CITY OF GREENSBURG
REGULAR CITY COUNCIL MEETING
300 SOUTH MAIN GREENSBURG, KANSAS
MONDAY, MARCH 21, 2016
6:00 PM

A) CALL TO ORDER

B) PLEDGE OF ALLEGIANCE AND INVOCATION

C) ROLL CALL & APPROVAL OF THE AGENDA

D) CITIZEN COMMENTS
   All comments are limited to a maximum of three minutes for each speaker. In accordance with the Open Meetings Act, City Council members may not discuss or take action on any item that is not on the Agenda.

E) CONSENT AGENDA
   These items are routine and enacted by one motion. There will be no separate discussion of these items unless a Council member so requests. Any consent agenda item can be removed and placed on the agenda as an item of business.
   1. Approval of Minutes
      a. Regular Meeting – March 7, 2016
   2. Appropriation Ordinance
      a. Ordinance #1072

F) ITEMS OF BUSINESS
   1. Approval of 2016 Insurance Policy
   3. Discussion on Animal Control Ordinance

G) CITY ATTORNEY’S REPORT

H) CITY ADMINISTRATOR’S REPORT

I) GOVERNING BODY COMMENTS

J) ADJOURNMENT

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 5:30 and 6:00 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the council chambers or lobby of City Hall. No one is excluded from these areas during those times.

To be placed on future agendas please contact City Administrator Kyler Ludwig at administrator@greensburgks.org or call City Offices at 620-723-2751.
Greensburg City Council  
March 7, 2016  
City Hall

A) CALL TO ORDER  
Mayor Robert Dixson called the meeting to order at 6:00 p.m. on March 7, 2016.

B) PLEDGE OF ALLEGIANCE AND INVOCATION  
The Pledge of Allegiance was said. The invocation was given by Pastor Terry Mayhew.

C) ROLL CALL & APPROVAL OF THE AGENDA  
Council present: Matt Christenson, Mark Trummel, Sandy Jungemann, Rick Schaffer and Haley Kern.  
Jungemann made a motion to approve the agenda as presented. Kern seconded the motion. The motion passed 5-0.

D) CITIZEN COMMENTS  
Dixson welcomed citizens to the meeting. There were no comments from the floor.

E) RECOGNITIONS, PROCLAMATIONS, AWARDS, & NOMINATIONS  
Kern made a motion, seconded by Christenson, to appoint Kyler Ludwig as KMEA Director #2 and Mick Kendall as KMEA Alternate. The motion passed 5-0.

F) CONSENT AGENDA  
Trummel made a motion to approve the consent agenda as presented. Jungemann seconded the motion. The motion passed 5-0.

G) ITEMS OF BUSINESS  
1. USD 422 Stamp Out Starvation Presentation  
City Administrator Kyler Ludwig introduced Kathy Headrick, USD 422 Impact Sponsor, and students Charlie Friesen and Kellie Rhodes to give a presentation on Stamp Out Starvation. Ludwig recommended Council consider allowing staff to volunteer for the event and a monetary donation up to $500.

Friesen and Rhodes explained through their PowerPoint presentation that the Kiowa County Junior High Character Impact Group is sponsoring a “Stamp Out Hunger” food packaging event Wednesday, March 30th, from 9 am – 2 pm in the school gym. Students from the group have previously worked with a non-profit organization in Cherokee, Oklahoma at similar packaging events and have invited the non-profit to come to their school for a county wide event. The community is encouraged to support the event through social media, financially, and by volunteering time to package food. Students have established a goal to donate $1,500 to the organization, $500 of that coming directly from the Impact Group.

