

OSAWATOMIE CITY COUNCIL

AGENDA

May 9, 2013

6:30 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Consent Agenda
 - Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action*
 - A. Approve Minutes of April 11 and April 25 Council Meetings
 - B. Approve May 9 Agenda
 - C. Appropriation Ordinance 2013-04
5. Comments from the Public; Presentations
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
6. Public Hearing – none
7. Unfinished Business
 - A. Discussion of Animal Code Changes and Repealing Pit Bull Ordinance
8. New Business
 - A. Appointments
 - B. Approve Official City Depository
 - C. Fireworks Permit Applications
9. Council Reports
10. Mayor's Report
11. City Manager's Report
12. Executive Session - none
13. Adjournment

REGULAR MEETING – May 23, 2013

REGULAR MEETING – June 13, 2013

Osawatomie, Kansas. **April 11, 2013.** The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 7:00 p.m. Council members present were Dickinson, Farley, Govea, Hampson, Hunter, LaDuex, Maichel, and Moon. Absent was Farley. Also present were City Manager Cawby, City Attorney Wetzler, and City Clerk Elmquist. Visitors were Jim, Katie & Joseph Mitzner, Cody Gettler, Jerry Gettler, Ed Bridges, Patricia Freemall, Gordon Schrader, Mark Marques, Cindy Govea, Danny Govea, Bo & Stacy Govea, Michael Govea, Nicky Govea, Ryan Govea, Ellen & Elizabeth Govea, Samuel Johnson, Alan Hire, Web Hawkins, and Coleen Truelson.

CONSENT AGENDA. Approval of the minutes of March 14 and March 28 Council Meetings, approval of April 11 Agenda, and approval of Appropriation Ordinance 2013-03.1. Motion made by Maichel, seconded by Hunter to approve the minutes of March 14 and March 28 Council Meetings, approval of April 11 Agenda, and approval of Appropriation Ordinance 2013-03.1. Yeas: All.

Public Participation: Presentations:

Joseph Mitzner, 1516 Main. The 6-year old asked the Council to please fix the swimming pool. Thanked Mr. Hawkins for giving money to fix the pool.

Public Hearings: none

Unfinished Business:

UPDATE ON SEWER PLANT PROJECT. Sam Johnson, BG Consultants, gave an updated report on the Waste Water Treatment Plant Headworks Improvement project. Construction is planned to begin August 23 with the final completion date of December 9.

POOL REHABILITATION PROJECT – CONTRACT PRESENTATION. Alan Hire, Triangle Builders, presented the proposal. The contract is for \$157,000 or \$167,260 of which Webster Hawkins would contribute \$150,000. There was much discussion. Mayor Govea asked for each council member’s opinion. All agreed it was a tough decision. Three of the members were against the proposal, saying that they couldn’t in good conscience and that City funds can’t be jeopardized. Three were on the fence and one was in favor. Motion made by Maichel, seconded by Moon to approve the contract as written. Yeas: Maichel and Moon. Nays: Dickinson, Govea, Hampson, Hunter, LaDuex, and Maichel. Motion failed.

New Business:

ELECTION RESULTS – ADMINISTER OATH OF OFFICE. City Clerk Elmquist reported the certified election results and administered the oath of office to Govea, Hampson, Hunter, Martin, and Walmann.

Mayor	Mark Govea	575 votes
	Write-Ins	21 votes
Council Ward I	Ted Hunter	55 votes
	Will Cutburth	51 votes
Council Ward II	Amanda Martin	113 votes
	Mike Moon	94 votes
Council Ward III	Jeffrey D. Walmann	144 votes
	Brett Henderson	73 votes
	Write-In	1 vote
Council Ward IV	Nick Hampson	98 votes
	Write-In	1 vote

ELECT COUNCIL PRESIDENT AND VICE-PRESIDENT. Mayor Govea opened nominations for Council President. Walmann nominated Hunter. Nominations ceased. Motion made by Dickinson, seconded by Hampson for Ted Hunter as Council President. Yeas: All. Mayor Govea

opened nominations for Council Vice-President. Maichel nominated LaDuex. Motion made by Hunter, seconded by Dickinson that nominations cease. Yeas: All. Motion made by Maichel, seconded by Walmann for Karen LaDuex as Council Vice-President. Yeas: All.

APPOINTMENTS.

Expiration of Terms:

KMEA Board of Directors	Director #1	Don Cawby
	Alternate	Karen LaDuex

Motion made by Hunter, seconded by Hampson to approve the appointments of City Manager Cawby and LaDuex. Yeas: All. [Note: LaDuex was appointed Director #2 last year. Therefore, the appointment should be disregarded.]

Council Liaisons:

Motion made by Hampson, seconded by LaDuex to approve the Mayor’s recommended liaison appointments. Yeas: All.

Economic & Community Development	Ted Hunter
Golf Course Advisory	Nick Hampson
Historic Preservation	Karen LaDuex
Library Advisory Board	Karen LaDuex
Parks & Recreation Committee	Nick Hampson
Public Housing Authority Board	Tamara Maichel
Public Safety Advisory Board	Tamara Maichel
Tourism Committee	Amanda Martin
Chamber of Commerce	Mark Govea

PROCLAMATION – ARBOR DAY. Proclamation was to declare April 27 as Arbor Day to urge all citizens to celebrate and to support efforts to protect the City’s trees and woodlands. Motion made by Dickinson, seconded by Hunter to approve the proclamation. Yeas: All.

PROCLAMATION – FAIR HOUSING MONTH. Proclamation was to promote fair housing practices throughout the City. Motion made by LaDuex, seconded by Hunter to approve the proclamation. Yeas: All.

ORDINANCE ON COUNCIL MEETINGS. The ordinance changes the meeting time to 6:30 p.m. Modifications were made to provide more flexibility for work sessions and also provide a provision for cancelling meetings. Motion made by Hunter, seconded by Hampson to approve Ordinance No. 3708. Yeas: All.

PURCHASE – CHLORINE TANK REPLACEMENT AT WATER PLANT. For the past two years \$8,300 has been spent on fixing leaks in the 2,800 gallon tank. There has been a leak in the fiberglass chlorine tank for over a year. Staff has opted to move to a poly-plastic tank which is much less likely to leak and if there is a leak, it is easier to fix. The proposed cost of replacement is \$17,600 for a 2,500 gallon tank. Motion made by Hunter, seconded by LaDuex to approve purchase of a 2,500 gallon poly-plastic tank for \$17,600. Yeas: All.

Council Reports:

Hunter: Railroad Day is April 20.

Mayor’s Report: none

City Manager's Report:Projects:

Highway Signs. The Osawatomie billboard on US-169 will be replaced at a cost of around \$2,500, including installation. There is a sign by Greeley that directs people to the Cabin. That sign will be replaced for around \$700.

Levees. Wilson & Company's proposal to do the preliminary engineering for Phase III of the levee work is \$236,000. City Manager Cawby will have to invest some time to examine the cost effectiveness of the project and put an analysis together.

Issues:

Audit. On top of everything going on, our Auditors were here for two days this week. We got a verbal indication of a good bill of health, but they are still looking at some documentation and finishing up their work back at their office.

Train Town USA. Osawatomie has been selected by the Union Pacific Railroad as "Train Town USA" because of the community's railroad history and heritage. The UP will be presenting a sign and declaration to community officials at Railroad Days.

Facilities Tour. The City will be doing a facilities tour for the Miami County leadership program "Strive to Thrive" on April 20. Council members are invited. The facilities to be toured are the Police Station, the City Hall basement and the Auditorium; the Fire Station; the Water and Power Plant, and the Sewer Plant.

Motion made at 9:17 p.m. by Dickinson, seconded by Hunter to recess until April 20 at noon and the Railroad Museum. Yeas: All.

Ann Elmquist, City Clerk

Osawatomie, Kansas. **April 20, 2013.** The April 11 recessed Council meeting was reconvened at the Railroad Museum at 12:00 p.m. Attending the presentation was Mayor Govea and Council members Dickinson, Hampson, Hunter, Maichel, Martin and Walmann. Also present was City Manager Cawby.

The Union Pacific Railroad recognized Osawatomie as a Train Town USA.

The meeting was recessed until 1:30 p.m. at the Police Department

The tour began at 1:30 p.m. at the Police Department and City Hall basement, then to the Fire Station and Electric Warehouse, the Water and Power Plant, and ending at the Sewer Plant. Attending were Mayor Govea, Council members Dickinson, Hampson, Maichel, and Martin, County Commissioner George Pretz and Danny Govea. Police Lieutenant and Fire Chief DuWayne Tewes conducted the tours at the stations. Plant operator Stewart Kasper gave the tour at the power and sewer plants. Mayor Govea and Danny Govea left at 4:00 p.m., after touring the power plant. The tour was over at 4:45 p.m.

The tour meeting was adjourned at 4:45 p.m.

Ann Elmquist, City Clerk

Osawatomie, Kansas. **April 25, 2013.** The Council meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 7:00 p.m. Council members present were Dickinson, Farley, Hampson, Govea, Hunter, LaDuex, Maichel, and Moon. Also present were City Manager Cawby and City Attorney Wetzler. Visitors were Nick Neuerburg, Cristina Romero, Jeremy and Megan Berryman, Kim Graham, Megan Berryman, Marc & Dawn Cochrane, Brenda Smith, Jordan Packard, Jeff Conner, Justine Prothe, Felicia Cross, Malcolm Davis, Lauren Stewart, Midge Grinstead, Casey Martinez, Anthony Barnett, Katie Barnett, Katie Barnett, Jodi Branson, Webster Hawkins, Ted Bartlett, and Coleen Truelson.

APPROVAL OF AGENDA. Motion made by LaDuex, seconded by Hunter to approve the agenda. Yeas: All.

PRESENTATION ON CONCERNS ABOUT THE EXISTING PIT BULL CODE RESTRICTIONS. Councilmember Maichel brought in a panel of experts to provide testimony on the issues with the current ordinance. Casey Martinez has been involved in animal welfare and legislative issues and has experience presenting statistical and founded information regarding breed specific legislation, dangerous dog laws, and public safety in regard to animal control. Anthony Barnett is a Dog pack and Behavior Specialist who, among other things, works with the Kansas City, Missouri Police Department. Dr. Jodi Branson is a veterinarian, who founded the Animals' Resource Fund, an animal welfare organization dedicated to finding homes for abandoned animals and assisting with owner retention through fundraising efforts. Midge Grinstead is the Kansas State Director for The Humane Society of the United States, is currently on several Kansas animal control boards, and is co-founder of Humane Kansas Legislative Network.

Martinez provided a power point presentation. The panel's goals are to provide resources for further education and to create a behavior based ordinance that results in a safer Osawatomie. Pit bulls are not different than any other breed of comparable size and build and they have no locking jaw mechanism unique to the structure of their jaws and/or teeth. Families are losing their beloved pets. Now DNA tests have shown that dogs are being misidentified. The factors in determining if a dog will be aggressive are socialization, environment, training, health, and not breed. Animal Control Officer Ted Bartlett doesn't agree with the breed ban. Agreed that when dogs are tethered 24/7, they become more aggressive. The City needs to target habitual violators, promote voluntary spay/neuter programs, enforce leash laws, pass an anti-tethering law, and provide dog bit prevention education in the grade schools. The City's current ordinance prohibits the keeping of bull terriers and Staffordshire terriers. Also prohibited is any dog that has the appearance and characteristic of being predominantly a bull terrier. Members of the public voiced their anguish because of the ban. They are good owners, their dogs are very good with their children, they had to give up their loved family pet, and a dog penalized that was only 17% Pit-bull. City Manager Cawby said at the May 7 meeting there will be discussion about changes and on May 23 it will come to a vote. Motion made by Walmann, seconded by Hunter to investigate into making recommendations of changes and to approve a new ordinance on dogs. Yeas: All

City Elmquist arrived during the Pit Bull discussion at 6:48 p.m.

RESOLUTION TO REPEAL CONDEMNATION OF 1701 MAIN. Building Inspector Ted Bartlett completed an inspection of the property and provided the inspection report and pictures of the property. The property has been renovated and made safe. The resolution repeals Resolution No. 661 and then the City would issue a Certificate of Occupancy for the property. Motion made by Maichel, seconded by Dickinson to approve the repeal. Yeas: All. The Resolution was assigned No. 667.

CHARTER ORDINANCE ON PUBLIC BUILDING COMMISSION. The Charter Ordinance creates a Public Building Commission (PBC) necessary to make public building improvements or other opportunities as they arise. A PBC is a separate legal entity for the purpose of acquiring land and constructing buildings to be used for municipal purposes. It will typically issue bonds to pay the cost of the desired project and then leased to the city via a lease purchase agreement. Once the bonds are repaid, the ownership of the facility reverts back to the city. The State allows these lease payments to be exempt from the cash basis law since PBC bonds are not general obligations. Motion made by Hunter, seconded by Hampson to approve the Charter Ordinance that creates a Public Building Commission. Yeas: Dickinson, Farley, Hampson, Hunter, LaDuex, Maichel, and Martin. Walmann abstained due to a personal conflict. Motion passed by 2/3 majority of the Council elect. The Charter Ordinance was assigned No. 16.

DISCUSSION OF COUNCIL OUTREACH IDEAS. Mayor Govea wants an ice cream social to be held four times over the summer, one per ward. The Council members from each ward would serve the ice cream, at no cost to the City, and set up their own agenda. This makes the Council members available for people to talk to them and get to know each other. Would like to have a park in each ward. Maichel would like to see work done with kids with some type of mentoring. Martin has no doubt that the City employees feel unappreciated. She continues to take home-made cookies to every department so that she can get to know them and they her. City Manager Cawby said that the administrative staff needs to be appreciated. Walmann said he would do a pig roast at the Lake Shelter House. Also suggested was to have lunch with employees sometime at Christmas and hold a family event in the summer.

Council Reports:

LaDuex: Friends of the Library on May 25 will be holding their annual pancake feed.

Hunter: Railroad Day was very successful, had good weather. The Union Pacific Railroad recognized Osawatomeie as a Train City USA.

Dickinson: Asked if the Council was doing their Governing Body Scholarship again for an Osawatomeie High School Senior. Mayor Govea asked each member to donate money. For this year he would be getting with the scholarship contact person and chose the recipient.

