

**Greensburg City Council**  
**April 18, 2016**  
**City Hall**

**A) CALL TO ORDER**

Mayor Robert Dixson called the meeting to order at 6:00 p.m. on April 18, 2016.

**B) PLEDGE OF ALLEGIANCE AND INVOCATION**

The Pledge of Allegiance was said. The invocation was given by Dixson.

**C) ROLL CALL & APPROVAL OF THE AGENDA**

Council present: Matt Christenson, Mark Trummel, and Rick Schaffer were present. Sandy Jungemann and Haley Kern were absent. Christenson made a motion to approve the agenda as presented. Trummel seconded the motion. The motion passed 3-0.

**D) CITIZEN COMMENTS**

Dixson welcomed citizens to the meeting and opened the floor for comments or questions.

Carolyn Irvin wished to issue a public apology to City Administrator Kyler Ludwig for emails she had sent to him regarding city issues. She thanked Ludwig for his professional response.

Mike Kaltenbach asked why citizens were not notified in their last utility bill of the requirement for dog tags. He feels that the required \$45 (including late fee) for an unneutered dog is discriminatory and outrageous. Kaltenbach stated that he will not pay that fee and asked what can be done about the requirement. Trummel asked Ludwig how many ways Staff attempted to notify citizens prior to the letter that was had delivered to their doors. Ludwig listed social media, the community sign, the Kiowa County Signal, and the newsletter that was included with past utility bills. Ludwig noted that the code has been in force since at least 1986, and that Staff's efforts to license dogs is to ensure the public's safety.

Ludwig noted that the meeting packet provided information regarding citizen comments that were to be delivered this evening by Jeremy Butler. Butler was not in attendance tonight.

Marsha Unruh asked why cats were not required to be registered. She stated that her dog is registered with her vet in Pratt and asked why it needs to be registered in Greensburg.

Norman Unruh asked if there was a dog problem in town or if the City was just updating their codes. Ludwig reiterated that the code has not changed since 1986. Trummel and Dixson explained that the City's efforts were to prevent euthanization of animals captured and put in the pound as well as to ensure that dogs are current on their rabies vaccinations. City Attorney Gordon Stull mentioned the procedure of shots for a victim of an untagged dog bite and the method of testing an untagged animal for rabies.

Carolyn Irvin asked for verification that citizens can utilize a vet of their choosing. Ludwig confirmed that Staff is simply looking for written verification from a licensed vet that a dog is current on its vaccination.

Police Chief Alvarez confirmed that the number of dogs impounded has tripled in recent months. After 6:00 p.m. there is nobody to identify the owner of a dog if there is no City tag on the collar. He

explained that the City cannot enforce its regulations on cat registration because the city does not have a facility to house lost cats. The City's old cat house will not pass state inspection in its current condition. Staff feels that the City must start somewhere to control the animal population and the ensure safety of residents.

#### **E) RECOGNITIONS, PORCLAMATION, AWARDS & NOMINATIONS**

Ludwig asked Council to consider the reappointment of Scott Eller, Loren Campbell, and Georgina Rodriguez to the Planning Commission for terms ending April 30, 2018. Trummel made a motion, seconded by Shaffer, to approve the reappointments as recommended. The motion passed 3-0.

#### **F) CONSENT AGENDA**

Trummel made a motion, seconded by Christenson, to approve the Consent Agenda as presented. The motion passed 3-0.

#### **G) ITEMS OF BUSINESS**

##### **1. Review of Proposed Chickens Ordinance**

Ludwig presented a rough-draft amendment to the Animal Control Ordinance that would allow for the keeping of fowl without a special exception. Staff will present a final draft at the May 2<sup>nd</sup> Council Meeting. Council was asked to bring any comments to staff prior to the May 2<sup>nd</sup> meeting.

Trummel asked for clarification on the penalties for violating the code. Ludwig explained that penalties are the same throughout Article 2. The fine amount ranges from \$50-\$500 per day plus court costs. The fine would be determined by the judge. Trummel then asked if within a fenced yard with a coop the fence would be considered the run and if a roof should be required on a chicken run. Ludwig confirmed that the fence would be considered the run. There was concern that the wording of 2-504(g) would allow the fenced area of the yard to only be 85 sq. feet.

Christenson recommended that the requirement in 2-502(c)1c for an applicant to not receive notice of non-compliance for an City Code environmental or housing violations be 24 months to match the requirement that an applicant must have no animal violation charges within 24 months preceding the date of the permit. Christenson also feels that the wording of 2-502(c)1e is vague on the required protest process. Stull explained that any citizen has the right to come to the Council to have a Staff decision reviewed. Ludwig stated that if a neighbor receiving notice were to protest the application would be denied. Trummel, Stull, and Dixon discussed the option of requiring the applicant to notify neighbors and provide written verification to the City Clerk. Stull suggested a generic form that neighbors could sign. City Clerk Christy Pyatt asked how such a form would work if a property owner lived out of state. Ludwig and Pyatt explained that putting the burden of mailing notices to neighbors on the City would ensure the notification was performed. If no response was received, Staff would assume the neighbor was approving the request. Christenson suggested ignoring notification to owners of vacant properties, something Ludwig finds problematic for anyone wanting to sell property in the future.