Trummel made a motion to allow staff to volunteer for the event and to give a monetary donation of $500. Kern seconded the motion. The motion passed 5-0. Headrick recommended that those volunteering plan to spend a minimum of 30 minutes. Volunteers are welcome to come and go throughout the day. Students K-12 from Kiowa County and Haviland Schools will be participating through the day.
2. KMU Mutual Aid Agreement
Ludwig reminded Council of their discussion at the February 1st meeting regarding a proposed Kansas Electric Utilities Task Force Strategic Assistance Agreement and an APPA Mutual Aid Agreement from Kansas Municipal Utilities (KMU). During that meeting, City Attorney Gordon Stull suggested that the documents be reviewed by the City’s insurance provider before they are approved. Ludwig has been assured by People’s Insurance that the agreement appears to clarify acceptable charges. Form CG7633 extends the definition of insured to include employees or volunteers who are rendering aid on an emergency basis. The city is adequately covered by EMC to enter the agreements. As previously discussed, the city lacks staff to respond to emergency situations; however, the agreement allows the city to receive assistance should it have an emergency situation.

Christenson made a motion, seconded by Trummel, to enter into the Kansas Electric Utilities Task Force Strategic Assistance Agreement. The motion passed 5-0. Trummel made a motion, seconded by Jungemann, to enter into the APPA Mutual Aid Agreement. The motion passed 5-0.

3. Memorial Day Street Dance – Road Closure Permit
Staff has received a street closure request from Levi Murray, Cannonball Bar and Grill, to host a street dance on Memorial Day weekend. The request is from 5 pm on May 28th until 11 am on May 29th for the first block of South Cedar. The event will host a live band from 10 pm to 1 am. Additional time allowed in the request is to accommodate setup and tear down of the stage. Ludwig has suggested to Murray that he distribute door hangers to neighbors, advising them of the event. The request is allowed within the city’s noise ordinance as a community event. Murray would like to work with neighboring property owners to place the stage on the vacant property to the west of the bar, leaving the street for open for dancers.

Kern made a motion to approve the request and suggested a week’s notice to property owners adjacent on South Pine, South Maple, East Florida, and East Kansas. Jungemann seconded the motion. The motion passed 5-0.

4. Pool Park Discussion
Ludwig stated that the Greensburg Tree Board has expressed interest in planting trees on the future park property surrounding the City Pool for their Arbor Day Celebration. Prior to planting, Ludwig would like to have an understanding of the long term design for the park and asked for direction on whether the City should seek a professional design. In 2012 the City entered an agreement with PEC to design the relocation of Davis Park. As part of the park relocation the City received a basic park design for the space adjacent to the City Pool. PEC received input from the students and community members to determine what features would best fill the space. A copy of the proposed design was made available in tonight’s meeting packet. There are funds available for trees and irrigation through Sunflower RC & D.

Christenson stated that he did not have concerns with the features shown in the basic design, but noted that the layout would need to be amended to reflect the location of the pool. Kern voiced concern over potential vandalism and injuries associated with a proposed skate park. She would like to review results of the community voting that was done through PEC. Trummel asked if any equipment from Davis Park could be relocated to the new park. Christy Pyatt, City Clerk, stated that Mike Hayse, Public Works Supervisor, has advised that the current play equipment should not be relocated. Dixon has heard varying comments regarding a proposed multi-purpose court. Some say that the new park should feature such a court, others say that there are plenty in town. The consensus of the Council was to not hire an architect and allow the community to be the architect. It was also the consensus of Council to allow the Tree Board to move forward with their tree planting initiative.
5. Report on Greensburg Incubator Rent
At the last Council meeting, several questions were asked regarding the specifics of the 2015 costs of the Incubator. A more detailed report on costs was provided in the meeting packet. Pyatt and Ludwig were available to answer questions regarding the report.

In the meeting packet, Ludwig advised that full occupancy of the Incubator at current rent rates would collect $2,233.60 and $495.00 in utilities. (water, trash, sewer, HVAC, and electric to the upstairs spaces). The average utility bill for the Incubator paid by the City over the past 3 years is $645.65. The Incubator currently is at 90% occupancy with one available space. Council does have the opportunity to rent the former Economic Development space if needed. Staff has had interest in both available spaces.