Hampson: Was unable to attend the Golf Course Advisory meeting when the time was rescheduled.

Maichel: Attended the GenOz first Sunflower Leadership Summit. Went on the tour of each of the City facilities.

Mayor's Report:

Attended the Leadership Miami County graduation banquet. Councilmember Martin and Fire Chief Tewes attended.

KDOT will be holding two public open houses for the Miami County K-68 Expansion. Before each of the open houses public officials can participate in a briefing for the project.

City Manager's Report:

Issues

John Brown Park. Staff installed some water and electric on the north end of the Park. This will accommodate carnival workers and their old space will be used to expand the Jamboree's carnival area. Getting bids to replace the roof on the Park's bathroom.

Library Foundation. Finding it difficult to get someone to come in and look at the Library foundation. However, working to make sure the door still function's so the basement can be used for children's activities. Trying to get some bids so the work can be adequately budgeted and have the repairs scheduled for this fall.

Revenues Update. The City appears to be about 0.7% (\$1,000) behind of estimates for sales and compensating use taxes. Down about \$7,000 in property taxes, about 2.25% behind the average pace for the last 3 years. Basically, thinks everything is on target and doesn't plan on making any major adjustments based upon this information.

Driving Simulator. Twenty-seven employees participated in a driving simulator test to help improve driving skills. Focused the training for police officers, CDL carriers and volunteer Fire Department members. All accounts were that it was a good experience.

Committees. Only a few people requested applications to City advisory boards. Plans on addressing at the next Council meeting.

Motion made at 9:15 p.m. by Hunter, seconded by LaDuex to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Record of Ordinances

ORDINANCE NO. 2013-04

DATE WARRANTS ISSUED:
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AN ORDINANCE MAKING APPROPRIATION FOR THE PAYMENT OF CERTAIN CLAIMS.

Be it ordained by the Governing Body of the City of Osawatomie, Kansas

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of the respective funds in the city treasury the sum required for each claim.

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
City of Osawatomie	Petty Cash Reimbursement	1338	1,875.43
Ace Pest Control, LLC	Pest Control	41367	475.00
Airgas	Oxygen Cylinder	41368	90.26
Allenbrand-Drews & Associates, Inc.	Locate Street & Alley Right of Ways	41369	865.00
AT&T	RTU'S	41370	221.76
Baker & Taylor	Books	41371	609.00
BG Consultants, Inc.	WWTP Consulting Services	41372	8,657.00
Ronnie Burk	Uninstall Police Equipment & Decals	41373	1,000.00
Chief State Boiler Inspector	Boiler Certification	41374	60.00
City of Osawatomie	Utilities	41375	10,023.50
Correct Care Solutions, LLC	Inmate Healthcare Repricing	41376	17.50
Drake-Scruggs Equipment, Inc.	Vacuum Vent	41377	124.47
Entersect	Police Online	41378	79.00
Family Center	Keys, Shovel, Live Trap, Paint, Tape	41379	441.00
HD Waterworks	Water Service Saddles	41380	302.20
Home Depot	Light, Shelves, Keyless Lamp Holder	41381	307.66
Hutchinson Community College	Tuition-Kendal Low	41382	47.00
Industrial Sales	Field Drainage	41383	584.20
John Deere Financial	Lubricant	41384	8.15
Kansas Department of Commerce	JTC Oil Lease-May	41385	1,000.00
Kansas One Call Concepts	Locates	41386	49.00
Kelcon Technologies, Inc.	Admin Rights and File Copy	41387	90.00
Killough Construction, Inc.	Asphalt	41388	991.10
Leader & Times	Ad-Kansas Sampler	41389	1,275.00
Lybarger	Fuel	41390	8,651.84
Miami County Medical Center	Medical Care for Prisoner	41391	693.80
Miami County Solid Waste	Tire Disposal	41392	75.00
Miami Lumber	2 X 4 Lumber	41393	19.38
John Moore, MD	Medical Care for Prisoner	41394	115.84
Paola Hardware	Machine Screws, Adjustable Ballcock	41395	85.09
Pitney Bowes	Postage Meter Lease	41396	189.50
Prestige Flag	Flag	41397	640.21
Rural Water District #1	Service	41398	122.82
Suddenlink	Internet	41399	309.77
Superior Lamp, Inc.	Bulbs	41400	368.18
Training @ Your Place	Web Support, Modify Codes	41401	765.00
Viking Industrial Supply	Plastic Bags	41402	209.72
Wade Quarries	Rock	41403	1,179.46
Wilson & Company	Levee Assessment	41404	282.48
Winkler, Domoney, & Schultz	Municipal Court Judge	41405	2,000.00

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Winterscheid Auto Parts	Filters, Bulbs, Extension Bars	41406	748.28
KMEA	GRDA Electricity	1339	84,786.66
KMEA	SPA Hydro Electricity	1340	2,600.94
KMEA	WAPA Hydro Electricity	1341	8,748.32
Crawford Sales Company	Budweiser	41407	234.75
Midwest Distributors	Miller	41408	174.60
Dish Network	Service	41409	94.89
EMG, Inc.	Energy Consulting	41410	1,069.93
Gallagher Benefit	Administrative Fee	41411	389.00
Grainger	Sump Pump, 3-Beam Torpedo Laser	41412	253.31
John Deere Landscapes	Herbicide, White Athletic St	41413	149.26
Kansas City Wilbert	Grave Openings	41414	1,000.00
Kansas Department of Revenue	Compensating Use Tax	41415	749.71
Kansas Department of Revenue	Sales Tax	41416	9,875.79
Kansas Department of Revenue	Sales Tax-Concession Stand	41417	8.43
Kansas Department of Revenue	Water Protection & Clean Water Fee	41418	1,668.54
Kansas Municipal Utilities	2nd Quarter Dues	41419	2,236.00
L&K Services, Inc.	Refuse	41420	31,824.14
Moon's IGA	Batteries, Cleaning Products, Litter	41421	731.66
Mott Signs	Billboard Banner	41422	2,597.00
Ricoh Americas Corporation	Copier Lease	41423	289.00
Suddenlink	Internet	41424	74.24
USA Blue Book	Shop Vac Filter	41425	40.90
Visa	Computers, Coffee Maker, DVDs, Felt	41426	1,797.78
Crawford Sales Company	Budweiser	41427	192.25
Atco International	Apocalypse	41428	163.60
Athco, LLC	Playground Equipment	41429	41,674.00
Baker & Taylor	Books	41430	396.26
Beachner Grain	Weed Killer	41431	167.00
Nan Bewley	Wash and Hang Curtains-Mem Hall	41432	125.00
BG Consultants	Consulting Services	41433	5,299.00
Blue Valley Tractor & Supply	8 Gallon Fuel Gauge	41434	36.26
Bob's Sales and Service	Recharge Sales and Service	41435	134.50
Sheldon Booe	Soccer Official	41436	138.00
Bowes Automotive Products	Tire Repair Supplies	41437	71.85
Brenntag Mid-South	Hypochlorite	41438	4,336.24
Brewer's Automotive Repair	Battery	41439	97.95
BSN Sports	Leg Guard, Chest Protector, Helmet	41440	1,094.40
C & G Merchants Supply	Plates, Cups, Straws	41441	124.63
California Contractors Supplies	Morse Wood	41442	119.97
Conrad Fire Equipment	Hood, Gloves	41443	383.70
CYR Construction	Sidewalk	41444	800.00
Eric Draper	Soccer Official	41445	30.00
Electric Shop	Replace One Outside Light	41446	126.43
Evco Wholesale Food Corp	Gatorade, Coffee, Hamburger, Chips	41447	291.16

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
First Option Bank	Loan-Golf Course Irrigation	41448	4,080.79
Gallagher Benefit Services	Administrative Fee	41449	388.00
Gerken Rental	Portable Toilet	41450	108.00
Austin Harper	Soccer Official	41451	94.00
HD Supply Waterworks	Clamp, Coupling, Tubing	41452	294.58
Helena Chemical Co.	Herbicide	41453	430.00
John Deere Landscapes	Grass Seed	41454	365.42
K & T Auto	Tires	41455	204.91
Kansas Rural Water Association	Registration for Conference	41456	145.00
Kansas State Treasurer	Training Funds	41457	714.50
Courtney Kilbourn	Soccer Official	41458	40.00
KSGFOA	Membership	41459	50.00
Lang Chevrolet	Handle	41460	47.64
League of Kansas Municipalities	Mayor's Conference	41461	160.00
Louisburg Firefighters Assoc	Void	41462	-
Martin Pringle	Municipal Matters, City Prosecutor	41463	4,244.80
Mid American Signal	Traffic Signal	41464	84.00
Mississippi Lime Company	Lime	41465	1,741.45
NEKLS	Registration for Tech Days	41466	60.00
NPG Newspapers	Charter Ordinance No 15	41467	291.44
Ozonia	Circuit Board	41468	361.16
Pat's Signs	8" Gavel, Wirestands	41469	43.00
Pepsi Beverages Company	Pop	41470	347.11
Prime Media Productions	Jamboree Commercial	41471	345.00
Quill	Pens, Folders, Fasteners, Note Pad	41472	82.70
Lisa Ragan	Design Consultant	41473	689.00
Ricoh Americas Corporation	Copier Lease-PD	41474	183.90
Ruan Logistics Corporation	Freight for Lime	41475	1,504.40
SD Myers	Transformer Oil Test	41476	457.00
Morgan Soucie	Soccer Official	41477	99.00
T & R Electric	Pole Mounts, Double Bushing	41478	2,690.00
Tahirkheli & Farley, LLC	Attorney Fees	41479	500.00
The Law Office of Bryan Meyer	Attorney Fees	41480	210.00
Tri-County Termite & Pest Control	Termite Control	41481	480.00
UV Doctor Lamps, LLC	UV Lights	41482	325.21
UZ Engineered Products	Ratchet Box Wrench	41483	73.02
Visa	Meal, Lodging, Registration, Printer	41484	1,364.21
Wendt's Construction	Repaired Building & Garage Doors	41485	10,500.00
Wycoff's Locksmithing	Key	41486	25.00
Zep Sales and Service	Weed Killer	41487	165.00
KMEA	EMP Electric Transmission	1342	48,325.22
KC Bobcat	Mini Excavator Lease	41488	6,000.00
Back Home Nursery	Flowers-Downtown	41489	593.00
Baker & Taylor	Books	41490	100.37
Beachner Grain	Weed & Grass Killer	41491	124.13

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Breentag Mid-South, Inc.	Alum	41492	13,886.38
Carrot-Top Industries	Flags	41493	630.82
CenturyLink	Service	41494	2,352.38
CenturyLink	RTU'S	41495	236.56
CenturyLink	Long Distance	41496	337.19
Cinematic Visions	Commercial Production	41497	165.00
Coleman Equipment	Safety Switch, Brake Switch	41498	38.01
Contech Engineered Solutions	Galvanized Pipe	41499	152.40
Correct Care Solutions	Inmate Healthcare Services Repricing	41500	17.50
Demco	Tape, Jacket Covers, 2 Ring Album	41501	155.21
Exline, Inc.	Catalytic Converter	41502	109,353.84
First Place Trophies	Nameplates for New Council	41503	30.00
Richard Fisher, Jr., LLC	Attorney Fees	41504	950.00
Galls	Sling, Gun Lock with Handcuff Key	41505	480.48
GNC Enterprises, Inc.	Nu Chain	41506	271.76
Holliday Sand & Gravel	Brick Sand	41507	194.32
Huber & Associates, Inc.	Maintenance on Computer	41508	6,365.00
Industrial Sales	PVC, Male Adapters, Pipe w/Fabric	41509	1,101.89
Integrity Events	Deposit for Thompson, Mize	41510	6,000.00
Jarred, Gilmore & Phillips, PA	2012 Audit	41511	6,500.00
John Deere Landscapes	Three Way Selective	41512	162.68
KCPL	Service	41513	1,205.50
Kansas Gas Service	Service	41514	5,434.82
Killough Construction	Asphalt	41515	495.00
Kreutz Glass, Inc.	Windshield for Street Sweeper	41516	150.00
Kriz-Davis Co.	Conduit, Wire, Insulator, Wire Tie	41517	5,383.33
Leadership Miami County	Dues 2012-2013	41518	250.00
League of Kansas Municipalities	KACM Board Meeting	41519	24.20
Louisburg Ford Sales, Inc.	Moulding	41520	63.09
Miami Co Road & Bridge Dept.	Rock	41521	344.70
Miami County Sheriff's Office	Prisioner Care	41522	880.00
Miami Lumber	Redeck Outdoor Stage	41523	291.40
My-Lor, Inc.	Laminated ID Tags	41524	100.61
ND&H	Attorney Fees	41525	220.00
Blue Tarp Financial	Black Seat	41526	306.48
Oil Patch Pump & Supply	Clamp, Male PVC Adapter, Cap	41527	40.57
Paola Do It Best Hardware	Drill Bit, Chain, PVC, Enamel	41528	97.24
Paving Maintenance Supply	Polyflex	41529	1,427.25
Pioneer Manufacturing Company	Striper & Paint	41530	938.00
Rainbow Book Company	Books	41531	999.45
Rejis Commission	LEWEB Subscription Service	41532	31.50
Sprint	Service	41533	24.00
Stanion Wholesale Electric	Commercial Fan	41534	472.32
Suddenlink	Internet	41535	59.95
Debbie Talley	Memorial Hall Janitorial	41536	375.00

