

Call To Order:

The regular meeting of the Lansing City Council was called to order by Mayor Gene Kirby at 7:00 p.m.

Roll Call:

Mayor Gene Kirby called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Kevin Gardner and Dave Trinkle

Ward 2: Andi Pawlowski and Don Studnicka

Ward 3: Jesse Garvey and Kerry Brungardt

Ward 4: Tony McNeill

Councilmembers Absent: Gregg Buehler

OLD BUSINESS:

Approval of Minutes: Councilmember Pawlowski moved to approve the special meeting minutes and regular meeting minutes of August 18, 2016. Councilmember Garvey seconded the motion. The motion was approved, with Councilmember Trinkle abstaining from the vote.

NEW BUSINESS:

Audience Participation: Mayor Kirby called for audience participation and there was none.

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

League of Kansas Municipalities Voting Delegates: Councilmember Pawlowski asked who's going.

- Mayor Kirby stated I nominate me and Tim and you're going right.
 - Councilmember Pawlowski responded yeah.
 - Councilmember Studnicka asked you nominate who?
 - Mayor Kirby responded myself, Tim, and Andi.

Councilmember Studnicka moved to elect Mayor Kirby, Tim Vandall, and Andi Pawlowski as voting delegates. Councilmember Gardner seconded the motion. The motion was unanimously approved.

Ordinance No. 969: Councilmember Brungardt moved to adopt Ordinance No. 969 adopting the 2016 Standard Traffic Ordinance for Kansas Cities, 44th Edition. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Ordinance No. 970: Councilmember McNeill moved to adopt Ordinance No. 970 adopting the 2016 Uniform Public Offense Code for Kansas Cities, 44th Edition. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Ordinance No. 971: Councilmember Pawlowski moved to adopt Ordinance No. 971. Councilmember Studnicka seconded the motion.

- Councilmember Pawlowski asked is that going to make a big difference in the amount of cases that our court sees.
 - Police Chief Steve Wayman replied no.

The motion was unanimously approved.

Ordinance No. 972: Councilmember Pawlowski moved to adopt Ordinance No. 972. Councilmember Gardner seconded the motion.

- Councilmember Pawlowski asked can Stefanie kind of outline this for anybody that wants to listen on Channel 2 later.
 - Community and Economic Development Director Stefanie Leif stated the first one is regarding the timing of submission of plats, and this was brought forward because there were some concerns from the Planning Commission about applications in the past where both the preliminary plat and the final plat were submitted and reviewed by the Planning Commission at the same meeting, and a couple of commissioners that were part of those projects just felt that that really didn't give them enough time to analyze all of the issues, it was a lot at one time, and if they wanted to make any changes, they felt that because the final plat was also in front of them it didn't really allow them the time to make any changes or readjust anything. So what this does is that it will now say that the preliminary plat will come on its own, then the preliminary plat has to be approved by the Planning Commission before an applicant can submit the final plat. We did reach out to a couple developers in town, and they said as long as special meetings could happen in case there were some timeline issues, they were fine with

that, and the Planning Commission said that if there is a specific situation where we need to schedule a special meeting for development they were fine doing that, there were ok with doing that. And the second one is regarding park land acquisition dedication, this was a draft policy in our subdivision code, so what this does is currently our subdivision ordinance, if you're coming in for a subdivision, allows you to either pay a park land fee in lieu or you can dedicate land. What this allows is really a third option that the developer can bring forward and the City can look at and it would be amenities. So, they could submit a playground or some sort of park amenity that the City would also be able to look at as part of meeting those requirements, and it just outlines some specifics about that.