Christenson asked if it was possible to consolidate internet service down to one provider and remove employee salary and benefits from the Incubator budget. Kern mentioned the possibility of increasing rent after 6 months to a year, once a business is established. Establishing a sliding scale for rent for those who do not intend to “hatch” from the Incubator was also discussed. Trummel and Christenson pointed out rising operating costs as well as the future end of revitalization funds. Dixson asked what current rates were in the facility and how those rates were established. Rates have not changed since the facility was opened. Christenson calculated first floor rates are $.45/sq foot plus $24/month for water, sewer, and trash. Second floor rates are $.65/sq. foot plus $75/month for water, sewer, electric, and trash. Dixson is curious what the current market rate is in Greensburg, noting that the purpose of the Incubator is not to make money but to stimulate economic growth. He also asked what supplies were being furnished by Unifirst and if those services could be rolled into one contract with the City’s current uniform provider to save money. Ludwig clarified that the contract with Unifirst was adjusted from their standard 5 year contract to a 3 year contract which ends in May. According to Christenson’s calculations, to cover expenses, first floor rents would need to be raised to $.60/sq. foot and second floor rates to $1.25/sq. foot.

H) CITY ATTORNEY’S REPORT
There was no report from the City Attorney.

I) CITY ADMINISTRATOR’S REPORT
Ludwig emailed a prepared City Administrator’s Report to Council prior to their meeting. The following topics were discussed in the report:

Land Bank- The owners of 519 S. Main and 314 E. Nebraska have expressed interest in donating their properties. The owner is interested in neglecting the property, and having it go to a sheriff’s auction. Any nuisance mowing on these properties will not be paid. Staff will work with City Attorney Gordon Stull to verify the properties have no prior liens before the properties are presented to the Land Bank. The Iroquois Center has also expressed it is still interested in donating its two properties to the Land Bank.

Planning Commission- The public hearing on residential fowl is scheduled for March 9th at 6:30pm. Any changes to the Sustainable Land Development Code will be presented to the council at the March 21st meeting. Changing the Land Development Code would give council the authority to regulate fowl in city limits.

Equipment Purchase- Money was set apart during the 2016 budget process for a new crack filling machine. City staff is preparing information for this purchase to be presented at the March 21, 2016 meeting.
Diagonal Parking - The County has approached the City requesting that the north side of their property be designated as diagonal parking. This change requires the City Code to be altered. More information will be presented at an upcoming City Council Meeting.

Upcoming Agenda Items - bike program with the tourism board, change in drug testing contract, discussion on contracts with Aramark and Unifirst.

Code Enforcement - Two building permits have been authorized on properties that are currently in violation of City Code. The property owner of one basement has made the commitment to seal their basement.

Ludwig also informed Council that Ed Schoenberger is displaying items found on the former City Hall property at 239 S. Main in the foyer. The property was formerly the site of the Queen City Hotel.

Christenson said that he believed that Council had previously approved diagonal parking on the north side of the Court House. Staff will look into the matter further.

J) GOVERNING BODY COMMENTS
There were no comments from the Governing Body.

K) ADJOURNMENT
With no additional information to come before the Council, Dixson declared the meeting adjourned at 6:58 pm.

___________________________________   ______________________________
Robert A. Dixson, Mayor     Christy Pyatt, City Clerk
TO: Mayor and City Council  
SUBJECT: Insurance and City Coverage  
INITIATED BY: Kyler Ludwig, City Administrator  

Background:  
The City Council Annually reviews the insurance coverage for the City. Jeanine Hassiepen from Peoples Insurance has provided a quote to continue coverage with EMC effective April 1. It is anticipated that the City will go out to bid for providers again next year.

Analysis:  
This past year the City paid $102,010.00 in coverage through EMC. The coverage was higher than the initial bid as the pool project and equipment was added to our policy. Maintaining coverage through EMC is projected to cost $104,715.00. Costs are split between departments and funds.

A quote has been provided for Data Compromise and Cyber insurance. These costs are not included in the pricing.

Financial:  
Costs will be split between funds.

Recommendations/Actions: It is recommended the City Council:  
Approve the proposed Insurance bid through EMC Insurance.

