

## City of Madison

### Minutes of Regular Meeting

September 5<sup>th</sup>, 2019

**Call to Order:** Mayor Paul Dean called the meeting to order at 7:30 p.m. Councilmembers present: Samantha Watts, Earl Murphy and Daryl May. Nick Cherry was absent.

City Employees Present: James Paugh, City Treasurer, Michael Bartlow and City Clerk, Victoria Stewart.

Public: Tammy Seimears with the Madison News, Danita Schimmelpfenig, Mark Schimmelpfenig, Tricia Tabares, Paul Tabares, Joan Owens, Jody Thomas, Mike Cordell and Bob Kimberlin.

**Approval of Agenda:** Samantha made the first motion. Daryl seconded. Motion carried 3-0.

**Pledge of Allegiance:** Bob Kimberlin led the Pledge of Allegiance.

**Approval of Minutes for August 19<sup>th</sup>, 2019:** Samantha made the first motion. Earl seconded. Motion carried 3-0.

**Approval of Accounts Payable:** Samantha made the first motion. Daryl seconded. Motion carried 3-0.

**Approval of Water Adjustments:** Samantha made the first motion. Daryl seconded. Motion carried 3-0.

### Open Forum

**Public Comment: Animal Tether Ordinance** - Danita Schimmelpfenig approached the board to voice her opinion on changing the animal tether ordinance to no time limit. She presented statistics to explain her stance on the issue, which was to leave the ordinance at a one hour limit per day. She stated that a chained dog is 3 times more likely to bite than a non-chained dog and that number rises to 5.4 with children under the age of 12. Other statistics included that 25% of fatal attacks are by chained dogs and 75% of bites are by resident dog. A tethered dog falls under the resident dog category which means a dog that is isolated from the family. She also said that the USDA, Human Society and Vet's Association considered chaining a dog for long periods of time is considered inhumane and that chains make dogs more aggressive, bitter, mean and angry. She said making it illegal to continuously chain up a dog wasn't just for extreme weather conditions or for neglect, but because it makes them aggressive and it was done to keep the community safe. She mentioned that dogs on tethers will also bark continuously and it will become a nuisance in town. She explained that the one hour a day law is to prevent dogs from living on a tether the majority of their life. Paul Dean asked her if the statistics only applied to dogs that were on a chain/tether for 24 hours a day. Danita responded that she didn't think it was limited to that but it was the majority of the dogs included in the statistics. She also provided laws other cities have adopted such as Chanute having a 3 hour limit. Tricia Tabares approached the Council next. She introduced herself and stated that she wished there was a tether law in Emporia. She explained that several years ago a neighbor's dog who lived on a chain had escaped its yard and killed her dog. It went into a 10 day quarantine and was released back home. After it was home, it escaped again and then attacked and killed her neighbor's Pomeranian. She stated that she thinks the dog was vicious due to living on a chain. Joan Owens stood up and showed her support for leaving the ordinance as it is now. Bob Kimberlin told the Council he thinks electric fences should fall under the same category as tethering a dog and does not believe they are very safe, as they could fail. He also stated that though a dog could bite a child if he/she stuck her hand in the cage, it is still safer than a tether because the dog would not be able to knock the child onto the ground and mutilate them. Mike Cordell approached the board next, first stating that he did not write the proposed ordinance so that he could have his dog live on a chain. He also said that the statistics presented did not apply to dogs that are tethered briefly. He explained that a dog on a tether that is being neglected by not being provided with food, water or shelter, would be dealt with by the Sheriff's Department because it would be a criminal case. He said that having a dog on a chain is no different than having a

dog in a 10 x 10 kennel which is legal according to City Code. He stated again that he does not want to have his dog on a chain for 24 hours a day everyday but that one hour a day is prohibitive. He said that with the proposed ordinance you can physically observe the details and it is more enforceable than the current one. He mentioned that he does not want to keep his dog on a chain permanently but only when the kids are outside playing with the dog so it can spend time outside and he doesn't have to worry about it leaving the property and running at large. He also mentioned that according to City Code, he could allow his dog to roam freely as long as it stayed in the yard and was under his direct supervision, and that isn't any safer than having the dog tethered. He stated that the dog who attacked Tabares and her neighbor's dog was a vicious animal issue and was a completely different situation. Danita asked Mike why he couldn't get special permission from the Council and why he felt he needed to change the ordinance. He answered that he didn't want to be treated differently than anyone else. He wanted to point out that there were several detailed provisions in the proposed ordinance to keep dogs from getting tangled or getting into other dangerous situations when they were on a tether. After everyone was heard, Paul Dean advised the Council to not make any decisions until the next meeting. Later in the meeting, Danita and Mike both requested Open Forum to be opened back up so they could propose an agreement. Mike suggested adding to the proposed ordinance that tethering would not be permissible between the hours of 10:00 P.M. and 6:00 A.M. Danita said that she agreed with that.

**Clerk and Treasurer Reports:** Mike Bartlow presented the July 2019 Financial Reports. He reported that everything is on track but we will definitely see all the work that was done at the pool this year in our numbers. He mentioned that all the work at the pool was needed and it looked really nice.

**Reports from the Governing Body:** The Council approved a demolition bid from Leiser Excavating at \$4,128.00. Daryl made the first motion. Earl seconded. Motion carried 3-0.

The Council approved a building permit requested from Mike Hoobler. Samantha made the first motion. Daryl seconded. Motion carried 3-0.

The Council approved to renew a contract with Carbonite. A two year contract was decided at \$547.18. Daryl made the first motion. Samantha seconded. Motion carried 3-0.

Earl presented a bid by APAC in the amount of \$63,930.46 for needed street work on Oak, Elm, 4th, and McKinley Street. The Council accepted the bid on the condition that they would try to get other bids and if they were received they would assess the bids again. Daryl made the first motion. Samantha seconded. Motion carried 3-0. Paul also mentioned the street work would not begin this year and he would like to see what happens with the sewer and water lines in the new development area. Bob Kimberlin asked about the development and Paul Dean explained adding new lots South of the manor.

Paul reported that Mike Hoobler's family had put up the Madison City Park sign and he has permission from them to move the sign forward for the ball fence.

Earl reported to the Council that KDHE inspected the water plant and that we have been ordered to either use backwash from the lagoons as irrigation water, reroute the water away from the lagoons, or apply for a NPDES permit. Paul Dean suggested applying for the NPDES permit and Earl agreed.

**Adjournment:** Daryl made the first motion. Samantha seconded. Motion carried 3-0.