

**CITY COMMISSION MINUTES**

October 15, 2013

7:00p.m.

**CALL TO ORDER**

The regular meeting of the Junction City Commission was held on Tuesday, October 15, 2013 with Mayor Cecil Aska presiding.

The following members of the Commission were present: Cecil Aska, Pat Landes, Mick McCallister, Mike Ryan, and Jim Sands. Staff present was: City Manager Smith, Assistant City Manager Beatty, City Attorney Logan, and City Clerk Ficken.

**PUBLIC COMMENT**

Jim Fawcett stated that an animal ordinance with teeth is long overdue but he stated that he is disappointed that there is not a grandfather clause to allow owners to keep their current pets. Of the four dogs he owns, three were rescued. Mr. Fawcett stated that his daughter owns a pet store that works to adopt most of the dogs out. He stated that pets are often left at this door or the door of the pet store. Mr. Fawcett stated that it is not right to be required to get rid of the excess animals over five immediately and provided for by the ordinance. Mr. Fawcett stated that he understands the intent of the limit but to have excess animals be executed is unacceptable. Mr. Fawcett stated that he also disagrees with the breed specific ban because the viciousness of an animal results from the owner and not the animal; he owns an American Staffordshire which he uses as an assistance animal.

Scott Johnson stated that the committee spent a year working on the ordinance. He stated that he understands the police department position in pit bulls; they have to enter homes with these animals. Mr. Johnson stated that there are animals that are not being taken care of in the community. Mr. Johnson stated that it is difficult to take care of numerous animals with the care needed. Mr. Johnson stated that his bird of prey animals are not included in the definition of fowl; he stated that these types of animals help youth appreciate the environment.

Kurt Douglas stated that he takes care of stray cats, and he has five dogs. He stated that these animals are like his children. He asked if the City is going to get a warrant to take the animals from his home.

Mrs. Mosley stated that she takes in abused dogs that often have parasites. She would like to know who is going to make the decision on which animals she will keep. She stated that there are good pet owners, and some people do not

deserve to have even one animal. She asked that the Commission grandfather the current pets; they are not harming anyone.

Linnea Alt stated that she was present for many of the meetings though she was not invited. She stated that she received a final version of the ordinance on Friday. She stated that the requirement to provide medical information when using an assistance animal is not legal and should be removed. She stated that limiting tether in to 15 minutes is a very limited amount of time for pet owners; for years there has been no limit on tethering. She stated that the City has had very few cases of animal hoarders, and most citizens know their limits.

Emily Fawcett asked for people to come to her home and see how well she takes care of her animals. When she has been inspected, she was complimented by the inspector by how clean she keeps her home. She stated that every animal should be able to pass away in a peaceful way.

Mr. Stewart stated that a \$5 registration and a \$50 fine is steep for a first offense of the animal code. Mr. Smith stated that the City Manager selection process was not open to the public. He stated that Mr. Smith's interview in Kalamazoo was completely open to the public whereas here, the public was shut out. He stated that the citizens need an explanation for this.

Todd Fausnett stated that he purchased 440 W. 7<sup>th</sup>, and it is up for condemnation. Staff informed Mr. Fausnett that he would have an opportunity to provide a progress report on the property.

Mrs. Sanders stated that the City currently has ordinances regulating the accumulation of animal waste, nuisances, and humane treatment of animals. She inquired why then is it necessary to limit the number of animals.

## **CONSENT AGENDA**

Consideration of Appropriation Ordinance A-20 dated September 24, 2013 to October 8, 2013 in the amount of \$872,732.53. Commissioner McCallister moved, seconded by Commissioner Ryan to approve the consent agenda as presented. Ayes: Aska, Landes, McCallister, Ryan, Sands. Nays: none. Motion carried.

Consideration of City Commission Minutes for 10-1-2013 & 10-3-2013. Commissioner McCallister moved, seconded by Commissioner Ryan to approve the consent agenda as presented. Ayes: Aska, Landes, McCallister, Ryan, Sands. Nays: none. Motion carried.

Consideration of 2013 Bulletproof Vest Partnership grant award. Commissioner McCallister moved, seconded by Commissioner Ryan to approve the consent

agenda as presented. Ayes: Aska, Landes, McCallister, Ryan, Sands. Nays: none. Motion carried.

Consideration of a letter supporting transportation (KDOT) funding for the Geary County Senior Citizen's Center. Commissioner McCallister moved, seconded by Commissioner Ryan to approve the consent agenda as presented. Ayes: Aska, Landes, McCallister, Ryan, Sands. Nays: none. Motion carried.

## **SPECIAL PRESENTATIONS**

Mayor Aska to present Breast Cancer Awareness proclamation. Mayor Aska presented the proclamation.

