

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 Martin. 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 Osawatome as a Train City USA.

Dickinson: Asked if the Council was doing their Governing Body Scholarship again for an Osawatome 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.

*/s/ Ann Elmquist*

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Ann Elmquist, City Clerk