CITY OF OSAWATOMIE - BUDGET REPORT

DATE: MAR 2013	BUDGETED	REIMBS	EXPENDITURES	UNEN BALANCE
GENERAL				
Administration	601,627.00		119,314.11	482,312.89
Sports Complex				-
Public Safety	906,283.00		217,162.11	689,120.89
John Brown Cabin	45,666.00		10,509.41	35,156.59
Public Works	237,059.00		48,157.74	188,901.26
Swimming Pool	18,146.00		1,105.00	17,041.00
Cemeteries	103,327.00		18,804.50	84,522.50
Parks & Lakes	-		-	-
Municipal Court	108,417.00		24,892.36	83,524.64
Levees & Storm Water	7,000.00		623.82	6,376.18
Library	138,336.00		27,873.87	110,462.13
TOTAL	2,165,861.00	-	468,442.92	1,697,418.08
WATER				
Administration	265,761.00		53,559.19	212,201.81
Water Treatment	854,353.00		57,272.29	797,080.71
Water Distribution	212,437.00		50,287.57	162,149.43
TOTAL	1,332,551.00	-	161,119.05	1,171,431.95
ELECTRIC				
Administration	762,610.00		230,758.07	531,851.93
Electric Production	2,459,643.00		543,869.37	1,915,773.63
Elect Transmission	583,267.00		129,126.17	454,140.83
TOTAL	3,805,520.00	-	903,753.61	2,901,766.39
EMPLOYMENT BENEFIT	613,556.00	16,974.63	211,236.76	419,293.87
REFUSE	376,700.00		62,938.64	313,761.36
LIBRARY	26,000.00		1,577.56	24,422.44
RECREATION	13,456.00		4,493.79	8,962.21
RURAL FIRE	43,720.00		6,961.71	36,758.29
INDUSTRIAL	41,500.00		3,699.32	37,800.68
REVOLVING LOAN	-			-
SPECIAL PARKS & REC	240,278.00	445.00	42,819.56	197,903.44
ST IMPROVEMENT	129,000.00	94.42	13,258.21	115,836.21
BOND & INTEREST	752,788.00		77,601.25	675,186.75
PUBLIC SAFETY EQUIP.			-	-
FIRE INS PROCEEDS	15,500.00		-	15,500.00
SEWER	836,250.00		196,548.21	639,701.79
REC EMP BENEFITS	2,419.00		472.73	1,946.27
GOLF COURSE	249,090.00	495.01	49,085.51	200,499.50
SPECIAL REV (FIRE EQUIP)			-	-
SPECIAL REVENUE (911)	9,897.00		-	9,897.00
LLEBG GRANT			-	-
TOURISM	-		1,471.97	(1,471.97)
DISASTER				-
CAPITAL - GENERAL	40,000.00		38,296.49	1,703.51
CAPITAL IMP. - STREET				-
CAPITAL IMP - SEWER			-	-
CAPITAL IMP - GRANTS				-
CAFETERIA 125 #50			8,460.28	(8,460.28)
COURT ADSAP #51	3,000.00		-	3,000.00
COURT BONDS #52	20,000.00		2,212.50	17,787.50
FOREITURES #53	3,000.00			3,000.00
OLD STONE CHURCH #54				-
PAY PAL #55				-
GRAND TOTAL	10,720,086.00	18,009.06	2,254,450.07	8,483,644.99



STAFF AGENDA MEMORANDUM

DATE OF MEETING: May 9, 2013

AGENDA ITEM: **Proposed Animal and Pit Bull Code Amendments**

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: At the April 25, 2013 meeting, the Council received a presentation from several individuals about repealing the Pit Bull ban in our municipal code. As a result of this presentation Councilwoman Maichel and Councilwoman LaDuex were tasked with meeting to create a revised code to present to the City Council. They met with me last Thursday and we reviewed portions of Topeka and Lawrence's animal codes to adopt the changes they deemed important. In summary those changes included:

- a. Removing the Pit Bull ban
- b. Strengthening our current vicious/dangerous dog provisions
- c. Create anti-tethering provisions
- d. Adding habitual violator provisions
- e. Strengthening our animal cruelty provisions

Because changes to one section of the animal code can send ripples through the rest of the sections, I found it simpler to just recreate the code from top to bottom so that the end result would be readable and easier to use for our animal control and law enforcement staff. Also, we needed to make a few amendments to this section as well, mainly as a result of our approach to zoning regulations. In our zoning regulations discussions we felt it would be wise to put all animal provisions in code and remove them from the regulations.

I will use this memo to walk through the most crucial proposed changes to the animal code and will walk through the document section by section during the meeting.

Pit Bull Ban. We have removed the breed specific ban against pit bulls.

Vicious and Dangerous Dogs and Animals. (Pages 25-28) As an alternative to the Pit Bull ban, we have strengthened our vicious and dangerous dog provisions. Our current provisions require that the owner of any ruled vicious by the court be required to provide signage, muzzling, and insurance. The new provisions will require the owner to also register the dog annually with a \$50 fee, have the dog micro-chipped, and require a secure enclosure as well as sterilization if it hasn't been done. There are some very significant fines and penalties for owners that do not comply with these requirements. The provisions now refer to dogs as dangerous, instead of vicious. I believe this better fits the intent of these laws.

The code also provides a catch-all provision for dangerous or vicious animals in general. It gives the animal control, law enforcement and the judge the ability to move quickly on an animal that is a danger to the public. The exotic animal section is move to our dangerous animals section since that is the general reason for the law.

Anti-tethering. (Pages 9-10) A major change in the code is the addition of the anti-tethering provisions. The provision as proposed applies to both dogs and cats. Under the code, an owner is prohibited from tether an animal in the following manner:

1. Unsupervised for more than 15 minutes
2. With a tether that is more than 1/8th the weight of the animal
3. So that the animal could injure or strangle itself
4. Without protection from the weather
5. Without securing a water supply from being knocked over
6. Tethered in an area where it can be attacked by other animals or teased by people
7. In an area of bare earth where no steps have been taken to keep it from being wet or muddy

Tethering under these conditions is defined as animal cruelty and will fall under those penalties and fines.

Animal Cruelty Provisions. (Pages 6-9) The code expands animal cruelty provisions to prohibit the following:

1. Not adequately caring for an animal in a person's custody
2. Not providing food of an adequate quality
3. Not making water regularly available
4. Not providing adequate protection from the weather
5. Tethering a dog or cat as provided in the tethering section

6. Harboring an animal on a non-residential property
7. Failure by a driver to report the injury or death of an animal struck by his or her vehicle
8. Leaving an animal in a vehicle for more than five minutes
9. Allowing an animal to be injured if transporting it in an open bed of a vehicle
10. Cropping and animals ears or docking a tail without a veterinary license
11. Using implements to knock over a horse for sport or entertainment
12. Training or fighting animals against other animals or humans

The provisions allow a person convicted of animal cruelty to be fined, sentenced to six months in jail and possibly be prohibited from owning all or specific animals as determined by the judge.

At Large and Habitual Violators. (Pages 19-21) Animal at large provisions are amended to provide for an aggressive animal at large. Additionally, any owner receiving more than four animal at large violations or four aggressive animals at large violations are subject to additional fines as a habitual violator.

Licensing of Animals. (Pages 18-19) The licensing of animals was expanded to include ferrets. We only currently license dogs and cats. Most of the changes in this section are administrative only. The provision for service animals was modernized and also expanded to all certified and trained assistance animals.

Animals in City Limits. (Pages 4 -13) Several other provisions were added that needed to be addressed. The additions are:

1. Clarification of the prohibition of riding of livestock on the City right of way
2. Creating an odor provision in the nuisance section
3. A specific section on the removal of animal excrement
4. Allowing livestock on 10 acre tracts or more and used exclusively for agricultural purposes. We may have to consider a grandfather provision on this.
5. Allowing for on-site burial of animals with certain limitations. We may also want to consider some changes to this provision.

COUNCIL ACTION NEEDED: Provide direction to staff on the drafting of an ordinance to affect these proposed changes.

STAFF RECOMMENDATION TO COUNCIL: Review the information.

CHAPTER II. ANIMAL CONTROL AND REGULATION

- Article 1. General
- Article 2. Animal Control Officer and Pound
- Article 3. Licensing and Health of Domesticated Animals
- Article 4. Dangerous Animals

ARTICLE I. GENERAL

2-101. DEFINITIONS. For the purposes of this chapter, the following words and phrases shall mean:

(a) "Abandon" includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

(b) "Animals" means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.

(c) "Animal Shelter" means the facility or facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.

(d) "Assistance Dog" means a dog trained and certified, or undergoing training, to aid or assist a person with a disability and include guide dogs for the visually impaired, hearing dogs for the deaf or hard of hearing, and service dogs for mobility assistance, seizure alert, therapy, or psychiatric service. The owner of an assistance dog must be able to provide adequate documentation, upon demand of an animal control officer or law enforcement officer, that the service dog is an animal trained by an accredited institution which trains dogs for assistance work.

(e) "At-large" means to be outside of a fence or other enclosure which restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be at-large.

(1) Animals are not considered to be at-large if they are on the property of the owner and under the supervision or voice control of the owner.

(f) "Bite" means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

(g) "Cat" means any member of the species felis catus, regardless of sex.

(h) "Dangerous Dog" means:

(1) Any dog with a known propensity tendency or disposition to attack, to cause injury, or otherwise threaten the safety of human beings or domestic

animals; or

(2) Any dog which in a vicious or threatening manner, approaches any person in apparent attack upon the person while on the streets, sidewalks, or any public grounds or places; or on private property; or

(3) Any dog which attacks or bites, or has attacked or bitten a human being or domestic animal; or

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(5) Notwithstanding the definition of a dangerous dog above in paragraphs (1) through (4) above:

(A) No dog may be declared dangerous if any injury or damage is sustained by a person or animal who at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

(B) No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(C) No dog may be declared dangerous if the injury or damage was sustained by a rabbit, bird or fowl that was not in a fenced or enclosed area on its owner's premises.

(D) Nothing in this article shall be deemed to regulate or prohibit the lawful maintenance of dogs by law enforcement agencies.

(i) "Dangerous or Vicious Animal" means:

(1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(2) Any animal which attacks a human being or domestic animal without provocation.

(3) Any animal which is urged by its owner or harbinger to attack, or whose owner or harbinger threatens to provoke such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty.

(4) A rabid animal, either deemed to be rabid by the animal control officer or a law enforcement officer based upon an animal's physical appearance or actions, or an animal later determined to be rabid through testing or determination made by a licensed veterinarian.

(j) "Dog" means any member of the species *canis familiaris*, regardless of sex.

(k) "Exposed to Rabies" means an animal which has been bitten by or subjected to danger, attack or harm by any creature known to have been infected with rabies.

(l) "Fowl" means those animals in the zoological class *aves*, which can be generally defined as domestic birds commonly kept for the production of meat, eggs or feathers, which shall include, but not limited to, chickens, ducks, geese, swans, turkeys, pigeons, pea fowl, guinea fowl, ostriches and emus.

(m) "Harbor" means any person who shall allow any animals to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.

(n) "Humane Live Animal Trap" means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the

body of such animal.

(o) "Humanely euthanize" means the proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.

(p) "Immediate Control" means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

(q) "Kennel" means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than six dogs.

(r) "Livestock" includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

(s) "Neutered" means any male or female cat or dog that has been permanently rendered sterile.

(t) "Own" means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal. If a minor owns any such animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this chapter.

(u) "Owner" means the one who owns, or his or her employee, agent, or other competent person into whose charge an animal has been placed by the actual owner as described in subsection (q) above.

(v) "Secure enclosure" means a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog. An enclosure shall be securely enclosed and locked and designed to prevent the animal from escaping from the enclosure. The secure enclosure must be at least six feet from any public sidewalk or street. The secure enclosure, other than a residence, must be locked with a key or combination lock when animals are within the enclosure. All secure enclosures must comply with all zoning and building regulations of the city. All secure enclosures must provide such food, potable water, protection from the elements, opportunity for exercise adequate to maintain health, adequate light and ventilation, a clean and sanitary environment, and provide for the or other care as is needed for the health or well-being of the enclosed animal.

(w) "Secure six-sided enclosure" means a secure enclosure, such as a pen, kennel or structure with secure sides, a secure top attached to the sides and a secure bottom or floor attached to the sides of the pen, or if such enclosure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot.

(x) "Service Animal" means dogs, or other animals, that are trained by an accredited institution to do work or perform tasks for people with disabilities and covered by the Americans with Disabilities Act (ADA). Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog, or animal, has been trained to provide must be directly related to the person's disability. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

(1) Under the ADA, State and local governments, businesses, and

nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

(2) Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices.

(y) "Supervision" means within visual and auditory range of the owner.

(z) "Tether", when used as a verb, shall mean fastening a dog or cat to a stationary object, pulley run line or a stake. When used as a noun, shall mean a chain, leash, rope, cable, chain, string, leather or nylon strap, or any other material used to fasten a dog or cat to a stationary object, pulley run line or a stake.

(aa) "Vaccination" means an injection of a vaccine, approved by the State Board of Public Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

(bb) "Veterinarian" means a doctor of veterinary medicine licensed by the State of Kansas.

(cc) "Vicious" means a cross, ferocious or dangerous disposition or a habit, tendency or disposition to snap, attack or bite any person or domestic animal.

2-111
2-102

KEEPING ANIMALS.

(a) Except as allowed by subsection (d) of this section, it shall be unlawful for any person to own, keep, maintain or have in his possession or under his control, within the city limits, any live mammal, bird or reptile.

(b) Except as allowed by subsection (d) of this section, it shall be unlawful for any person to willfully sell, offer for sale, trade or offer for trade, within the city limits, any live mammal, bird or reptile.

(c) Except as allowed by subsection (d) of this section, it shall be unlawful for any person to willfully buy or accept in trade, within the city limits, any live mammal, bird or reptile.

(d) Exceptions. Persons may buy, own, accept in trade, keep, maintain, possess, sell, offer for sale, trade or offer for trade:

(1) Domestic dogs,

(2) Domestic cats,

(3) Domesticated rodents,

(4) Domesticated European ferrets.

(5) Rabbits, except that no more than three (3) rabbits over the age six months shall be permitted in a residentially-zoned district.

(6) Birds, except for species protected by state or federal law and fowl as defined in this chapter.

(7) Nonvenomous snakes less than eight (8) feet in length, except that such snakes shall be required to be maintained on the owner's premises or property.

(8) Nonvenomous lizards.

(9) Turtles, except for species protected by state or federal law.

(10) Amphibians.

(11) Fish.

(12) Invertebrates.

(13) Domesticated Hedgehogs.

(14) Service animals as defined in this chapter.

(e) Exceptions: The prohibitions in subsections (a) through (c) of this section shall not apply to:

(1) A bona fide zoo, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.

(2) A stockyard or sales barn for the loading, unloading, temporary detention and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the city;

(3) Livestock located on property that has been zoned for agricultural purposes, where any such property is more than ten (10) acres in size; and the property is used solely for agricultural operations, provided that such livestock shall be located on the property at a rate so that the property cannot be considered a confined animal feeding operation under the regulations of the State of Kansas.