- Councilmember Pawlowski stated we've had that issue come up before and so does it specifically address a public park rather than a private park.
 - Community and Economic Development Director Stefanie Leif replied it does, I'll find that section on page, it would be in the Exhibit B of Ordinance 972 which has the full body of the language, under Section 7 where it really talks about the amenities in lieu of land or park land. It would be under number 7(2) it says the amenity or benefit may not restrict or prohibit access of any group of citizens or non-residents, but must be accessible to the public at-large, so it does address that it needs to be a public park.
- Councilmember Gardner asked then Parks & Rec would be taking care of it, if they built something like that?
 - Community and Economic Development Director Stefanie Leif replied that is correct and Jason Crum was involved with the Planning Commission discussions a couple of times when we had it in front of them, and yes we had it that a public park would be their maintenance.
 - Councilmember Gardner asked are they restricted to that area can they use that money for other parks?
 - City Administrator Tim Vandall replied if they chose the option to pay into park land fees I think we would be able to spend it at any park.
 - Community and Economic Development Director Stefanie Leif responded yes that is correct.
 - Councilmember Gardner asked but if they wanted to do that one hundred and fifty percent they would have to develop something themselves.
 - Community and Economic Development Director Stefanie Leif stated that is correct, they would be developing it themselves but then the maintenance would most likely be taken over by our Parks, unless there was another arrangement during that time.
 - City Attorney Gregory Robinson stated Kevin if I understood your question correctly, it seems that you have concerns like if there was another spot we had in mind where we would want something else as a park could the developer say hey I'll put it in over there if you give me the land, so to speak, instead of developing his.
 - Councilmember Gardner replied I was thinking more along the existing parks.
 - City Attorney Gregory Robinson stated ok, I don't think anything prohibits that, I think they could ask, because that saves them plans in their own development to develop, nothing that I saw in here prohibits that.
 - Community and Economic Development Director Stefanie Leif stated I would agree with that, it looks like there is that flexibility if someone wanted to bring that forward.
 - Mayor Kirby asked Brian, is there anything you want to add to this.
 - Planning Commission Chairperson Brian Schwanz replied no, Stefanie did a nice job covering it.

The motion was unanimously approved.

Structure Removal Cost Share Policy: Councilmember Studnicka moved to adopt the Structure Removal Cost Share Policy. Councilmember Garvey seconded the motion.

- Councilmember Gardner stated other than what I've brought up earlier, I think that if I'm reading this correctly, we are going to review each applicant individually and we'll know whether or not they should be able to handle it themselves.
- Community and Economic Development Director Stefanie Leif replied right, I'll review the changes that we brought forward since the August 18th meeting. One of them is exactly that, the City Council will actually be approving each of these, we had it in the last draft that staff would be the final approval, and in that case we would be bringing it forward in front of the City Council. We also made this a trial run, so basically December 31st of 2017 is when this policy would end, or this program would end unless it is renewed by the Council and budgeted for as well. And also based on discussion the Council had, we talked about reimbursement payments whether they could be made to the contractor instead of being made to the owner, that way the

owner wouldn't have to come up with the upfront total cost, and we did add in some language too that would accommodate for that, as long as we can prove that the owner has also made their payments to the contractor. I will mention we, Becky and I talked, and we thought it would be helpful if it would be ok to bring this forward to you this evening, is looking at what our demolition process over the years, we have had several properties that have gone through this process and they all have had different timelines that they have been under, different ways that they have been handled, and so walking through the process so you can see real world examples of what this process looks like, what we're dealing with as staff, so if it's the pleasure of the Council, I'd like to allow Becky to present that.

