

Greensburg City Council
March 21, 2016
City Hall

A) CALL TO ORDER

Mayor Robert Dixon called the meeting to order at 6:00 p.m. on March 21, 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. Kern made a motion to approve the agenda as presented. Christenson seconded the motion. The motion passed 5-0.

D) CITIZEN COMMENTS

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

Ann Dixon, 221 S. Grove, voiced her support of backyard poultry being permitted on residential properties. Dixon listed several benefits to having poultry, including food production and the tilling and fertilizing of soil. Dixon noted that many large cities have made provision for residents to own backyard poultry.

Randy Rinker, 403 S. Pine, voiced his support of backyard poultry on residential properties, stating that he has raised various poultry for over 50 years. Rinker mentioned several benefits to owning poultry, including the increased opportunity for children living in city limits to have 4-H projects. He believes the allowance of poultry is part of a movement in green communities. Rinker stated that he never had any complaints while raising fowl and various other livestock in town. He believes that with proper care there will be no issues with noise or smell. Rinker suggested restricting the number of birds allowed and an occasional inspection to ensure clean, proper enclosures and care of the birds. Rinker stated that he would be glad to work with those interested in raising fowl.

E) CONSENT AGENDA

Kern made a motion, seconded by Jungemann, to approve the consent agenda as presented. The motion passed 5-0.

F) ITEMS OF BUSINESS**1. Approval of 2016 Insurance Policy**

City Administrator Kyler Ludwig introduced Insurance Agent Jeanine Hassiepen, People's Insurance, to present the quote for 2016 insurance coverage. Hassiepen recommended no change in providers for 2016 but will be reviewing options for 2017. A quote from EMC for continued coverage was provided with a projected cost of \$104,715. A quote for \$921.00 was also provided for data compromise and cyber insurance. The cost of this additional coverage was not included in the overall cost of coverage. In 2015 the City added coverage for small equipment purchased, two new mowers, and the pool. The City also received a dividend check of approximately \$14,000.

Schaffer asked why liability insurance was so high and if the city does safety meetings. Hassiepen stated that EMC does offer some safety classes. Ludwig has spoken to KMU and others regarding providing safety training to employees. Hassiepen explained that in 2012 the city had a large, long lasting claim.

Claims are counted for 3 years when determining liability premiums. 2016 is the final year that particular claim will be counted.

Christenson had several questions regarding the suggested cyber and data coverage. \$100,000 is the highest coverage available for municipalities. Hassiepen will look into minimum network security measure requirements. Christenson would prefer to gather additional information before a decision is made on whether or not to purchase this coverage. Hassiepen stated that she has 30 days to bind coverage.

Kern made a motion to approve the quote from EMC insurance, excluding cyber solutions & data compromise coverage until additional information can be gathered. Schaffer seconded the motion. The motion passed 5-0.

2. Personal Animal Husbandry Amendment – Sustainable Land Development Code

Ludwig presented an ordinance to amend Section 15.8 of the Sustainable Land Development Code, as recommended by the Planning Commission on March 9, 2016. The recommended change does not legalize fowl on residential properties. Fowl are still prohibited by the Animal Control code unless a property owner has two continuous acres of property. The recommended amendment would allow fowl to be governed solely by the City Animal Control Code. Ludwig gave a brief history on the topic. A copy of unapproved minutes from the March 9th Planning Commission public hearing were provided in the meeting packet. The amendment was recommended by a 3-1 vote. Ludwig stated that staff recommends support of the Planning Commission's decision on this motion.

Trummel voiced concern that amending the Land Development Code would be the first step to allowing fowl on residential properties of any size. Ludwig stated that amending the code was not a necessary step to allow fowl because the City Code takes precedence over the zoning code; however, the amendment would reduce conflict between the two codes. Trummel voiced concern over the city's ability to ensure the fowl are being properly maintained. He believes that allowing additional fowl in town will increase the number of skunks, raccoons, and foxes. Also discussed were concerns of neighborhood dogs killing fowl.

Christenson stated that he agreed with Rinker's assessment but questioned what recourse the city could have for someone who did not follow any regulations that the City may choose to impose in the future. He also voiced concern over the city's ability to regulate backyard fowl. He recommended Council closely examine the cost of enforcement and what regulations to put in place, should they choose to amend the Animal Control Code. Christenson stated that he had spoken to 12-15 citizens regarding the possibility of allowing backyard fowl. His observation was that the community is evenly split on the topic. He believes citizens either adamantly support or oppose the issue. Christenson stated that he is open to the idea of allowing backyard fowl if they are properly controlled and maintained; however he will have to be convinced that this would be the case. Christenson suggested that the Council table the proposed amendment until they have looked at the Animal Control Code.