(4) A veterinary clinic operated by a licensed veterinarian.

(5) A person designated and licensed as an animal rehabilitator by the Kansas Wildlife and Parks Department.

(6) A bona fide medical institution or accredited educational institution.

(7) A carnival, circus, if properly licensed or approved by the city.

(8) A person or business exhibiting an animal for sale, show or other temporary purpose on public property as part of a community event that has been authorized by the city.

(9) A facility licensed by the Kansas Animal Health Department for the purpose of impounding, sheltering, or caring for animals and legally zoned or permitted within the City to operate such a facility.

(10) Any person, business or institution listed under this subsection (e) who are temporarily transporting such animals through the city by ordinary and customary means, except that circuses and carnivals need not be licensed by the city if merely temporarily transporting an otherwise prohibited animal through the city.

(f) Sanitary Requirements. All persons, businesses and institutions listed in subsections (a), (b), (c), (d) and (e) of this section must ensure that all animals and animal quarters conform to the provisions of the nuisance ordinances of the city and are kept in a clean and sanitary condition and so maintained as to limit objectionable odors; and shall ensure that all animals are maintained in quarters which are adequately constructed so as to prevent their escape.

(g) Licensing. All persons and institutions listed in subsection (e) of this section must be properly licensed, if so required, by any rule or regulation promulgated under the authority of federal statute enacted by the United States, or by any statute enacted by the state, or by any rule or regulation promulgated by any agency or department as authorized by state statute.

(h) Violations.

(1) Any animal found in violation of the provisions of this article shall be subject to impoundment by the city and subsequent fees for such impoundment in accordance with Section 2-119 of this chapter.

(2) A violation of any provision of this section shall constitute a new and separate offense each calendar day the violation continues to exist.

(i) Destruction or Removal of Prohibited Animals. Upon conviction of a violation of this section, the judge of the municipal court of the city may order the owner, harborer, keeper or possessor to destroy or remove from the city any animal prohibited under this section.

2-1N1
2-103

INJURING OR KILLING OF WILD ANIMALS.

(a) It shall be unlawful for any person to injure, kill, maim, molest, torture or destroy any wild or undomesticated animal in the city; provided, that upon complaint to the police department that any wild or undomesticated animal has caused or is causing damage or destruction of property upon any private premises in the city, such animal may be taken into custody and destroyed by a pest control firm or company; provided, however, that rats, mice, moles and like rodents infesting any private premises may be controlled and destroyed at any time without a permit.

(b) Notwithstanding the prohibition of subsection (a) of this section, it shall be lawful to kill wild or undomesticated deer or turkeys by bow and arrow provided the bow hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property.

(c) Notwithstanding the prohibition in subsection (a) of this section, it shall be lawful to kill wild or undomesticated migratory birds, game birds and turkeys by shotgun provided the hunting is done on Kansas Department of Wildlife, Parks and Tourism (KDWPT) owned or managed property during the hunting season by an individual participating in a mentor-youth hunting program administered by KDWPT to whom KDWPT has issued a hunting license, hunting permit and special access permit for that specific tract of land.

2-112
2-104

ANIMAL TRAPS. It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground, which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of humane live animal traps that are so designed to trap and hold animals without injuring the animals.

(a) Individuals shall be required to regularly check such live animal traps so that the animal is not injured or neglected in a manner which would subject the person using, placing or deploying the trap would be subject to animal cruelty provision under Section 2-107 of this article.

(b) Nothing in this section shall be construed to prohibit the use of lethal traps for the control or removal of rats, mice, moles, like rodents or other pests infesting any private premises by a person or pest control company.

2-109
2-107

CRUELTY TO ANIMALS.

(a) It shall be unlawful for any person to:

(1) Willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club or other object; mutilate, poison, burn or scald with any substance; or otherwise cruelly set upon any animals, except that reasonable force may be employed to drive off vicious animals;

(2) Drive or work any animal cruelly or cruelly work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done;

(3) Have, keep or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling condition, unless under

continuing veterinary care.

(4) Abandon or leave any animal in any place without ensuring provisions for its proper care;

(5) Have physical custody of any animal and fail to provide such food, potable water, protection from the elements, opportunity for exercise adequate to maintain health, or other care as is needed for the health or well-being of such animal;

(A) Food. Food shall be wholesome, free from contamination, and of sufficient quantity and nutritive value to maintain the animal(s) good health. Animals shall be fed at least once a day except as dictated by veterinary treatment, normal fasts or other accepted practices. All food receptacles shall be kept clean.

(B) Potable Water. Adequate fresh water shall be made available to animals on a regular basis.

(C) Protection from the Elements. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and prevent severe discomfort of such animals. When sunlight is likely to cause overheating, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight. Owners of animals kept outdoors or in an unheated enclosure shall provide the animal with the following minimum standards of shelter:

(i) It shall include a moisture proof and windproof structure of suitable size to accommodate the animal and allow retention of body heat and shall be made of durable material with a solid floor.

(ii) It shall be provided with a sufficient quantity of clean, suitable bedding material consisting of hay, straw, cedar shavings, or the equivalent, to promote insulation and protection against cold and dampness and promote retention of body heat.

(6) Tether a dog or cat in a manner that violates Section 2-110 of this chapter.

(7) Keeping or harboring an animal on property upon which no person resides in a manner that violates Section 2-111 of this chapter.

(8) Failure of any operator of a motor vehicle to report an injury or death of an animal struck by the operator's vehicle in the manner required in Section 2-112 of this chapter.

(9) Knowingly leave any animal confined in a vehicle for more than five minutes in extreme weather conditions, defined as more than 80 degrees Fahrenheit or less than 15 degrees Fahrenheit ambient air temperature, shall create a legal, rebuttable presumption of violation of this act; or to transport an animal in the trunk of a vehicle;

(10) Allow an animal to sustain injury as a result of being transported in the open bed of a truck unless said animal is restrained in a cage or on a leash that will prevent the animal from jumping or falling off the vehicle;

(11) Except a licensed veterinarian, to crop animal ears or dock animal tails;

(12) Use of a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;

(13) Cause, instigate, stage, or train any animal to fight or permit any animal to fight any other animal or human; or

(14) Sell or offer for sale, barter, give away, or use as an advertising

device or promotional display, living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than 12; or to sell, offer for sale, barter, give away, or display animals or fowls as specified in this section which have been dyed, colored or otherwise treated so as to impart to them an artificial or unnatural color; or give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter a place of amusement, or offer such vertebrate as an incentive to enter into any business agreement where the offer was for the purpose of attracting trade. This subsection shall not be construed to prohibit the sale of animals or fowls as specified in this subsection, in proper facilities, by hatcheries or persons engaged in raising and selling such animals and fowls for recognized animal husbandry purposes;

(15) Cause, instigate, stage, or train any animal to fight or permit any animal to fight any other animal or human; or promote, stage, hold, manage, in any way conduct any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves, any other animal or any human;

(16) Cause any physical injury other than the acts described in this section.

(17) These provisions shall not apply to the exceptions sanctioned under section **2-108**.

2-110
2-108

SAME; EXCEPTIONS. The provisions of section 2-109 shall not apply to:

(a) Normal or accepted veterinary or veterinary hospital practices or treatment of animals under active veterinary care;

(b) Bona fide experiments carried on by commonly recognized research facilities;

(c) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 47 of the Kansas Statutes Annotated;

(d) Rodeo practices accepted by the rodeo cowboys' association;

(e) The humane euthanization of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane euthanization of animals for population control, by an authorized agent such as a licensed veterinarian, at the request of the owner;

(f) The humane euthanization of an animal by the animal control officer, a public health officer or a law enforcement officer in the performance of his or her official duty;

(g) The humane euthanization an unclaimed animal after three full business days following the receipt of such animal at a municipal pound or an incorporated humane society shelter by the owner, operator or authorized agents of such establishments.

2-1N2
2-109

PROCEDURES FOR CRUELTY TO ANIMALS; FINES.

(a) Any animal control officer, public health officer, law enforcement officer or licensed veterinarian, may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in Section **2-107** of this chapter and subsections thereto. Such officer or veterinarian may inspect, care for or treat such animal or place such animal in the care of the City, a duly incorporated humane society or licensed veterinarian for treatment, boarding and other care or, if it appears, as determined by an officer of such

humane society or by such veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, the humane euthanization thereof.

(b) The owner or keeper of an animal destroyed pursuant to subsection (a) above shall not be entitled to recover damages for the destruction of such animal unless the owner proves that such destruction was unreasonable and unwarranted.

(c) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to subsection (a) above pending prosecution of the owner or keeper of such animal for the crime of cruelty to animals as defined in this chapter shall be assessed to the owner or keeper as a cost of the case if the owner or keeper is adjudicated guilty of such crime.

(d) If a person is adjudicated guilty of the crime of cruelty to animals as defined in Section 2-107 of this chapter and the court determines that such animal owned or possessed by such person would be in the future subject to any cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale, adoption or other disposition.

(e) Unless the animal obtained pursuant to this Section is the evidentiary subject of a pending prosecution, the owner or keeper of the animal shall have a maximum of twenty (20) days after the animal is taken into custody to obtain the animal from the City, veterinarian or a duly incorporated humane society having custody of the animal. The City shall notify the owner or keeper of the animal, if known or reasonably ascertainable. The failure of the owner or keeper to obtain custody of the animal in the time provided shall provide the authority for the Municipal Judge to declare that the animal be disposed of by the City, veterinarian or duly incorporated humane society by adoption or destruction.

(f) Violation of Section 2-107 shall be a municipal offense and upon conviction, the defendant shall be fined a minimum fine of \$100.00 and a maximum fine of \$1,000.00 per offense. The Municipal Judge shall not have authority to suspend the minimum fine. In addition, to the Municipal Judge shall have authority to sentence the convicted defendant to a maximum six (6) month sentence in jail.

(1) A municipal judge shall have authority to sentence the convicted defendant from owning, keeping or being allowed to obtain a license in the city for any or specific animals for a period of time to be determined by such judge.

(2) In addition to the penalties provided in this section, the municipal court judge may order a person convicted of violation under this section to turn the animal involved over to a designated humane society. All such animals taken by the designated agency may be placed with another or more suitable person or destroyed humanely as soon thereafter as is conveniently possible.

**2-1N3
2-110**

TETHERING OF DOGS AND CATS. It shall be unlawful for any person to attach chains or other tethers, restraints or implements directly to a dog or cat without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal. No person shall:

(a) Continuously tether a dog or cat for more than 15 minutes without supervision.

(b) Use a tether or any assembly or attachments thereto to tether a dog or cat that shall weigh more than one-eighth of the animal's body weight, or due to

weight, inhibit the free movement of the animal within the area tethered.

(c) Tether a dog or cat on a choke chain or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other manmade or natural obstacles.

(d) Tether a dog or cat without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether a dog without securing its water supply so that it cannot be tipped over by the tether.

(e) Tether a dog or cat in an open area where it can be teased by persons or an open area that does not provide the dog or cat protection from attack by other animals.

(f) Tether a dog or cat in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.

2-1N4
2-111

KEEPING ANIMALS ON UNINHABITED PROPERTY.

(a) It shall be unlawful for any person to confine, harbor, keep or maintain an animal on property uninhabited by humans within the city limits.

(b) The prohibition of this section shall not apply to:

(1) A bona fide zoo, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums.

(2) A stockyard or sales barn for the loading, unloading, temporary detention and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the city;

(3) A veterinary clinic operated by a licensed veterinarian.

(4) A bona fide medical institution or accredited educational institution.

(5) A carnival, circus, if properly licensed or approved by the city.

(6) A facility licensed by the Kansas Animal Health Department for the purpose of impounding, sheltering, or caring for animals and legally zoned or permitted within the City to operate such a facility.

(7) Any person, business or organization engaged in the commercial business of buying, selling, training or boarding animals.

(8) Animals maintained on nonresidential commercial properties for security purposes.

2-123
2-112

VEHICULAR ACCIDENTS INVOLVING ANIMALS. Any person who as the operator of a motor vehicle strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained, and located, the operator shall at once report the accident to the animal control officer or any law enforcement officer.

2-113
2-115

NUISANCE; ANIMAL ACTIVITIES PROHIBITED.

(a) It shall be unlawful for the owner of any animals to keep or maintain such animals in the city so as to constitute a nuisance. For the purpose of this

section, nuisance is defined as:

(1) Any animal which molests or interferes with persons in the public right-of-way, including the riding of livestock on public the public right of way or any other public property, unless as part of a community event that has been authorized by the city.

(2) Any animal which attacks or injures persons, or other domestic animals.

(3) Any animal which damages public or private property other than that of its owner.

(4) Any animal which scatters refuse that is bagged or otherwise contained.

(5) Any owner which allows by the nature of maintenance of property or by the number of animals on a property to create an offensive odor so as to be objectionable to surrounding residences.

(6) Any animal or owner which causes any condition which threatens or endangers the health or well-being of persons or other animals.

(7) Any owner which fails to confine a dog or cat in heat to a secure and sufficiently enclosed area.

(8) Any person who shall own on their premises, five or more dogs of more than six months of age, or five or more cats of more than six months of age, five or more total of dogs and cats more than six months of age in any combination, unless such premises is licensed as a commercial kennel.

(b) If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath.

2-114

2-116

NOISY ANIMALS. The keeping, or harboring of any animal which by loud, frequent and habitual barking, howling, yelping, mewing, roaring or screeching shall disturb the peace of any neighborhood is hereby prohibited. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the condition, and if he or she fails to do so, the city may abate it by taking up, impounding and/or disposing of the animal at the expense of the owner.

2-1N5

2-117

ANIMAL OWNER RESPONSIBLE FOR REMOVAL OF ANIMAL EXCREMENT.

(a) It shall be unlawful for any person to appear with an animal upon the public right-of-way, within public places or upon the property of another, absent that person's consent, without some means for removal of excrement that may be deposited by the animal.

(b) It shall be unlawful for any person who is an owner or possessor of an animal in their care to fail to remove any excrement deposited by the animal upon any public or private property, other than the property of the owner of the animal.