Attachments: Exhibit A: Previous Years Costs, Exhibit B: 2016 Bid.
BUSINESS PROTECTION POLICY
COMMON DECLARATIONS

POLICY PERIOD
FROM: SEE SECTION DECLARATIONS TO: 04/01/16
12:01 A.M. STANDARD TIME
AT YOUR MAILING ADDRESS SHOWN BELOW
(UNLESS CHANGED ON THE SECTION DECLARATIONS)
* 4X5 - 28 - 99---16 *
* ACCOUNT NUMBER *
* _____________________________________ *

NAMED INSURED:
CITY OF GREENSBURG
300 S MAIN ST
GREENSBURG KS 67054-1728

PRODUCER:
SBAIC DBA PEOPLES INSURANCE
106 N SYCAMORE ST STE A
GREENSBURG KS 67054-6735

AGENT: L 7663
AGENT PHONE: 620-723-2809
CLAIM REPORTING: 888-362-2255

INSURED IS: MUNICIPAL
BUSINESS DESC: MUNICIPALITY

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF
THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS
POLICY. THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A
PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT. THE
COMPANY AFFORDING COVERAGE IS DESIGNATED BY THE NAME IN THE DECLARATIONS
OR INFORMATION PAGE FOR EACH SECTION OF THE POLICY.

SECTION COVERAGE PREMIUM
1 PROPERTY $44,697.00
2 LIABILITY 2,879.00
3 CRIME NO COVERAGE
4 INLAND MARINE 3,746.00
5 AUTOMOBILE 12,651.00
6 WORKERS' COMPENSATION 31,539.00
7 UMBRELLA 3,045.00
8 OTHER - LINEBACKER LAW ENFORCEMENT 2,703.00 750.00

ESTIMATED TOTAL POLICY PREMIUM $102,010.00

FORMS APPLICABLE TO ALL SECTIONS EXCEPT:
1. WORKERS' COMPENSATION
2. WHEN EXCLUDED ON SECTION DECLARATIONS
   IL0017(11/98) IL0004(12/12)

THE ADDRESS AND TELEPHONE NUMBER OF THE SERVICING COMPANY IS:
EMC INSURANCE COMPANIES
245 N WACO ST STE 330
WICHITA, KS. 67202-1116
PHONE: (316) 352-5700

PLACE OF ISSUE: WICHITA, KS
DATE OF ISSUE: 03/16/16

COUNTERSIGNED BY:
FORM: IL7000A (ED. 09-02) 03/16/16 JG 4X52899 16
EMC Insurance Companies
245 N Waco St Ste 330
Wichita, KS 67202-1116
www.emcins.com

SBAIC DBA Peoples Insurance
106 N Sycamore St Ste A
Greensburg, KS 67054-6735
620-723-2809

CITY OF GREENSBURG
300 S MAIN ST
GREENSBURG, KS 67054-1728
04/01/2016 to 04/01/2017
Prepared on 03/17/2016
Quote Valid Through 05/01/2016

Account Summary
Quote Account Number: X466342
Prior Account Number: 4X52899

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<td>Linebacker - Claims Made (K-03)</td>
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<tr>
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<td>Commercial Umbrella (J-04)</td>
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Total Account Premium Estimate           $104,715.00

This is a proposal from EMC Insurance Companies. We offer personalized service through your independent insurance agent, customizable insurance products to meet your unique needs and expert safety resources to help your business prevent claims.

The premium estimate reflects the rates as of the date shown above and assumes the information provided to EMC is accurate.*

Please review the following pages for coverage details. For more information on the advantages of insuring your business with EMC, talk to your insurance agent or visit www.emcins.com.

Thank you,

SBAIC DBA Peoples Insurance

*This proposal does not guarantee the policy will be accepted or that coverage will be provided in the company selected or at the premium quoted. Due to periodic rate changes, a change to the policy's effective date may result in a different premium.
TO: Mayor and City Council
SUBJECT: Personal Animal Husbandry- Amendment to the Sustainable Land Development Code
INITIATED BY: Greensburg Planning Commission

Background:
On January 15, 2016 the City received a petition signed by 17 residents asking for an amendment to the Sustainable Land Development Code to eliminate zoning restrictions against fowl. The Planning Commission supported the amendment, and sent it to council for final approval.