- Mayor Kirby stated sure.
- City Inspector Rebecca Savidge stated I just put together four examples of ones that I pulled from the file cabinet that I have done myself. The first one is voluntary demolition that just happened this year, at 104 South 3rd. What happened was he owns a property two doors down, I went to him, he was upgrading his electrical at that time at the property. While I was there, I mentioned to him that the other one was sitting vacant, I could start to see some wear on the roof, things like that. We talked, he said give me a little bit of time, so I went back and sent the letter that we have to notify them, to request an inspection. He and I did the inspection we talked about what the deficiencies were, he knew there was deficiencies there, so he voluntarily came in, paid the permit so that I could get the utility disconnects sent; that usually takes somewhere between two to three weeks, depending on how fast the utility companies can get in, that's phone, cable, water, gas, and electric. Once they send those back to me then we're allowed to proceed. He brought his contractor in, got licensed, and within three days, had it down, sewer capped, everything leveled and seeded and if you go by there it's just a vacant lot now. The other issue with this one was it was a non-conforming use, there were two structures on one lot, it was way back when. Example two is 1212 North 7th. this is one where it was owner and mortgage company owned, it was on the brink of being foreclosed on. We requested an inspection due to some conditions on the outside of the property, we went back and forth with the mortgage company and had to resend some letters because the mortgage company had changed from what the County actually had. When they did respond it went up for sale immediately and a contractor snatched it up and that's what we have here. This one took about eight months that is including the building permit stage. They got a variance to add that garage on the front, it was like eight feet out past the building set back line, but it made the property more marketable. So including all of it, it was about one hundred and eighty days and a very nice addition up there. Example three was way back in 2004, it was 110 East Kansas, it was a property that became vacant, and there was a lien holder on it. We went to the door to try to address some outside, when we got up closer to it at the doorway I felt like there was some more problems. I tried to contact both of them and got no reply for a request for an inspection, I got with the City Attorney we did an application for a warrant and we got in front of the Judge on April 7th and he executed the warrant on April 8th, which allows us to go into the property, make entry, and assess the property from inside. Once we got inside it was horrible, and I did bring the files in case anybody had any further questions. So we sent the thirty day letter that we are required to by state statute, sometimes it can take almost sixty days even though it is a thirty day letter, because the Post Office when you certify it tries to deliver it three times, which takes up to almost three weeks before they send it back, so by the time you get that process going that can be sixty days. We did the written resolution, set a public hearing date, still hadn't heard anything, they published it twice as per state statute. We did another one for the condemnation, that allows them to still come in and abate the deficiencies within ninety days, and that comes to you all, and when you approve those resolutions, that gives me the power after that ninety day waiting period to go in and take it down, and as you can see, I'm missing a zero, but on 11-05-2004 we received the disconnects back and within a week we took the structure down and we now have this. That last one, and this was one of the biggest ones, it was a constant code enforcement issue that I dealt with but actually the demolition started May 21st because of a fire; the Fire Department always notifies us. It didn't destroy the entire house, but once we got in there and looked at the fire damage there was a lot of other things wrong. She was on a fixed income and once we started that condemnation, and I've shortened it because the file is 'this' thick, we did the resolution for condemnation then a State Agency stepped in because she was low income and needed assistance. They kind of drug it out and drug it out, then they fixed stuff. Twice I had it in front of them and gave them extensions, the State Agency, and things like that. Finally, from start to finish, March 2004 a contractor offered them the right amount of money and we now have this.
 - Councilmember Trinkle stated that's right across from the Activity Center.
 - City Inspector Rebecca Savidge replied yes sir it is.
 - Councilmember Trinkle stated that one was on and on and on.
 - City Inspector Rebecca Savidge responded right, part of the problem was she ended up in an assisted living facility and we had to go through that way and they had to assign her a guardian. So those are all factors that can happen, and like I said I just wanted to take a minute of your time to show you factors, that even though we have ninety day publication, all these things can play into it: notification, mailings, publications, building permits, outside agencies, state

statutes, and warrants, all effect the outcome and timeline of demolitions. Are there any questions that I might answer, like I said, I did bring two of the biggest files with me.