(c) The provisions of this Section shall not apply to persons who have a physical disability or visual impairment, who are using service dogs, and can provide adequate documentation, upon demand of an animal control officer or law enforcement officer, that the service dog is an animal trained by an accredited institution which trains dogs for service work for the physically disabled or visually impaired.

(d) Violation of this section shall be punished by a fine of not less than \$10.00, plus applicable court costs. The Municipal Judge shall have no authority

to suspend the fine or any portion thereof.

2-115

2-120

ANIMAL CONFINES; SHELTERS.

(a) It shall be unlawful for any person to keep or maintain any animal in any yard, structure or area that is not clean, dry and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.

(b) Excrement shall be removed at least once each week from any animal shelter, pen or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding, or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(c) All animal shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) All animal shelters and board fences confining animals shall be maintained in good repair, and all animal shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.

(e) Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties for which an agricultural classification permit is held or where the barbed wire fence or electrically charge fence is protected by an exterior fence.

(f) All premises on which animals are kept shall be subject to inspection by the animal control officer, duly authorized law enforcement officer, or public health official. If the officer or official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on the owner. Any animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

2-115A

2-121

SAME; STOCKYARDS; COMMERCIAL HOLDING PENS. Animal shelters owned or operated as a stockyard or commercial holding pen shall be adequately maintained and cleaned as often as is necessary, as determined by the health officer, to control fly breeding or to control other conditions adversely affecting the public health including the following:

(a) Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill, fertilizer processing plant, or by proper dispersal on land used for agricultural purposes.

(b) Grain or protein feed shall be stored in tightly covered rodent- proof metal containers or rodent-proof bins.

(c) Premises subject to the terms of this section shall be maintained free of rodent harborage and in accordance with sections 8-601:608 of this code.

(d) Wherever reasonable, use shall be made of anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for the control of flies or any other effective chemical means for the control of rodents and flies.

(e) Wherever reasonable, use shall be made of soil sterilants and

herbicides or other effective means for the control of weeds and grass around structures and buildings.

(f) Enclosures including fences where animals such as horses, cows, sheep and goats are maintained shall be constructed in a manner, using dimension lumber materials, or other effective means to prevent such animals from breaking out or causing hazard to persons or property.

(g) The solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a residential classification permit as herein provided shall be stored in metal containers, with tight- fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(h) Holding lots, pens and floors of sheds and buildings where animals are held and which are maintained by persons subject to a commercial, industrial or agricultural classification permit according to the terms of this chapter shall be surfaced with concrete or asphaltic materials and that the drainage system of such surfaced areas shall include proper retaining walls and traps to control the waste from draining into watercourses and such drainage system shall be subject to the approval of the health officer. The health officer shall waive this standard for domestic animal holding operations where such animal holding is longer than 24 hours for any domestic animal involved or where dirt lots are more appropriate to the proper care of cattle, horses or sheep.

(i) Solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a commercial, industrial or agricultural permit according to the terms of this chapter shall be stored on concrete slabs or other facilities, such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the health officer; provided that all solid waste shall be properly disposed of at least once each week or as may be approved by the health officer.

2-116
2-124

DEAD ANIMALS; REMOVAL OF DISPOSITION.

(a) The animal control officer shall be responsible for the removal of all dead animals found within the city.

(b) All dead animals shall be removed by the owner or proprietor of the premises within 12 hours after the death of such animal. If not so removed, such animal shall be removed by the animal control officer, and the costs arising therefrom may be charged to the animal's owner or custodian or property owner or proprietor.

(c) Charges for dead animal removal as required in subsections (b) of this section are due and payable upon billing by the city's administration services department, **but payment shall be made in advance of animal removal if reasonably possible.** Unpaid bills shall become a lien against the property when certified and processed as provided by law. The animal control officer may refuse to collect dead animals from commercial establishments as provided in subsection (c) for failure to pay previous billings.

(d) On occupied property, the owner and/or tenant thereof shall provide easy access to the subject animal for purposes of its removal.

(e) On-site burial of animals shall be allowed on residential property which is owned and occupied by the resident, for domestic animals approved under Section 2-102(d) of this chapter and under 80 pounds in weight.

ARTICLE II. ANIMAL CONTROL OFFICER AND POUND

2-104
2-201

ANIMAL CONTROL OFFICER; DUTY TO IMPOUND; CITATION ALTERNATIVE.

(a) There is hereby created the position of animal control officer for the city and such officer shall be charged with the enforcement of this chapter. Any person employed by the city as an animal control officer and commissioned by the chief of police of the city shall have such powers and authority as allowed by law in the enforcement of this chapter. All animal control officers shall be subject to the supervision and direction of the chief of police of the city.

(b) Except as provided in subsection (c), it shall be the duty of the animal control officer to take up and impound all animals found in the city in violation of the provisions of this chapter.

(c) As an alternative to the provisions of subsection (b) of this section, any law enforcement officer or the animal control officer may issue a citation to the owner, harbinger or keeper of an animal in violation of this chapter, and the person receiving the citation shall, within twenty (20) days, appear in the municipal court of the city to answer the charged violation of this chapter.

2-105
2-202

SAME; CAPTURE/DESTRUCTION. When deemed necessary by law enforcement officers or the animal control officer for the health, safety and welfare of the residents of the city, such officers and/or their agents may:

(a) Place a humane trap on public or a requesting resident's property for the purpose of capturing any animal defined in this chapter as creating a nuisance in the city;

(b) Use any tranquilizer guns, humane traps, or other suitable devices to subdue and capture any animal that is deemed by the animal control officer, in his or her discretion, to be of a danger to itself or to the public health and safety.

(c) Use firearms or other suitable weapons to destroy any rabid animal, any vicious animal as defined in section 2-117, or any animal creating a nuisance as defined in section 2-111, where such animal is impossible or impractical to catch, capture or tranquilize.

2-106
2-203

SAME; RIGHT OF ENTRY; UNLAWFUL INTERFERENCE.

(a) The animal control officer or any law enforcement officer shall have the right of entry upon any private lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this chapter.

(b) It shall be unlawful for any person to interfere with the animal control officer in the exercise of his or her duties.

2-107
2-205

MUNICIPAL POUND ESTABLISHED. A municipal pound shall be established to carry out the provisions of this chapter. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor. When so contracted, the pound shall have the following services and facilities as a minimum:

(a) Adequate pickup and impounding of all stray and ownerless dogs and

cats and animals otherwise in violation of the provisions of this chapter.

(b) Group holding facilities for stray, ownerless and unvaccinated animals impounded for violation of the provisions of this chapter.

(c) Individual isolation facilities for sick, biting, rabid and suspected rabid animals.

(d) Facilities for the humane destruction of animals.

2-108

2-206

BREAKING POUND.

(a) It shall be unlawful for any unauthorized person to open, unlock, break open or attempt to break open the pound, or to take or let out any animal placed therein, or take or attempt to take from an authorized officer of this city any animal taken up by him or her under the provisions of this chapter, or in any manner interfere with or hinder any authorized officer or employee of this city in catching, taking up, or impounding any animal.

(b) It shall be unlawful for any person or persons, other than those duly authorized, to care for, feed, attempt to feed, or interfere in any way with the care of impounded animals.

2-119

2-209

IMPOUNDMENT; FEE; NOTICE; RECORD.

(a) The animal control officer or law enforcement officer shall impound any animal or fowl found at large in the city or constituting a nuisance or otherwise in violation of this chapter in a suitable pound or enclosure provided or contracted for by the city. The impounding officer shall make diligent inquiry as to the owner of the animal and shall notify the owner thereof of such impoundment as soon as reasonably possible.

(b) Any animal, licensed or unlicensed, as required in this article may be claimed by its owner upon the payment of an impoundment fee which shall be set annually, by the governing body in the annual fee resolution and in addition shall pay a board fee at a rate to be established by the governing body and paid to the city.

(c) Each animal impoundment is a separate and subsequent impoundment regardless of animal ownership in prior impoundments.

(d) Fees.

(1) Boarding Fee: A fee for maintaining and caring for the animal shall be established in the City's annual fee resolution.

(2) Vaccination Deposit: \$10.00 as deposit for rabies vaccination, redeemable when proof of vaccination is received from any veterinarian approved by the city if proof of vaccination is not received by the city's administrative services department within five consecutive business days commencing the day following the making of the deposit. An absence of proof of vaccination shall be deemed evidence that no rabies vaccination has been obtained.

(e) The city shall attempt to recover all costs incurred in caring for any animal impounded or held pursuant to the provisions of this article, including but not limited to the cost for necessary veterinarian care. The fees shall be in addition to any fine impounded for violation of the provisions of this article.

(f) All animals impounded for reasons or suspected disease may be reclaimed by their owners upon evaluation, treatment and approval by a licensed veterinarian approved by the city.

(g) In case the identity of the owner of the impounded animal or fowl cannot

be ascertained, the animal control officer or police officer shall, upon taking any such animal into custody and impounding the same, make a record thereof, with a description of the animal and the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the animal, describing the same with the date and place of taking, has been taken up, and that unless the charges of impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, that the animal will be disposed of as provided in this code.

2-120
2-210

REDEMPTION OF IMPOUNDED ANIMALS. At any time before the sale or destruction of any animal impounded under the provisions of this article, except for animals impounded as a dangerous, rabid, or for protection from cruelty under this chapter, the owner thereof may redeem the animal by paying the animal control officer or any person in charge, the impounding fee and all costs incurred as a result of such impoundment.

2-215
2-212

GENERAL POLICY REGARDING ADOPTION. The city's main concerns with respect to adoption of a cat or dog from the shelter are:

- (a) That the dog or cat be in good health, that all dogs be immunized against rabies, licensed, not vicious by nature; and
- (b) That the dog or cat will be provided of a good home under the control of a responsible person.

2-216
2-213

SAME; DOGS.

- (a) Qualifications for adoption:
 - (1) Good health.
 - (2) Not vicious.
 - (3) Immunized.
 - (4) Licensed (when place of residence is within the city).
 - (5) In the case of a licensed dog turned in at the shelter by the owner or record or his or her authorized representative, the owner or representative must give a release in writing for the animal's disposal or adoption.
 - (6) In the case of a licensed dog picked up by the animal control officer as a stray or while running at large, or in response to a complaint, the dog will not be available for adoption (other qualifications being met) until the prescribed waiting period of seven days has expired and the owner of record has failed to claim it; or the owner has given written consent to the adopter for its adoption; or the adopter (after the waiting period) certifies that his or her efforts to locate the owner were unsuccessful.
 - (7) In the case of an unlicensed dog picked up by the animal control officer as a stray or while running at large, or in response to a complaint, the dog will not be available for adoption (other qualifications being met) until the prescribed waiting period of three days has expired and the owner has failed to claim it.
- (b) Fees associated with adoption: The adopter will be required to pay the following fees to a City employee at City Hall.
 - (1) A license fee equal to the amount described in Section 2-301. Such fee shall be collected even if the adopter is a nonresident.

- (2) An adoption fee set annually by the governing body.

2-217

2-214

SAME; CATS.

- (a) Qualifications for adoption:
 - (1) Good health.
 - (2) Not vicious.
 - (3) Immunized.
 - (4) Licensed.
 - (5) In the case of a cat turned in at the shelter by its owner or its authorized representative, the owner or representative must give a release in writing for the animal's disposal or adoption.
 - (6) In the case of a cat suitable for adoption which is picked up by the animal control officer, or brought in by any other person not the owner, the cat will not be available for adoption until expiration of a waiting period of seven days, during which time its owner may claim it.
- (b) Fees associated with adoption: The adopter will be required to pay the following fees to a City employee at City Hall.
 - (1) A license fee equal to the amount described in **Section 2-301**.
Such fee shall be collected even if the adopter is a nonresident.
 - (2) An adoption fee set annually by the governing body.

2-218

2-215

SAME; HOLDING ANIMAL IN SHELTER. An animal considered by the animal control officer to be suitable for adoption may be held in the shelter for at least seven calendar days following the mandatory retention period if not claimed by the owner during the retention period. The animal control officer may hold the animal in the shelter beyond seven days if there is sufficient capacity and ability to do so.

ARTICLE III. LICENSING AND HEALTH OF DOMESTICATED ANIMALS

2-102
2-301

IMMUNIZATION AND LICENSING OF DOGS, CATS AND FERRETS.

(a) No person shall own any dog, cat or ferret, six (6) months of age or older, within the city limits if such animal is not currently vaccinated against rabies.

(b) Any person owning, keeping, harboring, or having custody of any dog, cat or ferret, three (3) months of age or older within the city must register and obtain a license as herein provided. Application for a license must be made within 30 days after obtaining a dog, cat or ferret over three months, except that this requirement will not apply to a non-resident keeping a dog, cat or ferret within the city for no longer than 60 days.

(1) Any person owning a dog within the City shall cause such dog to wear a collar or harness at all times when off the premises of the owner to which shall be attached a current tag reflecting that the dog is vaccinated against rabies. The tag shall be situated on the collar or harness in such a manner that it may be easily visible at all times.

(2) Owners of cats and ferrets shall retain proof of current rabies vaccination on their person or premises.

(c) Registration and licensing of animals in the city shall require the following:

(1) Registration and application for licenses shall be made to the city clerk or other authorized person and shall include name and address of applicant, description of the animal and the appropriate fee.

(A) The city shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

(2) Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any such animal over three months of age to fail to maintain effective rabies immunization of such dog.

(3) The owner of any such animal shall, at the time of registration, present to the city clerk a certificate from an accredited veterinarian showing that the animal to be licensed has been neutered or spayed, if the animal has been neutered or spayed.

(4) The city clerk shall collect an annual registration fee for each spayed or neutered animal and for each un-neutered or un-spayed animal. The registration fee shall be set annually by the governing body in its annual fee resolution.

(5) The registration year shall be from January 1st through December 31st of each year. The fee shall be payable before March 1st of each year without penalty. The owner of such animals who shall fail to register the same prior to the 1st day of March of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration.

(6) Upon acceptance of the license application and fee, the city shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

(A) A duplicate license may be obtained upon payment of a

replacement fee as may be set by the city council in the annual fee resolution.

(B) It shall be unlawful for any person to place on any dog a tag issued for any other dog or to make or use any false, forged or counterfeited tag or imitation thereof.