Analysis:
Section 15.8 of the Sustainable Land Development Code requires special approval from the Board of Zoning Appeals for individuals to engage in personal animal husbandry (which includes raising fowl for personal use). A property must be at least 2 continuous acres to receive a special permit.

The proposed amendment would refer the regulation of fowl in residence areas to the Animal Control Code which in section 2-109 prohibits fowl within the city.

The planning commission previously recommended this change in 2013 to the Council, but at that time it did not have enough support to pass.

Staff would recommend that the council support the recommendation of the planning commission. This amendment does not allow for fowl, but it helps to clear up some potential confusion between the sustainable land development code and the city code if the council does decide to allow for residential fowl.

Recommendations/Actions: It is recommended the City Council:
Motion: Approve the ordinance to amend section 15.8 of the Sustainable Land Development Code.

Attachments: Exhibit A: Unapproved Minutes – Planning Commission March 9, 2016; Exhibit B: Proposed Ordinance
City of Greensburg Planning Commission  
March 9, 2016  
Location: City Hall Council Chambers- 300 S. Main, Greensburg, KS 67054

A) Call to Order
Loren Campbell called the meeting to order at 6:30 pm.

B) Roll Call
Roll call was taken with the following members present: Loren Campbell, Shawn Cannon, and Scott Eller. Pamela Reves was absent. Georgina Rodriguez arrived at 6:32 p.m. Kyler Ludwig, City Administrator, and Christy Pyatt, City Clerk, were also present.

D.1) 2016-01-TA - DOMESTIC FOWL
Campbell opened the advertised public hearing regarding a proposed change to the Sustainable Land Development Code to allow the keeping of domestic fowl within city limits. Christy Pyatt, City Clerk, gave a brief Staff Report.

As provided in the meeting packet, Pyatt reminded the Commission and citizens present that Section 15.8 Personal Animal Husbandry Special Exceptions allows for the keeping of domestic fowl if the applicant owns a minimum lot size of 2 continuous acres. The petitioners have requested that the 2 acre lot requirement be removed from the code and that the Animal Control Code Ordinance amended to allow domestic fowl. Staff feels that the request has greater community support than in years past and provided a previously proposed amendment to Section 15.8 of the code. As written, the proposal would add an exception which would allow fowl for personal use to be permitted in residence areas in accordance with the adopted Greensburg Animal Control Ordinance. If approved by the Planning Commission and the City Council, all regulations for residential fowl would then be maintained and enforced by the City Council through the Animal Control Code.

Campbell opened the floor for citizen comments.

Pamela Muntz, County Extension Agent and resident at 202 S. Bay, addressed the Council. Muntz requested the code be amended to encourage 4H participation, allowing students who live on smaller lots in town to have a 4-H project. She feels that allowing children to care for domestic fowl will help teach responsibility as well as how to grow their own food. Muntz believes that allowing ducks and chickens promotes sustainability and the green initiative through the production of eggs and the utilization of the fowl to control weeds and insects.

Ann Dixson, 221 S. Grove, stated that as the former Municipal Judge for the City of Greensburg she recalls approximately 6 families possessing domestic fowl during her tenure. If in place at the time, the 2 acre minimum was not enforced and she does not recall one complaint or citation being issued. Dixson noted that she handled many dog at large citations during her tenure. Dixson has been participating in an online class on the keeping of backyard chickens and poultry science and stated that locally produced food sources are found to possess 2/3 more nutritional value than their mass produced counter parts. Dixson also noted that backyard chickens would assist in turning and fertilizing the soil, pest control, egg production, and compost. Patricia Foreman, PhD, Dixson’s online instructor, has advised that she has never heard of a case of domestic fowl carrying poultry diseases. The confinement of antibiotic resistant poultry on commercial farms is the cause of disease.