## **NEW BUSINESS**

Consideration of 2013 Homeland Security Northeast Region Grant award. Commissioner McCallister asked how often the device will be used in the region. Chief Brown stated that it is difficult to provide an accurate number but staff use would be dependent upon the training of cooperating departments. Chief Brown stated that the tactical vehicle has been used by Manhattan staff, and the cost was fuel, but reimbursements are often offered by other departments. Commissioner Landes moved, seconded by Commissioner Ryan to approve the Homeland Security Northeast Region Grant Award. Ayes: Aska, Landes, McCallister, Ryan, Sands. Nays: none. Motion carried.

Consideration of Ordinance G-1134, the new code for Animal Control in Junction City, Chapter 215 of City Code. Assistant City Manager Beatty stated that they committee created to revise the Animal Control code has spent 1 year and 4 months on the revisions. Two items of contention remain to be the limit of five (5) dogs, cats, etc., and the issue of the pit bull ban. The change to the limit of five was increase from the proposed number four. Assistant City Manager Beatty stated that owners could apply for kennel licenses for additional animals which would allow additional access for the animal control officer. City Attorney Logan stated that the kennel license would not fit the definition of an owner since the code outlines the acceptance of payments for boarding of animals. Assistant City Manager Beatty stated that ultimately it important to set up a zoning process where neighbors can have a say in the types of animal operations in their neighborhoods. Commissioner McCallister thanked all of the people who take care of abused animals, but the target should be irresponsible breeders that add to the population problem. Commissioner Landes stated that the ADA language needs to be addressed, an ultimately the purpose of this discussion is to encourage better pet ownership, but he community must come to terms with tough questions. Commissioner Sands stated that he is upset that there are abused dogs in town, and they are not being taken care of. Commissioner Aska stated that the tethering issue needs to be addressed. Commissioner Ryan

stated that in his childhood he recalls children tormenting dogs that were tied up. Interim City Manager Beatty stated that the committee came to the 15 minutes rule since the animal control officer would have that amount of time to assess violation situations. The Commission provided guidance on tethering, the number of animals, and the pit bull ban for future consideration. Commissioner Sands moved, seconded by Commissioner McCallister to table the item. Ayes: Aska, Landes, McCallister, Ryan, Sands. Nays: none. Motion carried.

### **COMMISSIONER COMMENTS**

Commissioner McCallister thanked the community for their passion on this issue, and he thanked those who worked on the committee to provide the recommended changes.

Commissioner Landes echoed McCallister comments, and stated that he understands that these are difficult issues. He emphasized that the meetings discussing the changes to the animal code were open. Ultimately the purpose of all of this is to make the lives of animals in the community better. Commissioner Landes stated that the reason for not having an open interview process is to allow for the Commission and candidates to be as candid as possible during the interview process.

Commissioner Sands stated that he attended the League of Kansas Municipalities meeting over the weekend with two staff members, and it was a good event. Commissioner Sands stated that the It's About Me Breast Cancer Awareness event was well attended. Another event will be held at the skate park. Commissioner Sands stated that the United Way and Catholic Charities is providing a financial assistance program that will help people get out from under the trap of payday loans; please contact the United Way for assistance.

Commissioner Ryan stated that he expected a contentious meeting and he is going to work to get this right.

Mayor Aska stated that regarding the animal ordinance he is going to move forward with doing the right and fair thing. Regarding hiring of the City Manager, every City, and every board has a process; the Commission was elected with the responsibility to select a City Manager and that decision was made in the best interest of the community.

### **STAFF COMMENTS**

Assistant City Manager Beatty stated that the AUSA packets will be available tomorrow.

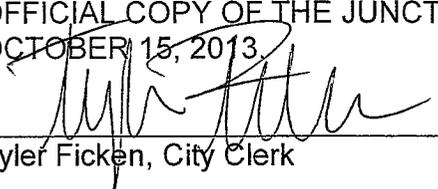
City Manager Smith thanked the Commission for the opportunity to serve and work toward finding a new normal. His interest is working from government as

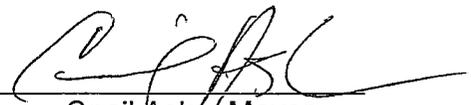
usual to community engagement. He looks forward to being active in the community. Mayor Aska added that a banquet welcoming Mr. Smith to the community is being planned.

**ADJOURNMENT**

Commissioner Sands moved, seconded by Commissioner Landes to adjourn at 8:47 p.m. Ayes: Aska, Landes, McCallister, Ryan, Sands. Nays: none. Motion carried.

APPROVED AND ACCEPTED THIS 5TH DAY OF NOVEMBER AS THE OFFICIAL COPY OF THE JUNCTION CITY COMMISSION MINUTES FOR OCTOBER 15, 2013.

  
Tyler Ficken, City Clerk

  
Cecil Aska, Mayor