(C) No person may use any license for any animal other than the animal for which it was issued.

(d) Registration fees may be prorated for newly acquired animals required to be licensed and owned by a person or persons moving to and establishing a home in the city during a calendar year.

(1) Although a license is required, license fees shall not be required for assistance dogs or governmental police dogs.

2-103
2-302

LICENSE AND PERMIT ISSUANCE AND REVOCATION. Provisions relating to the issuance of licenses and permits and revocation of same shall be as follows:

(a) The city may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this article, the regulations promulgated by the city, or any law governing the protection and keeping of animals.

(b) Any person whose permit or license is revoked shall, within 10 days thereafter, humanely dispose of all animals owned, kept, or harbored by such person and no part of the permit or license fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license that the city shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner.

(d) If the applicant has withheld or falsified any information on the application, the city shall refuse to issue a permit or license.

(e) No person who has been convicted of cruelty to animals shall be issued a permit or license to own an animal or operate a commercial animal establishment.

(f) Any person having been denied a license or permit may not reapply for a period of 90 days

2-118
2-305

ANIMALS AT LARGE; FINES.

(a) It shall be unlawful for any person to own or keep a dog or cat or other animal which runs at large in the City. Knowledge or acquiescence by the owner or keeper is not an element of the offense. Any animal or found at large shall be impounded as provided in this chapter.

(b) An animal shall not be deemed to be running at large if:

(1) The animal is firmly attached to a leash or chain under the physical control of its owner or keeper

(2) The animal is within a structure or within a fence enclosure with the permission of the owner or keeper of the structure or fence enclosure

(3) The animal has an operating electronic collar and is under the charge, care or control, of its owner or keeper who is operating an electronic pet containment system or electronic training system for the animal.

(4) The animal is a dog and, under the supervision of its owner or keeper, is using the City's off-leash dog park in accordance with the City's rules

and regulations for any City off-leash dog parks.

(c) Any animal on property without the permission of the property owner shall be deemed to be an animal at large and the owner of such animal shall be in violation of this Section.

(d) The provisions of this Section shall not apply to persons who are the owners of assistance dogs, as defined in this chapter.

(e) Any person found guilty of animal at large as defined herein shall be fined as follows: \$30.00 for the first offense within a twelve (12) month period; \$40.00 for the second offense within a twelve (12) month period; \$60.00 for the third offense within a twelve (12) month period; and \$100.00 for the fourth and subsequent offense(s) within a twelve (12) month period. The Municipal Judge shall have no authority to suspend the fine or any portion thereof of fine established by this Section. The fine shall be in addition to any applicable court costs or impoundment fees. The animal control officer, other City employee, or employees or custodians of an impoundment facility where such impounded is held shall not release an animal to an owner if the owner has failed to pay a fine or has failed to appear in municipal court for the adjudication of a violation of this section.

**2-3N1
2-306**

HABITUAL VIOLATOR; ANIMAL AT LARGE.

(a) It shall be a separate municipal offense for any person to receive four (4) or more citations for violation of Section 3-202 within a twenty-four (24) month consecutive period. Such person shall be cited as a habitual violator. Any person found guilty of violation of this Section shall be fined a minimum of \$100.00 and a maximum of \$500.00 for each habitual violator citation. The Municipal Judge shall have no authority to suspend the minimum fine or any portion thereof.

(b) A person cited for violation of this Section shall be required to appear in municipal court. In addition thereto, the Municipal Judge shall have the authority to sentence the individual to up to six (6) months in jail. It shall be a defense to an alleged violation of this Section for the defendant to have been adjudged not guilty, or the charge dismissed, of Section 3-118 for a specific citation issued under Section 3-118.

**2-3N2
2-307**

AGGRESSIVE ANIMAL AT LARGE DEFINED; PENALTIES

(a) An "aggressive animal at large" means any animal at large that without provocation, exhibits aggression or combativeness toward a person or another domestic animal, whether or not said person or animal is attacked, bitten, or scratched by the aggressive animal at large.

(b) Any person found guilty of animal at large as defined in Section Section 2-118, where such animal is an aggressive animal shall be fined as follows: \$30.00 for the first offense within a twelve (12) month period, or by imprisonment, for not more than 10 days, or by both such fine and imprisonment; \$40.00 for the second offense within a twelve (12) month period, or by imprisonment, for not more than 10 days, or by both such fine and imprisonment; \$60.00 for the third offense within a twelve (12) month period, or by imprisonment, for not more than 14 days, or by both such fine and imprisonment; and \$100.00 for the fourth and subsequent offense(s) within a twelve (12) month period, or by imprisonment, for not more than 30 days, or by both such fine and imprisonment. The Municipal Judge shall have no authority to suspend the fine or any portion thereof of the

fine established by this Section but shall have the authority to suspend the term of imprisonment. The fine shall be in addition to any applicable court costs or impoundment fees. The animal control officer, other City employee, or employees or custodians of an impoundment facility where such impounded is held shall not release an animal to an owner if the owner has failed to pay a fine or has failed to appear in municipal court for the adjudication of a violation of this section.

2-3N3
2-308

HABITUAL VIOLATOR; AGGRESSIVE ANIMAL AT LARGE.

(a) It shall be a separate municipal offense for any person to receive four (4) or more citations for violation of Section 3-202B within a twenty-four (24) month consecutive period. Such person shall be cited as a habitual violator. Any person found guilty of violation of this Section shall be fined a minimum of \$100.00 and a maximum of \$500.00 for each habitual violator citation. The Municipal Judge shall have no authority to suspend the minimum fine or any portion thereof.

(b) A person cited for violation of this Section shall be required to appear in municipal court. In addition thereto, the Municipal Judge shall have the authority to sentence the individual to up to six (6) months in jail. It shall be a defense to an alleged violation of this Section for the defendant to have been adjudged not guilty, or the charge dismissed, of Section 2-3NEW2 for a specific citation issued under Section 2-3NEW2.

2-121
2-310

IMPOUNDMENT OF RABIES SUSPECTS.

(a) Any law enforcement officer or local health officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in the city pound, securely penned and separated from other animals, or in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the local health officer shall determine whether or not such animal is suffering from a disease and, if not, the local health officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The health officer may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment costs shall be borne by the owner. If in the opinion of the local health officer symptoms develop justifying a microscopic examination, then the animal shall be humanely euthanized and examination made by the state board of health or a privately certified or publicly accredited laboratory authorized to provide such testing.

(b) In lieu of the provisions of subsection (a), the owner of any such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation. Such veterinarian shall report his or her findings in writing to the local health officer. If in the opinion of such veterinarian a microscopic examination is justified, then the animal shall be turned over to the animal control officer or any law enforcement officer to be killed and examination made by the state board of health.

(c) Any animal desired for observation by the local health officer under this section shall be delivered to the animal control officer or any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person

violating this provision shall be guilty of a violation of this code. Upon refusal of any person to so deliver such animal, the municipal judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

2-122
2-311

ANIMALS BITTEN BY RABID ANIMALS. Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local health officer and/or the police department. It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

(a) The animal which was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination; and

(b) If the bitten animal has a current vaccination, it shall be confined for ninety (90) days; and

(c) The bitten animal shall be released from confinement only upon written order from the local health officer, who declares the animal to be free of rabies; and

(d) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

2-124
2-312

RABIES EMERGENCY; PROCLAMATION. The animal control officer is hereby authorized whenever in his or her opinion the danger to the public safety from rabid animals is made imminent to issue a proclamation ordering all persons owning any animal in the city to confine the animal in a good and sufficient enclosure from which the animal cannot escape. Any animal not confined during such time may be disposed of wherever found by any police officer, or the animal control officer of the city. The owner of such animal shall be prosecuted for such violation thereof.

2-121
2-314

KENNEL LICENSES.

(a) No person or household shall own or harbor more than five dogs of six months of age or older or more than one litter of pups, or more than five cats of more than six months of age or more than one litter of kittens, or more than a total of five dogs and cats more than six months of age in any combination, or engage in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs, without having obtained a kennel license from the city clerk.

(b) Kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been issued by the animal control officer certifying approval of the kennel and compliance with the applicable laws of the city and the State of Kansas, and a certificate by the zoning code enforcement officer has been issued certifying that the applicant for the kennel license is not violating zoning laws of the city. If the city clerk has not received any protest against the kennel, the city clerk may issue a renewal of an existing kennel license at the same location without any report from the animal control officer and zoning code enforcement officer. If the animal control officer or the zoning code

enforcement officer finds that the holder of any kennel license is violating any zoning law, or any other law of the State of Kansas, or of the city, or is maintaining the facility in a manner detrimental to the health, safety or peace of mind of any person residing in the immediate vicinity, he or she shall report such fact to the city clerk, and the license shall not be renewed except after a public hearing before the governing body.

(c) The animal control officer, the zoning enforcement officer, or any law enforcement officer shall have the right to inspect any premises licensed under this section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection. The application for a kennel shall constitute consent to such entry and inspection.

(d) The governing body may suspend or revoke a kennel license if, pursuant to a public hearing, it finds any of the following:

(1) The kennel is maintained in violation of any applicable law of the State of Kansas, or of the city.

(2) The kennel is maintained so as to be a public nuisance.

(3) The kennel is maintained so as to be detrimental to the health, safety or peace.

(e) The annual kennel license fee shall be set by the governing body in its annual fee resolution. Payment of such license fee is in addition to, and not in lieu of, the dog license fees otherwise required under this chapter.

(f) This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital.

2-214

2-315

GENERAL PENALTIES.

(a) Unless otherwise specified by any section of this chapter for a specific violation, any person violating or permitting the violation of any provision of this chapter shall, upon conviction, be fined a sum not less than \$50 nor more than \$500.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days.

(b) Should a person refuse to remove an animal found to unlawfully be in the city, the court shall find the owner of the animal in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this article continues shall be deemed a separate offense.

(c) In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including those relating to shelter, food, handling, veterinary care, witness fees and court costs necessitated by the enforcement of this chapter.

ARTICLE IV. DANGEROUS ANIMALS

2-4N1
2-401

PROCEDURE FOR DETERMINATION OF A DANGEROUS DOGS

(a) In the event that an animal control officer or law enforcement officer has probable cause to believe that a dog is dangerous, as defined by Section 2-101, the municipal judge shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared dangerous as defined by Section 2-101. The animal control officer or law enforcement officer may order the dog to be impounded at the municipal pound, a licensed veterinary clinic or duly incorporated humane society pending the determination of whether the dog is dangerous. The owner or keeper of the dog shall be liable for the costs of keeping such dog.

(1) Dogs seized in connection with dog fighting or that have caused a severe or fatal injury to a human shall be housed in a secure enclosure with proper exercise and care and held as evidence in the case until the conclusion of the case and order from the court on the disposition of the dogs. Disposition and release of dogs is determined in accordance to K.S.A. 21-4311 and 21-4316 and any amendments thereto.

(b) The animal control officer or law enforcement officer shall notify the owner or keeper of the dog that the hearing will be held in municipal court, at which time evidence will be presented that the dog is dangerous and at which time the owner or keeper of the dog may present evidence to rebut evidence presented by the City and present such other evidence as may be relevant.

(1) In making a determination, the municipal judge shall consider the following:

- (A) The seriousness of the attack or bite;
- (B) Past history of attacks or bites;
- (C) Likelihood of attacks or bites in the future;
- (D) The condition and circumstances under which the animal is kept or confined;
- (E) Other factors which may reasonably relate to the determination of whether or not the animal is vicious.

(2) The failure of the owner or keeper to attend or participate in the hearing shall not keep the judge from making the appropriate determination concerning the dog. The hearing shall be held promptly within no less than five (5) nor more than twenty (20) days after service of notice upon the owner or keeper of the dog. The City shall have the burden of proof to show that the dog is dangerous pursuant to Section 2-101.

(c) If a determination is made at the hearing that the dog is dangerous, the owner or keeper shall comply with the provisions of this Article within fifteen (15) days. If the owner fails to comply with the provisions of this Article within the time provided, the dog shall be destroyed. If the owner or keeper of the dog contests the determination, he or she may appeal within ten (10) days to the district court pursuant to law.

(d) It shall be an affirmative defense to charges issued under this article that the dog was provoked, teased, injured and was protecting itself, its owner, its offspring or another human being.

2-4N2
2-402

CONTROL OF DANGEROUS DOG; REGISTRATION AND CONFINEMENT.

(a) If the municipal court judge determines that a dog is dangerous pursuant to this Article, the owner or keeper of the dangerous dog shall be required to comply with the following:

(1) **Registration.** The owner or keeper shall annually register the dangerous dog with the City, on such forms designated by the City Clerk, and shall have a microchip inserted into the dog by a licensed veterinarian or a duly incorporated humane society. The microchip shall detail the dangerous dog registration and such other information as may be appropriate to determine the ownership of the dog. The owner or keeper shall pay a \$50.00 annual registration fee and shall pay all costs associated with the microchip procedure and registration of the dog. The owner or keeper shall be responsible for maintaining with the City Clerk the address of the owner or keeper and the dangerous dog. The owner or keeper shall notify the City Clerk within seven (7) days of a change in address for the owner or keeper and dangerous dog.

(2) **Confinement.** All dangerous dogs shall be confined in a secure enclosure. It shall be unlawful for any owner or keeper to maintain a dangerous dog upon any premises that does not have a locked enclosure. It shall be unlawful for any owner or keeper to allow a dangerous dog to be outside of the dwelling of the owner or keeper or outside of a secure enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the dangerous dog or for the limited purposes of allowing said dangerous dog to urinate or defecate or to sell or give away the dangerous dog or respond to such orders of law enforcement officials as may be required.

(A) In such event, the dangerous dog shall be securely muzzled and restrained with a leash not exceeding four (4) feet in length, and shall be under the direct control and supervision of the owner or keeper of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(3) **Sterilization.** The owner shall pay for a licensed veterinarian to spay or neuter the dangerous dog before it will be released to the owner.

(4) **Signs.** The owner of a dangerous dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(5) **Insurance.** No dangerous dog shall be licensed by the city for any licensing period unless the owner or keeper of such dangerous dog shall present to the city clerk proof that the owner or keeper has procured liability insurance in the amount of at least \$100,000, covering any damage or injury which may be caused by such dangerous dog during the 12 month period for which licensing is sought.