Randy Rinker, 403 S. Pine, stated that he has raised poultry for over 50 years within city limits. He has owned various domestic, backyard fowl, in various neighborhoods within the City. Rinker has had no
complaints of noise or smell and stated that as long as the birds are properly maintained it takes very little effort to keep up. Rinker believes that if properly cared for, most citizens would not know the birds are there. Rinker made himself available for information regarding the topic. He recently became aware that the City of Wichita allows 10 chickens in backyards. Rinker encouraged the Commission to embrace what other cities have adopted and suggested possible limitations on the number of birds allowed and periodic inspections to assure the birds are being properly maintained.

Wylan Fleener, 601 E. Grant (adjacent to city limits), stated that he has had chickens for 5 years. He believes Greensburg should allow backyard fowl in fenced areas. He feels that as long as roosters are not allowed no one will know they are in the yard.

Joan Hayse, 603 S. Maple, voiced her support of chickens and would prefer to have them in her garden.

Mia Fleener, 601 E. Grant (adjacent to city limits), feels that because Greensburg is an Ag. Community allowing domestic fowl is a logical step and she appreciates the Commissions consideration. She also noted that many people do not know that roosters are not required for egg/food production.

Campbell closed the public comment portion of the hearing. Rodriguez asked how regulations on backyard fowl would be enforced should they be approved. Pyatt stated that any regulations would come through the Animal Control Code and be enforced by the City Council. Pyatt directed the Commission to their meeting packets where the three forms of action they could take were listed: 1) recommend approval of the petition and send a recommended amendment to Council; 2) recommend disapproval of the petition to Council; or 3) do not make a motion (failure to make a recommendation is deemed to be a recommendation for disapproval). Pyatt also advised that Commissioner Pam Reves was unable to attend tonight’s meeting but had voiced that she was in favor of recommending an amendment of the code to the City Council and allowing them to regulate domestic fowl.

Cannon made a motion to approve the petition and recommend that the Greensburg City Council amend Section 15.8 of the Sustainable Land Development Code to include an exception allowing domestic fowl for personal use in residential areas in accordance with the adopted Greensburg Animal Control Ordinance. Eller seconded the motion. The motion passed 3-1 (Rodriguez voting “no”).

Ludwig and Pyatt advised that the recommendation from the Commission will be presented to the Council at their March 21st meeting. Additional discussion with the Council concerning the Animal Control Code will occur at a later date. Citizens with recommendations on how domestic fowl should be regulated and how those regulations can be enforced should visit with or forward their comments to Ludwig.

Christy Pyatt - Secretary
AN ORDINANCE AMENDING SECTION 15.8 OF THE SUSTAINABLE ZONING ORDNANCE OF THE CITY OF GREENSBURG, KANSAS TO PERMIT RAISING FOWL IN RESIDENCE AREAS

WHEREAS, The Greensburg Planning Commission initiated a public hearing for an amendment to the Sustainable Zoning Ordinance addressing raising of fowl in residence areas; and

WHEREAS, the Greensburg Planning Commission held a public hearing on March 9, 2016 to consider this issue, under the authority of K.S.A. 12-741 et seq; and,

WHEREAS, on March 9, 2016 the Greensburg Planning Commission recommended 3-1 that the City Council of the City of Greensburg, Kansas, adopt this amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBURG, KANSAS, that:

SECTION 1. That the Sustainable Zoning Ordinance of the City of Greensburg, Kansas, Article 15, Section 8 be amended to read (amended language underlined):

15.8   Personal Animal Husbandry Special Exceptions
Small scale animal husbandry may be permitted as a special exception in residential zoning districts. Non-commercial animal husbandry may be allowed within the R1-A and R1-B districts only after review by the Board of Zoning Appeals as a special exception. The BZA shall take in to consideration (among others): the location of pens, runs, and other enclosures; the size and number of animals kept; and the potential for neighborhood nuisance. Two horses per fenced acre shall be the standard, and the minimum lot size shall be two acres. The BZA shall not have authority to contradict provisions of the Greensburg Animal Control Ordinance. Exception: fowl for personal use may be permitted in residence areas in accordance with the adopted Greensburg Animal Control Ordinance.

