to obtain a writ of restitution, and then Animal Control will go in and take custody of the animal(s).

He said last year Animal Control Officers made around 2,300 visits on animal cruelty/neglect reports. He said each complaint typically requires approximately three visits.

**Ellen Querner**, Spay Neuter Kansas/PALS Animal Rescue, asked how the process differs if it's not a rental. **Graves** said they have to be able to prove probable cause and get a warrant. He said since Animal Control became a part of the Police Department, they have been able to take a lot more enforcement action than previously when they were under Environmental Health.

**Board Member John Stevens** asked if WPD arrests someone who has animals, does Animal Control take custody of the animals? **Graves** said if the person is going to be in jail for any length of time, Animal Control will leave the animals with a family member or friend, or if no one is available, they will take the animals to the Shelter.

**Coffman** brought up the idea of having a program similar to a Reserve Unit of qualified volunteers to do the preliminary visit on cruelty/neglect complaints. **Graves** said they have a quasi-practice in place with Wichita Animal Action League, but nothing formalized.

**George Theoharis**, District III neighborhood advocate, said we need more Animal Control Officers on the street and while the City is currently working on the 2017 budget, the Animal Control Advisory Board has done nothing to pursue that. **Capt. Nolte** said he believes that there are some staffing options in the proposed budget.

**Graves** was asked if Animal Control ever cites the owner on reclaims from the Shelter where the animal appears to have been neglected. **Graves** said the animal may have been loose on the streets for a number of days, so it's difficult to determine if the animal's condition is due to owner neglect. He said if there is something obviously wrong, like a dog that doesn't gain weight due to parasites, they will issue a Notice of Improvement to the owner. In a case like this,

# Animal Control Advisory Board Minutes

June 1, 2016

[www.wichita.gov](http://www.wichita.gov)

the owner would be required to show proof that they sought veterinarian care for the animal. If they fail to comply, the case will go to court.

Jarman had previously explained that under Statue Statute and City Ordinance, animals are considered property, and that is why it is a work intensive process to have an animal removed from its owner. Graves was also asked about hot cars and how animals as property relates to that. He said there is a definition in the City Ordinance that allows Animal Control to take possession of an animal left in a hot car.

The discussion then turned to the Animal Control Officers who are answering/dispatching calls. A couple members of the audience said those individuals are not working out and they are rude. **Graves** said he is now rotating the dispatch duty. This offers the employees additional experience and exposure and prevents any one individual from having to do all of the dispatching.

**Capt. Nolte** said he is not receiving complaints about Dispatchers being rude, but is willing to address the issue if it is occurring.

**Brenda Penney**, Delano resident, said she has called Animal Control nine times in the past month and has never been treated rudely. She said the Officers who have responded to her feral cat complaints have been very professional and helpful.

There was then some undirected dialogue about TNR colonies vs. harboring. **Jarman** again stressed, per City Ordinance, if you feed it, you own it. Several proponents of TNR challenged Jarman's statement. **Graves** pointed out that cats are domesticated animals; they are meant to be cared for and are not wild animals. He said he believes these cat colonies are inhumane and can easily become out of control and contribute to disease, neighborhood grievances and other issues.

The discussion identified five primary issues related to neglect and cruelty:

1. The public needs education on the law
2. Dispatch customer service is lacking; are they fully explaining the process to callers?
3. Safety of dogs riding in the back of pickup trucks and on flatbed trucks
4. Lack of resources to effectively enforce cruelty and neglect cases
5. Abandonment of animals
  - a. Landlords
  - b. No landlords

**Action Taken: Board Member Burks offered to research best practices in creating an ordinance against allowing dogs to ride in the back of trucks and bring that information back to the Board for consideration. Staff will investigate the need for additional customer service training for dispatchers.**

The next meeting will be held at 4 p.m. on Wednesday, July 20 at 777 E. Waterman, Wichita, KS 67202.