(A) Such policy shall contain a provision requiring the city to be named as additional insured for the sole purpose of the city to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

(B) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the 12 month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the **dangerous** dog prior to expiration of such license.

2-4N3
2-403

VIOLATION OF REQUIREMENTS FOR DANGEROUS DOG.

(a) It shall be unlawful for any person to violate the provisions of this Article. Any person found guilty of violating the provisions of this Article shall be assessed, fined, and the animal disposed of, as provided below:

(1) **At-Large.** Any dangerous dog that is not confined or registered as required pursuant to this Article shall be impounded by an animal control officer or a law enforcement officer. In addition to all costs for impoundment, the owner or keeper shall pay a Two Hundred Fifty Dollar (\$250.00) fine and may require the owner to provide a secure six-sided enclosure before the dog may be returned. For a second offense within twenty-four (24) months, in which the dog is not confined or registered as required pursuant to this Section, in addition to all costs for impoundment, the owner or keeper shall pay a Five Hundred (\$500.00) fine and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall dispose of the dog in a manner to be determined by the animal control officer. The judge shall have no authority to suspend the fine or any portion thereof.

(2) **Attack on Human.** If any dangerous dog shall attack, assault, wound, bite, or otherwise injure or kill, or assist in such injury or killing, a human being, the owner or keeper shall pay a Five Hundred Dollar (\$500.00) fine and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall humanely euthanize said dog. The judge shall have no authority to suspend the fine or any portion thereof.

(3) **Attack on Other Animal.** If any dangerous dog shall kill or wound, or assist in killing or wounding, any animal, the owner or keeper shall pay a Two Hundred Fifty Dollar (\$250.00) fine, and the animal control officer or law enforcement officer is empowered to impound the dog, and after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. The judge shall have no authority to suspend the fine or any portion thereof.

(b) If the owner or keeper of a dog impounded pursuant to this Section shall believe that there shall not have been a violation of the provisions of this Section, such owner may petition the Municipal Court, on forms approved by the Municipal Judge, petitioning that the impounded dog not be destroyed. The impounded dog shall not be destroyed pending the resolution of such owner's petition if the petition shall have been filed within five (5) days of impoundment of such dog and notice shall be have been delivered within five (5) days of the impoundment of such dog. The dog shall remain impounded pending the determination of the petition. If the court shall find that there shall not have been a violation, such dog shall be released to the custody of the owner upon the payment of the expenses by the owner or keeper.

(c) In addition to the fines provided in this Section, the Municipal Judge shall have the authority to sentence the person adjudicated guilty of this Article to serve up to a maximum of six (6) months in jail.

(d) Nothing in this Article shall be construed to limit the Municipal Judge's authority to impose other fees or fines appropriate with other provisions of this chapter or the city code.

2-4N4
2-404

ANIMALS; THREATS TO PUBLIC SAFETY.

(a) No person shall harbor, own, or possess any animal that is an immediate threat to public health and safety.

(b) Nothing in this chapter shall be construed to prevent the animal control officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any dangerous or vicious animal without notice to the owner.

(c) If a complaint has been filed in the municipal court against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the municipal judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. The municipal judge may, upon making a finding that an animal is dangerous or vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner by the animal shelter. Surrender of an animal by the owner thereof to the animal control officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from a violation of this section.

(d) The Municipal Judge shall have the authority to sentence the person adjudicated guilty of this section to serve up to a maximum of six (6) months in jail and to pay a fine not to exceed \$1,000.00.

(e) Notwithstanding any other provision of this article or chapter to the contrary and irrespective of whether an animal has been declared dangerous pursuant to this article, the Municipal Judge may order any animal destroyed if the Judge determines that the animal is an immediate threat to public health and safety and that confinement and registration of an animal by the owner or keeper of the animal as provided in this article will not adequately protect public health and safety. In making such determination the Judge may consider the severity of any attack by the animal or any such other relevant information.

2-301
2-405

EXOTIC ANIMALS.

(a) It shall be unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal or any other animal or reptile of wild, vicious or dangerous propensities.

(b) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

- (1) All poisonous animals including rear-fang snakes.
- (2) Apes: Chimpanzees; gibbons; gorillas, orangutans; and saimangs.
- (3) Baboons.
- (4) Badgers.
- (5) Bears.
- (6) Bison.
- (7) Bobcats.
- (8) Cheetahs.
- (9) Crocadiilians, 30 inches in length or more.
- (10) Constrictor snakes, eight feet in length or more.

- (11) Coyotes.
- (12) Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
- (13) Elephants.
- (14) Game cocks and other fighting birds.
- (15) Hippopotami.
- (16) Hyenas.
- (17) Jaguars.
- (18) Leopards.
- (19) Lions.
- (20) Lynxes.
- (21) Monkeys.
- (22) Ostriches.
- (23) Pumas; also known as cougars, mountain lions and panthers.
- (24) Raccoons.
- (25) Rhinoceroses.
- (26) Skunks.
- (27) Tigers.
- (28) Wolves.

(c) The prohibitions of this section shall not apply to:

- (1) A bona fide zoo, as defined by the American Association of Zoological Parks and Association of Zoological Parks and Aquariums;
- (2) A veterinary clinic operated by a licensed veterinarian;
- (3) A licensed medical institution or accredited educational institution;
- (4) A carnival or circus properly licensed or approved by the city;
- (5) A person or business exhibiting an animal for show or other temporary purpose on public property as part of an educational or community event that has been authorized by the city.
- (6) A facility licensed by the Kansas Animal Health Department for the purpose of impounding, sheltering, or caring for animals and legally zoned or permitted within the City to operate such a facility.

(d) The exemptions in subsection (c) above shall be valid only if:

- (1) Their location conforms to the provisions of the zoning ordinance of the city.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (3) Animals are maintained in quarters so constructed as to prevent their escape.
- (3) The municipal judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the city.



Dog Bite: Fact Sheet

Overview

Man and woman's best friend bites more than 4.7 million people a year, and key experts believe that public education can help prevent these bites. The third full week of May is National Dog Bite Prevention Week, and the American Veterinary Medical Association (AVMA), the United States Postal Service, and the Centers for Disease Control and Prevention are each working to educate Americans about dog bite prevention.

[Learn about Rabies: What it is and what you can do about it](http://www.cdc.gov/rabies/qanda/general.html)
(<http://www.cdc.gov/rabies/qanda/general.html>)

Each year, 800,000 Americans seek medical attention for dog bites; half of these are children. Of those injured, 386,000 require treatment in an emergency department and about 16 die. The rate of dog bite-related injuries is highest for children ages 5 to 9 years, and the rate decreases as children age. Almost two thirds of injuries among children ages four years and younger are to the head or neck region. Injury rates in children are significantly higher for boys than for girls. (See CDC MMWR article (<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5226a1.htm>).)

CDC is committed to reducing this public health problem by working with state health departments to establish dog bite prevention programs and by tracking and reporting trends on U.S. dog bite injuries. Dog bites are a largely preventable public health problem, and adults and children can learn to reduce their chances of being bitten.

Things to Consider Before You Get a Dog


- Consult with a professional (e.g., veterinarian, animal behaviorist, or responsible breeder) to learn about suitable breeds of dogs for your household.
- Dogs with histories of aggression are inappropriate in households with children.
- Be sensitive to cues that a child is fearful or apprehensive about a dog and, if so, delay acquiring a dog.
- Spend time with a dog before buying or adopting it. Use caution when bringing a dog into the home of an infant or toddler. Spay/neuter virtually all dogs (this frequently reduces aggressive tendencies).
- Never leave infants or young children alone with any dog.
- Do not play aggressive games with your dog (e.g., wrestling).
- Properly socialize and train any dog entering the household. Teach the dog submissive behaviors (e.g., rolling over to expose abdomen and relinquishing food without growling).
- Immediately seek professional advice (e.g., from veterinarians, animal behaviorists, or responsible breeders) if the dog develops aggressive or undesirable behaviors.



Preventing Dog Bites

Teach children basic safety around dogs and review regularly:

- Do not approach an unfamiliar dog.
- Do not run from a dog and scream.

- Remain motionless (e.g., "be still like a tree") when approached by an unfamiliar dog.
- If knocked over by a dog, roll into a ball and lie still (e.g., "be still like a log").
- Do not play with a dog unless supervised by an adult.
- Immediately report stray dogs or dogs displaying unusual behavior to an adult.
- Avoid direct eye contact with a dog.
- Do not disturb a dog who is sleeping, eating, or caring for puppies.
- Do not pet a dog without allowing it to see and sniff you first.
- If bitten, immediately report the bite to an adult.

A CDC study on fatal dog bites lists the breeds involved in fatal attacks over 20 years ([Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998](#)  [\(./images/dogbreeds-a.pdf\)](#)). It does not identify specific breeds that are most likely to bite or kill, and thus is not appropriate for policy-making decisions related to the topic. Each year, 4.7 million Americans are bitten by dogs. These bites result in approximately 16 fatalities; about 0.0002 percent of the total number of people bitten. These relatively few fatalities offer the only available information about breeds involved in dog bites. There is currently no accurate way to identify the number of dogs of a particular breed, and consequently no measure to determine which breeds are more likely to bite or kill.

Many practical alternatives to breed-specific policies exist and hold promise for preventing dog bites. For prevention ideas and model policies for control of dangerous dogs, please see the American Veterinary Medical Association (AVMA) Task Force on Canine Aggression and Human-Canine Interactions: [A community approach to dog bite prevention](#)  http://www.avma.org/public_health/dogbite/dogbite.pdf  <http://www.cdc.gov/Other/disclaimer.html>.
*

NCIPC Programs and Activities


Campaign to Educate Georgians about Dog Bites


NCIPC is funding the Georgia Division of Public Health to conduct a dog bite prevention campaign in Chatham, Bullock, and Effingham counties. During their first year, program staff used the Community Readiness Model to complete a needs assessment. In 2002, a random digit dial telephone survey to assess knowledge, attitudes and behaviors associated with dog bite prevention was conducted. Program staff currently are using educational materials and media outreach to teach children, parents, dog owners, health care providers and other adults about the risk of dog bite-related injuries and about strategies for preventing such injuries. Project staff will evaluate whether the campaign changes people's beliefs and actions about dog bites and reduces the number of dog bite-related injuries occurring in the three counties. Results from this campaign will guide future efforts to prevent dog bites and associated injuries and deaths.

Publications

[Publications on Dog Bites \(/HomeandRecreationalSafety/Dog-Bites/dogbite-pubs.html\)](#)

Other Sites

[American Veterinary Medical Association \(AVMA\) \(http://www.avma.org\)](#) 
<http://www.cdc.gov/Other/disclaimer.html> *

[US Postal Service \(http://www.usps.com/communications/community/dogbite.htm\)](#) 
<http://www.cdc.gov/Other/disclaimer.html> *

Page last updated: April 1, 2008

Content source: [Centers for Disease Control and Prevention](#)

* Links to non-Federal organizations found at this site are provided solely as a service to our users. These links do not constitute an endorsement of these organizations or their programs by CDC or the Federal Government, and none should be inferred. CDC is not responsible for the content of the individual organization Web pages found at these links.

Centers for Disease Control and Prevention 1600 Clifton Rd. Atlanta, GA
30333, USA
800-CDC-INFO (800-232-4636) TTY: (888) 232-6348 - [Contact CDC-INFO](#)



Public Service Application

City of Osawatomie, KS

Name: Cindy Govea Home Phone: [REDACTED]
Address: 1401 Brown Cell Phone: [REDACTED]
Mailing Address: _____ Work Phone: _____
City, State, Zip: Osawatomie KS 66064 Email: [REDACTED]
Place of Employment: Retired Position: _____
Product or service rendered by employer: _____
Brief description of job duties/responsibilities: _____

Spouse's place of employment: Retired Position: _____
Product or Service rendered by spouse's employer: _____

Committee, Board, Commission, Task Force or other position to which you wish to be appointed:
Library board

Why do you wish to serve in this position? I want to be involved in activities and fundraising for this valuable city resource. Prior to retiring to Osawatomie, I spent 3 summers taking my 4 young grandsons to activities at our public library in KC. I enjoyed it so much (over) ->

Have you served on any other board or committee or in an elected position with the City? If yes, please state your experience: John Brown Foundation - April 2013 - participated in fundraiser Pride Committee - downtown flowers Arbor day 2012-13

Do you or your spouse have any monetary interest, direct or indirect, in any pending or incomplete transaction or contract to which the City is, or is to be, a party? If yes, please explain: No

Cindy Govea
Signature

5/3/13
Date

PLEASE RETURN TO CITY CLERK

Public Service Application

City of Osawatomie, KS

Name: Beth King Home Phone: _____
Address: 1800 Parker @ Osawatomie, KS 66064 Cell Phone: _____
Mailing Address (if different): _____ Work Phone: _____
City, State, Zip: Osawatomie, KS 66064 Email: _____
Place of Employment: _____ Position: Teacher
Product or service rendered by employer: _____
Brief description of job duties/responsibilities: _____

Spouse's place of employment: USD 368 Position: teacher
Product or Service rendered by spouse's employer: school district

Committee, Board, Commission, Task Force or other position to which you wish to be appointed:
Library Board

Why do you wish to serve in this position? I wish to become more involved in my community and am passionate about the importance of reading and feel the Osawatomie library can offer wonderful opportunities to the residents of our town.

Have you served on any other board or committee or in an elected position with the City? If yes, please state your experience: No

Do you or your spouse have any monetary interest, direct or indirect, in any pending or incomplete transaction or contract to which the City is, or is to be, a party? If yes, please explain: No

Beth King _____ Date 4-29-13
Signature

PLEASE RETURN TO CITY CLERK



439 Main Street

PO Box 37, Osawatomie, KS 66064

cityclerk@osawatomi.ks.org

Public Service Application

City of Osawatomie, KS

Name: Anita D. Sims Home Phone: 
 Address: 1145 Walnut Ave Cell Phone: 
 Mailing Address: same Work Phone: NA
 City, State, Zip: Osawatomie, Ks 66064 Email: NONE
 Place of Employment: Retired Position: _____
 Product or service rendered by employer: _____
 Brief description of job duties/responsibilities: _____

Spouse's place of employment: NA Position: _____
 Product or Service rendered by spouse's employer: _____

Committee, Board, Commission, Task Force or other position to which you wish to be appointed:

Library Board
 Why do you wish to serve in this position? I Love To Read, but I am a Crafty person. I think I could bring new ideas on fund raising. I think I would be good for our town & community.