SECTION 2. The Sustainable Zoning Ordinance of the Sustainable Land Development Code of the City of Greensburg, Kansas, as amended, is hereby reincorporated by reference to Chapter 16 of the Code of the City of Greensburg, Kansas, in accordance with the provisions of K.S.A. 12-3009 and amendments thereto.

SECTION 3. This Ordinance shall be in full force and effect from and after it publication in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY of the City of Greensburg, Kansas, this ___ day of _____, ____.

____________________________________
Robert A. Dixson, Mayor

ATTEST:

___________________________________
Christy Pyatt, City Clerk
TO: Mayor and City Council  
SUBJECT: Animal Control Code- Fowl  
PREPARED BY: City Administrator, Kyler Ludwig

**Background:**

The Animal Control Ordinance currently prevents the keeping of fowl in City Limits without a Personal Animal Husbandry Special Exception from the Board of Zoning Appeals. In conjunction with the requested amendment to Section 15.8 of the Sustainable Land Development Code staff has prepared information for a discussion on the Animal Control Code in regards to fowl.

**Analysis:**

City staff surveyed 49 Kansas Cities to determine if Chickens were allowed in residence areas. 8 of the 49 cities prohibited Chickens while the remaining cities allowed them under various restrictions. Most of the larger cities did allow chickens including Wichita, Overland Park, Olathe, Lawrence, and Manhattan. A summary of the survey has been attached.

The 41 Cities in the survey that do allow for fowl use a variety of restrictions including:

- Types of Fowl- chickens, geese, ducks, pigeons, guineas, etc.
- Gender of Fowl- ie roosters
- Number of Fowl- (average 12)
- Coop (size, setbacks from property lines a residence)
- Required Fencing
- Permission or Notification from Neighbors (200ft)
- Types of residences permitted (single family or duplex only)
- Approval from a governing body/ public hearing
- Required sponsorship from the local 4-H /local fair
- Annual permitting process and fees

Staff is seeking feedback on how to write a ordinance that could regulate fowl while preserving the character of the Cities residence areas.

**Recommendations/Actions:** It is recommended the City Council:

Advise staff on what (if any) changes are needed to the Animal Control Ordinance.

**Attachments:**  Exhibit A: City Survey- Chickens; Exhibit B-Letters and Comments received about Chickens.
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<th>Allowed?</th>
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<td>Kansas City, KS</td>
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<td><strong>Chapman</strong></td>
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<td>Mullinville</td>
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Tell us what you think about chickens in City limits

<table>
<thead>
<tr>
<th>Support</th>
<th>Opposed</th>
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<tbody>
<tr>
<td>I love chickens. My garden needs chickens. Chickens help me compost table scraps and garden waste. No insecticides in my garden. Chickens will take care of the bugs. Fresh eggs will be a bonus. Please- Let us have Chickens! The number could be limited.</td>
<td>NO CHICKENS: Kansas State Fair 2015 no chickens allowed due to DISEASE, not allowed at county fairs in Kansas also for the same reason, vote NO to BIRD FLU in Greensburg, KS!</td>
</tr>
<tr>
<td>Allowing chickens is just like allowing gardens. An Easy sustainable food source. Egg prices have skyrocketed and I'd love the cheaper greener option.</td>
<td>Makes the town look trashy. What would you think seeing chickens in a town with a small amount of people while driving through. We already get called hillbillies for being so small</td>
</tr>
<tr>
<td>Lots of cities, big and small all over the country allow them. Why can't we? #GreenInGreensburg Let's practice true sustainability</td>
<td>I think chickens in town is trashy- Not everyone would take care of them (food/housing) then what? City's Problem!!</td>
</tr>
<tr>
<td>Less Trash in the Landfill</td>
<td>Like the dog requirements work so well?!</td>
</tr>
<tr>
<td>A Great way for all the &quot;in town&quot; 4-H kids to have the opportunity to raise fowl. Responsibility!</td>
<td>ALL farm animals need to be allowed or not, you can not pick and choose what ones</td>
</tr>
<tr>
<td>Laws are changing everywhere in favor of backyard poultry. Even major cities are embracing this &quot;green idea&quot;! I have had backyard chickens all of my life and have never had any problems or complaints from neighbors! Like any pets or livestock, the key is to keeping them clean and the enclosures well maintained. The rewards are great.</td>
<td></td>
</tr>
</tbody>
</table>
GUESTS IN CITY LIMITS