Kern believes regulations on backyard fowl would need to be well thought out and meticulously written. She believes that amending section 15.8 of the Land Development Code gives Council the ability to set as stringent of guidelines as they see fit. It was also noted that Council could amend section 15.8 and vote not to change the Animal Control Code

Upon Ludwig's recommendation of a timely response to the Planning Commission's request, Christenson made a motion to approve Ordinance 1069, amending Section 15.8 of the Sustainable Land

Development Code. Jungemann seconded the motion. The motion passed 4-1 with Trummel voting "no".

3. Discussion on Animal Control Ordinance

Ludwig discussed various citizen comments that Staff has received regarding backyard fowl. Ludwig has surveyed 49 Kansas cities to determine if chickens are allowed in residence areas. 8 of the 49 cities prohibited chickens while the remaining cities allowed them under various restrictions. Restrictions across Kansas cities included types of fowl, gender of fowl (ie roosters), number of fowl (average of 12), coops (size, setbacks from property lines), fencing, permission or notification of neighbors (200 ft), types of residences at which they are permitted (single family and duplexes only), approval from a governing body/public hearing, required sponsorship from the local 4-H club or local fair board, and annual permitting process and fees. Ludwig encouraged the Council to consider regulations that are transparent, clear, and that can be evenly enforced. Ludwig is seeking comments and recommendations from the Council and plans to discuss the topic over multiple meetings.

Christenson voiced that he would not be opposed to various fowl, but would be against allowing roosters. He would suggest a maximum of 6 total birds, a coop with setback requirements, a privacy fence, and notification of neighbors. Should a property owner be required to receive permission from neighbors before a permit could be issued, Council would need to decide if there would need to be unanimous approval or a percentage of neighbors. Also, Council should consider if a public hearing of the neighbors should be held. Penalties and a process for addressing non-compliance need to be discussed. Christenson felt that requiring a 4-H or fair board sponsorship would limit fowl to those with children. He stated that permits and fees would be necessary.

During discussion on enforcement of the Animal Control Code City Clerk Christy Pyatt stated that the current code dealing with dogs at large sets a fine that increases significantly after an owner is declared a habitual violator as defined by the code. Council may want to consider something similar for domestic fowl. Ludwig explained that he has city maintenance working with the Police Department to identify unregistered dogs. The same could be done with backyard fowl. Chief Alvarez has issued several tickets for dogs at large, no registration, and one ticket for possession of backyard fowl.

G) CITY ATTORNEY'S REPORT

City Attorney is on vacation.

H) 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:

Pool Manager: Staff has received applications and are interviewing for the pool manager position. It is anticipated that an offer will be extended this week.

Code Enforcement: One open basement has been closed since the last council meeting, and three homes with broken windows have been temporarily secured. KDOT has agreed to remove the dead trees on their property north of the highway. City Staff has been in communication with 3 home owners about bringing their homes into compliance. The City has scheduled a meeting with the County Attorney about additional options to work together in encouraging code compliance.

Quarterly Transfers: Funds are sufficient for quarterly transfers. The transfers are budgeted at \$32,500 from the Electric Utility to the General Fund and \$5,000 from the Water Fund to the General Fund. The required \$5,000 transfer from Solid Waste will also be completed this quarter.

Fire Department Notification System: The Fire Department has tested a notification system that works with their smart phones. Fire Chief Jay Koehn will be submitting a receipt for this purchase which includes the modem and a year of service for approximately \$1,000.

Stamp Out Starvation: The school is seeking volunteers for their event on March 30th in the school gym. City staff will be invited to serve with the community.

Kiowa County Health Fair: On April 2nd the County is hosting its annual Health Fair. The City is paying for employees to have an annual health screening.

Municipal Election: The City Election will be at the Community Building from 7am-7pm on April 5th. Council was asked to encourage its neighbors to vote.

USPS Meeting: The Post Office has asked to use the Council Chambers on April 14th for a Town Hall Meeting. The meeting will start at 6:00 pm. The Post Office will be discussing changes in operations. Members of the community interested in learning about changes to their service are encouraged to attend.

Spring Clean Up: Spring Clean Up is scheduled for May 14th. The Methodist Church has volunteered to help individuals get things to the curb in preparation for that day. Staff will be working on an advertisement for the event.

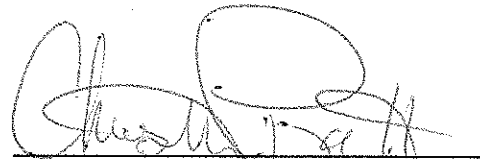
I) GOVERNING BODY COMMENTS

There were no comments from the Governing Body.

J) ADJOURNMENT

With no additional information to come before the Council, Dixon declared the meeting adjourned at 7:05 pm.


Robert A. Dixon, Mayor


Christy Pyatt, City Clerk