Have you served on any other board or committee or in an elected position with the City? If yes, please state your experience: NO

Do you or your spouse have any monetary interest, direct or indirect, in any pending or incomplete transaction or contract to which the City is, or is to be, a party? If yes, please explain: ~~XXXX~~ NO

Anita D. Sims
 Signature

4-17-13
 Date

PLEASE RETURN TO CITY CLERK

Public Service Application

City of Osawatomie, KS

Name: Kelly Callahan Home Phone: NA
 Address: 1137 Brown Ave, Osawatomie Cell Phone: [REDACTED]
 Mailing Address (if different): _____ Work Phone: [REDACTED]
 City, State, Zip: Osawatomie, KS 66064 Email: [REDACTED]
 Place of Employment: USD 368 Position: MIS Clerk - SPED
 Product or service rendered by employer: Special Education
 Brief description of job duties/responsibilities: track IEP paperwork and submit data to the state of Kansas.
 Spouse's place of employment: Kiewit Power Engineers Position: Elec. Design Dept. Manager
 Product or Service rendered by spouse's employer: Design Power Plants

Committee, Board, Commission, Task Force or other position to which you wish to be appointed:

Recreation Parks Commission

Why do you wish to serve in this position? to help keep the tradition of quality activities available to the children in our community.

Have you served on any other board or committee or in an elected position with the City? If yes, please state your experience: 2012 - Recreation Parks Commission

Do you or your spouse have any monetary interest, direct or indirect, in any pending or incomplete transaction or contract to which the City is, or is to be, a party? If yes, please explain: no

Kelly Callahan
Signature

12-20-12
Date

PLEASE RETURN TO CITY CLERK

Public Service Application

City of Osawatomi, KS

Name: Kenneth Hayer Home Phone: _____
 Address: _____ Cell Phone: _____
 Mailing Address (if different): _____ Work Phone: _____
 City, State, Zip: Osawatomi, Ks. 66064 Email: _____
 Place of Employment: Bryan Holmes Const. Position: laborer
 Product or service rendered by employer: const.
 Brief description of job duties/responsibilities: building bridges

Spouse's place of employment: City of Paola Position: Court Clerk
 Product or Service rendered by spouse's employer: _____

Committee, Board, Commission, Task Force or other position to which you wish to be appointed:
Parks & Rec Commission

Why do you wish to serve in this position? reapplying ~~to~~ already have the pos just want to renew my position so I can keep helping + finish what we have started

Have you served on any other board or committee or in an elected position with the City? If yes, please state your experience: yes Parks & Rec

Do you or your spouse have any monetary interest, direct or indirect, in any pending or incomplete transaction or contract to which the City is, or is to be, a party? If yes, please explain: no

Kenneth Hayer _____
 Signature Date

PLEASE RETURN TO CITY CLERK

439 Main Street PO Box 37, Osawatomi, KS 66064 cityclerk@osawatomi.ks.org

Public Service Application

City of Osawatomi, KS

Name: Brandon Olson Home Phone: [REDACTED]
Address: 512 15th Terr. Cell Phone: [REDACTED]
Mailing Address (if different): _____ Work Phone: [REDACTED]
City, State, Zip: Osawatomi, KS 66064 Email: [REDACTED]
Place of Employment: Spring Hill Recreation Position: Program Supervisor
Product or service rendered by employer: Community Recreation
Brief description of job duties/responsibilities: Programming Recreational Activities

Spouse's place of employment: _____ Position: _____
Product or Service rendered by spouse's employer: _____

Committee, Board, Commission, Task Force or other position to which you wish to be appointed:
Osawatomi Recreation Advisory Board
Why do you wish to serve in this position? To Help the Community of Osawatomi

Have you served on any other board or committee or in an elected position with the City? If yes, please state your experience: yes, Osawatomi Recreation Advisory Board

Do you or your spouse have any monetary interest, direct or indirect, in any pending or incomplete transaction or contract to which the City is, or is to be, a party? If yes, please explain: No

Brandon J Olson
Signature

12/19/12
Date

PLEASE RETURN TO CITY CLERK

Return by
1-4-13

Public Service Application

City of Osawatomie, KS

Name: TERRY E. ANDERSON
Address: 1919 PARKER AVE
Mailing Address: 1919 PARKER AVE
City, State, Zip: OSAWATOMIE, KS. 66064-1709
Place of Employment: RETIRED
Product or service rendered by employer: N/A
Brief description of job duties/responsibilities: N/A

Home Phone: NONE
Cell Phone: [REDACTED]
Work Phone: NONE
Email: [REDACTED]
Position: N/A

Spouse's place of employment: RETIRED
Product or Service rendered by spouse's employer: N/A

Position: N/A

Committee, Board, Commission, Task Force or other position to which you wish to be appointed:

PLANNING COMMISSION

Why do you wish to serve in this position? TO BE INVOLVED WITH THE GROWTH OF THE CITY.

Have you served on any other board or committee or in an elected position with the City? If yes, please state your experience: NO

Do you or your spouse have any monetary interest, direct or indirect, in any pending or incomplete transaction or contract to which the City is, or is to be, a party? If yes, please explain: NO

Terry E. Anderson
Signature

12-22-2012
Date

PLEASE RETURN TO CITY CLERK

RESOLUTION NO. 664

A RESOLUTION ESTABLISHING GUIDELINES FOR ADVISORY BODIES APPOINTED BY THE GOVERNING BODY OF OSAWATOMIE; FURTHER REPEALING RESOLUTION NO. 299 AND ANY RESOLUTION OR PART OF ANY RESOLUTION IN CONFLICT WITH THIS RESOLUTION

WHEREAS, the Governing Body of the City of Osawatomie has established various boards, committees, commissions and task forces, herein after referred to as "advisory bodies," to serve the community and aid the Governing Body in its decision making; and

WHEREAS, the Governing Body believes that input from residents, businesses or other individuals or companies that have a personal or economic interest in the long-term viability of the City of Osawatomie is critical to the planning and success of the community; and

WHEREAS, the Mayor is charged with the responsibility of recommending the persons to serve as members of the advisory bodies subject to approval by the Governing Body; and

WHEREAS, the Governing Body deems it in the best interest of the City to establish a procedure regarding appointment to such advisory bodies in order to ensure fairness, equal representation and accountability in the selection of representatives; and

WHEREAS, the Governing Body believes it should establish the expectations and responsibilities of all members of advisory bodies to the City in order to respect the time and commitment of all individuals that volunteer to serve the City in such a capacity;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS:

SECTION ONE: The Governing Body shall use the following terms to provide direction in the naming of any new advisory body. However, when names are specifically provided by statute for advisory bodies, the Governing Body should follow the statutes in so naming.

- A. The term "advisory body" is used to define all boards, committees, commissions and task forces that are created or appointed by the Governing Body, whether or not their function is primarily advisory or not.
- B. The term "board" is to be used to name an advisory body to the Governing Body that may or may not have a grant of statutory power from the State of Kansas, but is responsible for making rulings or interpretations on behalf of the Governing Body.
- C. The term "commission" is to be used to name an advisory body to the Governing Body that may or may not have a grant of statutory power from the State of Kansas, but oversees the specific operation of City activity and may make operational decisions as a part of those duties.
- D. The term "committee" is to be used to name an advisory body to the Governing Body that has been established indefinitely to continually perform its duties and provide recommendations to the Governing Body.
- E. The term "task force" is to be used to name an advisory body to the Governing Body that has a specific purpose and a date certain to fulfill its appointed tasks.

SECTION TWO: Unless otherwise specified by the authorizing statute, ordinance or resolution, each advisory body shall elect from its membership a chairman, vice-chairman or secretary from its membership.

- A. The secretary shall be responsible for recording the activities of that particular advisory body. One of the duties of the secretary shall be to record those members present and absent at each meeting.
- B. The chairman of each body shall be responsible for ensuring that the City Clerk is provided with approved minutes from each meeting within two weeks of their approval by that body.
- C. In select cases and in the case of the Planning Commission and Board of Zoning Appeals, the City Manager will designate a staff member as a clerk to the Board that will be responsible for recording minutes and attendance, as well as providing them to the City Clerk upon approval.

SECTION THREE: Every January, each secretary of each board, committee, or commission shall file with the body's chairman an attendance report of every member. Such attendance report shall then be forwarded to the City Clerk with such additional information concerning attendance as may be deemed appropriate.

- A. Each year, after January 1 and prior to the reappointment of Committee members, the City Clerk shall report to the Governing Body the number of times each advisory body has met in the previous year and the attendance of each member. Upon receipt, the Governing Body will review the attendance of all advisory body members during the previous year.
- B. Any member of any advisory body that was absent for three consecutive meetings or was not in attendance for at least fifty (50) percent of all meetings, shall be reviewed by the Governing Body. Such members shall not be eligible for reappointment unless the Governing Body can be shown that those absences were created by unforeseen circumstances that have been corrected.

SECTION FOUR: At any time, the majority or a quorum of an advisory body may petition the Governing Body for the removal of any member that was absent for three or more consecutive meetings. Unless otherwise specified by statute or ordinance and upon two-thirds majority vote, the Governing Body may remove a member of an advisory board at any time, with or without a recommendation for the advisory body and with or without cause.

SECTION FIVE: The general public shall be notified of openings on all advisory bodies appointed by the Governing Body.

- A. Appointments to advisory bodies will be based upon applications filed with the City Clerk, which will be kept for a period of one calendar year.
- B. Members of the public are encouraged to download or request a copy of the public service application from the City's website, or to obtain a copy from City Hall. Applications may be returned via email, fax, mail or in person to the City Clerk's office.
- C. Advisory bodies are encouraged to provide a recommendation from among any individuals expressing interest in an appointment; however, no such recommendation will be considered by the Governing Body without a complete public service application from the prospective member.
- D. All incumbent board members who wish to be considered for reappointment shall submit a public service application—reappointments are not automatic.

SECTION SIX: Each year when annual appointments are re-appointments are to be made, or at any time during the year, when there is one or more vacancy on an advisory body, the City Clerk will provide a public announcement through the City's website and other media outlets announcing vacancies.

- A. The Governing Body will review the public service applications provided by the City Clerk as a part of the regular council meeting packet, or with a minimum of 48 hours prior to consideration of those appointments at a special council meeting.
- B. When considering the appointments, the Mayor and each Governing Body member may nominate one person each for each vacancy. The Governing Body will vote from these nominations, along with any

compliant recommendation of the advisory body, to serve on the advisory body. The Mayor and each member of the Governing Body shall have one vote for each position filled. The person receiving the highest number of votes is thereby appointed to the Committee.

- C. When more than two positions are being considered and different and positions with different lengths of terms are considered at the same time, the person receiving the highest number of votes will receive the longer term, and the second highest the next longest term, and so on. When a person is filling a mid-term vacancy, the term of office on the advisory body shall be for the remaining term of their predecessor whose term they are completing.

SECTION SEVEN: When a member of an advisory body has served for a period of two consecutive full terms on a particular advisory body, that member shall not be eligible for reappointment until they have vacated the position for one full term.

SECTION EIGHT: Any new advisory body of the Governing Body shall be created through an official authorizing action of the Governing Body which specifically describes and sets forth the mission and assignment of this advisory body.

SECTION NINE: All persons appointed to any advisory body of the City shall be required to abide by the all the statutes and regulations of the City, including all financial and ethics policies, in the performance of their duties. All such violations shall be reported to the City Manager or the City Attorney. After a review that determines such a violation likely occurred, the violation will be forwarded to the Governing Body for censuring or removal of the advisory body member.

SECTION TEN: Resolution No. 299 and all other resolutions that are in conflict with this Resolution are hereby repealed.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas this 14th day of March, 2013, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk

Consider Approval of Fireworks Stands & Fireworks Display

Fireworks Stands:

Eddie's Discount Fireworks

Dale & Joes Discount Fireworks



MEMORANDUM

To: Mayor and City Council
From: Don Cawby, City Manager
Re: **Projects & Issues Update**
Date: May 9, 2013

Projects

Sports Complex Playground. We have started this project and still are pushing to get done; however, the rain has killed our progress. I am making this a top priority of staff so we get done before Memorial Day.

Library Foundation. We are still working on getting proposals. Once received, I will ask our City Engineer to evaluate the proposals and provide us direction on the selection of a firm. The amount of work and the range of prices are going to vary so much that we will need assistance in determining the right course of action.

Condemnations. All three properties scheduled for demolition have been completed. Ted is waiting to schedule the final inspections, but we should be able to close out in the next week.

Sludge Press. With the weather, we have been asked to stop applying sludge to our application fields. Working with our engineer, we have decided to bring in a mobile sludge press to do a demonstration project for us. This should help us see the benefits and problems of a press before committing to one. This is a good short-term solution, but we will need to start that decision making process quickly as this is at best a one-time or two-time option.

Street Repairs. The street crew has been working on 1st Street by the water tower for several days. The asphalt is bad enough that we are going to try to get the County to help us lay down the west side of the street. We still have some other sections that took a real beating this winter and will delay our crack-sealing work.

Underground Electric. The line crew has started on the underground electric project from 16th to 18th between Main Street and Main Street Terrace.

Issues

Trash Contract. Our contract with L&K Services expires at the end of this year. I have asked Bryce to send us a first draft which will essentially incorporate the two addendums we put together over the last two years. I would like to know if you want to put this contract out for bid. Also, whether we

renegotiate or do an RFP, now is the time to provide me with any changes or concerns you would like to see so they can be considered for either document.

Water Main Breaks. We have had two or three good sized water breaks the last few weeks. I would expect that to continue into the spring. The breaks have generally been south of the City Hall area, but we had a large one at 18th and Brown which really knocked out a large area one evening this week.

Upcoming Meetings/Dates

May 9	Council Meeting
May 23	Council Meeting
May 24-27	Alumni Weekend
May 27	Memorial Day – City Office Closed
June 13	Council Meeting
June 19-22	John Brown Jamboree
June 27	Council Meeting