Concern was voiced over whether or not the proposed permit fee would cover city cost and time for processing the application and notifications. Staff believes that the onetime, non-refundable \$35 application fee along with the required \$15 yearly animal permit fee will be sufficient.

##### **2. Elections Ordinance – Charter Ordinance**

HB 2104 passed by the Kansas State Legislature in May of 2015 requires municipalities to hold elections in the fall of odd-numbered years and gives governing bodies the authority to determine whether the City's elections will be nonpartisan or partisan. The proposed Charter Ordinance calls for non-partisan elections and extends terms ending in April 2017 to the second Monday in January of 2018. The election for those terms would be held in November 2017. Terms expiring in April 2019 would be extended to the second Monday in January 2020. The election for those terms would be held in November 2019. The required changes must be made prior to 2017. Ludwig noted that the Council discussed the issue in October 2015 and determined that the change would be made following the April 2016 election. Because of the absence of two of five Governing Body members this evening, the required 2/3 of the Governing Body required to pass a Charter Ordinance is not available (the Mayor is not allowed to vote). Christenson made a motion to table the adoption of the Elections Charter Ordinance. Trummel seconded the motion, and the motion passed 3-0.

### 3. Discussion on 2017 Budget Process

The 2017 budget must be passed before August 25, 2016. Ludwig provided a timeline informing Council of the proposed process for the upcoming budget year. Staff would prefer to discuss the budget during regular council meetings. Should the need for a work session (special meeting) arise, one can be called at a later date. Staff will be seeking additional public input to complete this year's budget. Public comments will be gathered through the citizen engagement board and in outreach to civic groups (Power-Ups and the Senior Center) during the months of May and June. Ludwig noted that the budget draft may be delayed to July 18<sup>th</sup> due to him being out of town for 2 sibling weddings in June. Christenson voiced that he approved of the timeline and appreciates the additional citizen engagement.

### K) CITY ATTORNEY'S REPORT

Stull has visited with Terry Mayhew, who is working with the Iroquois Corporation, regarding the property they wish to donate to the city land bank. He will have additional information at the next Council meeting.

### L) CITY ADMINISTRATOR'S REPORT

Ludwig provided a prepared City Administrator's Report to Council. The following topics were discussed in the report:

**Code Enforcement:** After working with two property owners, the City will be sending notices of violation for junked motor vehicles on one property and for an unclosed basement on another property. The owners have failed to keep the verbal commitments they made to staff.

**USPS Meeting:** The Post Office will be bringing a city route back to Greensburg starting in May. The route will be curbside. Residents are encouraged to go to the Post Office for information on this change. Post Office boxes must be placed according to specs set by the USPS. The City will be working to help provide spaces for tenets at the Incubator.

**KPP:** Mark Chesney was unable to attend tonight's meeting, as planned, but he wanted to remind the governing body about the Annual KPP Member Appreciation Dinner on May 4<sup>th</sup> at 6:30 pm in Wichita. Council Members interested in attending can register at [www.kansaspowerpool.org](http://www.kansaspowerpool.org).

**Spring Clean Up:** City-wide cleanup is scheduled for May 14<sup>th</sup>. The Methodist Church has volunteered to help individuals get things to the curb in preparation for that day. Staff will be advertising the event in the upcoming utility bill.

**Tree City USA/Arbor Day:** The City was awarded the designation of Tree City USA for 2015. This is the 8<sup>th</sup> consecutive year we have received that designation. The City will be celebrating its Arbor Day on May 14<sup>th</sup>; members of the tree board are planning a tree planting ceremony at the City Pool.

**Dog Registration:** Chief Alvarez has given owners of unlicensed dogs until the end of the month to get their registration completed. Dogs residing within the city are required to have their rabies

vaccination and a City license. 115 dogs are already registered this year, a 26% increase from last year's registration numbers.

**Utility Collections:** The City has been approached by a collections agency interested in assisting in collecting on delinquent utility bills. The City currently uses the state set-off program when customers move away without paying their final bill. Using a utility collections company would require the City to pass an ordinance adding a 30% collection fee on to the delinquent bills sent to collections. Ludwig will bring this item to Council on May 2<sup>nd</sup>.

**J) GOVERNING BODY COMMENTS**


There were no additional comments from the governing body.

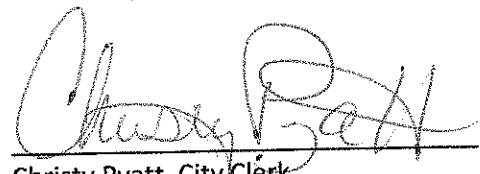
**K) EXECUTIVE SESSION**

Dixson acknowledged the request by Ludwig for a 15 minute executive session to discuss personnel matters of non-elected personnel. Christenson made a motion to go into executive session until 7:05 pm. Trummel seconded the motion and it passed 3-0.

**L) ADJOURNMENT**

Council returned to open session at 7:05 pm. With no additional items to come before the Council, Dixson adjourned the meeting at 7:05pm.

  
Robert A. Dixon, Mayor

  
Christy Pyatt, City Clerk