TELL US WHAT YOU THINK ABOUT

Chicken and Ducks should be allowed in town

No Chicken! No Duches!
January 25, 2016

To: Mayor Bob Dixson
    Council Members, Mark Trummel, Sandy Jungemann, Rick Schaffer, Mat Christenson, Haley Kern.

Dear Mayor and City Council Members,

I am writing this letter concerning the court summons I received from the City Of Greensburg. It is about having ducks in my back yard.

I would like to ask the council to consider changing the ordinance to allow poultry within city limits.

We have made our town the model for green living and having poultry, whether it is chickens or ducks, is another green and sustainable way of living.

The ducks in the back yard not only produce eggs, but they are pets as well as 4-H projects. We had no mosquitoes in our back yard and they eat all the ticks and bugs that we call pests. They are not a noisy animal and are not running loose in the neighborhood.

As an Extension Agent I would like to address the 4-H project of poultry. We have several 4-Hers that live in town and because of living in town they cannot have a calf, goat or sheep in their back yard but chickens and ducks would be a project they could have in town and reap the rewards of taking care of the animals and getting eggs in return.

Please talk about this issue and make some changes so we can embrace another way of living Green and sustainable.

Sincerely,

Pamela L. Muntz
March 17, 2016

Kyler Ludwig
City Administrator
Greensburg, KS 67054

Dear Mr. Ludwig,

I am writing this letter to bring to your attention something I believe is will not benefit this community as a whole. I would like to address the issue of allowing the raising of fowl in residentially zoned locations within our city limits.

My husband and I currently own a home within the city limits. We work very hard, like many other citizens and take great pride in our home and the accomplishments our city has made in the rebuilding of our town. I know the hard work you, the city council, have put into our little town to make it what it is today. You have done a wonderful job and I commend you.

To encourage the raising of fowl and/or rezoning the current permitted uses of our residential areas will set all your hard work back. I do not see this as progress at all. In fact, I see chicken coops and the raising of fowl as doing more harm to our community than not. We have raised fowl when we lived on the ranch. The country or outer city limits are a perfect place for this. I do not have any problems with farm fresh eggs, fresh poultry and their sustainability. But allowing and encouraging all citizens the opportunity to build and try to maintain a fowl population in the city of Greensburg is a mistake.

As I understand, the city has been working for 0 long years to try to get current landowners to clean up their properties. This has been and will continue to be a costly, painstaking task. I don't understand why you would want to add another possibility for negligence in the way of clutter and eye soars to have to deal with. The current residents who have signed the petition and want to raise fowl are indeed, upstanding citizens in our community. However, if this issue moves forward, we are giving everyone the green light to create their ideas of raising fowl. No matter how hard your city code officer will try, he/she will not be able to control or keep everyone's ideas within city codes. Creating more headaches for you the city council.

I also understand the 4-H aspect of raising fowl for the children of our community. We have grandchildren here. They live within the city limits and I am sure they would love to play with ducks and chickens. But they sew, garden, bake and make all kinds of craft projects to enter in their 4-H competitions. I am sure if they wanted to raise animals there would be a lot of people outside of the city limits who would be very willing to help them out. The 4-H MISSION Reads: 4-H empowers youth to reach their full potential, working and learning in partnership with caring adults. We as adults also show our youth the importance of citizenship and the role they should play in a cooperative society.

When we all chose to rebuild in the city of Greensburg, we all made the commitment to make this town successful. Please do not allow the rezoning or changing of city codes to allow fowl to prevent the progress of the rebuilding of Greensburg.

Sincerely,

Dana Trummel