- Mayor Kirby asked is there any more discussion on this?
- Councilmember McNeill responded yeah, I've got a couple of questions. We're proposing this as a cost share, I mean demolition I get that. On some of the demolition what was the cost to the City, that's what we're looking at what it costs the City to take the blights down and then we're saying hey when we pay for it we put a lien against your property, correct, and if they never really sell their property for another thirty years, we don't get any money. So our answer to that is we could help them take down the blights or the building that is falling in that could be a safety issue, and that would be better for both parties. Is that the whole jest of it?
 - Community and Economic Development Director Stefanie Leif replied yes the original reason for bringing this forward was as an incentive to owners to do this and expedite the process, and as Becky outlined some of these can drag on for more than a year. So our thought was instead of going this route if there is an owner that does have some money they can put into the demolition, this could really expedite it and get things moved up quicker than this process does.
 - City Inspector Rebecca Savidge stated if I could point out we've got one right now that is on this list, he's willing to do it himself he's just on a fixed income and it's taken him six months to pay the gas company the five hundred dollars so they'll release the disconnect. Because he's on a fixed income, this is something that would truly help him and it's at 109 North 4th. It's the one with the whole in the roof, he maintains the property, there has never been a code violation until the roof came in. But the gas company just notified me last week that he has finally got his five hundred dollars paid off and they'll release the utility.
- Councilmember Brungardt stated I'm struggling with the cost share and I need help, is there anything else you can tell me.
- Councilmember Garvey asked there is a four thousand dollar cap right.
 - Councilmember Brungardt stated right, I understand.
 - City Administrator Tim Vandall stated I guess one thing I would add, I think we focus a lot on the benefit to the property owner, and there is a big benefit to the property owner, but there is also substantial benefit to all of the neighbors, to the people who live next to it, to the people who drive by it every day. There's one of the five houses on here, thousands of people drive by every day. A couple of you guys are right, there is a big benefit to the property owner, but it really benefits the neighborhood and I think the City as a whole.
 - Councilmember Trinkle stated it effects the property value too doesn't it.
- City Attorney Gregory Robinson stated one of the things that is the ancillary costs that hasn't been discussed are the publication costs, attorney, legal fees to actually prosecute a condemnation action, so you might as well add about another twenty-five hundred to four thousand on top of that. So even if you paid it in full, you'll probably be money ahead, frankly, if you've got someone to voluntarily tear it down. If someone said to you, if you pay it to take it down you can take it down; if you pay that six to eight thousand, or whatever that cost, you're probably still money ahead in the long run if that person contested it.
 - City Inspector Rebecca Savidge stated I will tell you we got bids at the end of this past year, and with all the costs the gas company, everything, capping off the sewer once they got the structure down, it was over ten thousand dollars. When I started, it was thirty-five hundred.
- Councilmember Pawlowski stated whether or not we do the cost share, my feeling is that we have a number of properties that have been allowed to deteriorate, they didn't get that way over night, and I think that Don said this the last time we had this discussion, that we really need to get on top of our building code violations so we don't get to this point where we have all these properties with holes in the roofs and the other things we're dealing with. If we can just get on top of that and be more proactive, then we don't have to deal with this and we don't have to pay to take properties down.
 - City Administrator Tim Vandall stated hopefully though, if the Council approves this and we have some citizen participation in it, I feel like with forty thousand dollars and if there is a four thousand cap, if we can do ten in the next year I think we'll get pretty caught up. I really don't see this being forty thousand next year, I see it being five or ten thousand next year. Hopefully it's just a one to two year type of thing.
 - Councilmember Pawlowski stated I don't disagree with that I just, we just need to, you know what I mean.
 - City Administrator Tim Vandall replied agreed.
- Councilmember Gardner asked and this program ends December 31st of next year, what is the timeframe, is the application date going to be the deciding factor or the resolution date on; if we get stuck and we're in the middle of something on December 31st does it fall back on when they filed the application, or if they don't have it resolved by then, December 31st, are we going to adopt a different program and be bound by that?

- City Administrator Tim Vandall replied I suppose part of it is if there is only forty thousand dollars budgeted and we get fifteen applications, we're going to have to turn five people away, but if there is money available and someone applies on December 31st, I suppose part of that would depend on if there is money budgeted for 2018, if there is five thousand dollars in that line item for 2018 or zero. But it would go to you guys also, so that would be something that you guys would be able to consider.
 - Councilmember McNeill stated they are all going to come to us anyway for a vote, so we'll know by then whether we've got the money in the bank or if they are going to have to wait until next year until the next budget cycle.
- Mayor Kirby stated if word gets out that we're going to do this, are we encouraging people to just let it go, because if it gets bad enough the City is going to cough up, where some of these things that I've seen a minimum amount of maintenance through the years will have kept them from getting into the condition they are now. Some of them paint, every once in a while.
- Councilmember Brungardt asked what's about the average cost, I know it depends on the structure.
 - City Inspector Rebecca Savidge replied when I got those bids back in November it was ten thousand five hundred dollars. That is between the plumber capping it, the demolition crew hauling, and those kinds of things.
- Councilmember McNeill stated the opposite of that is we condemn these buildings we suck the cost up, correct. Ten thousand a piece and then we put a lien against the persons home, right. And sometime in the future we'll recoup money, if the house even sells for that by the time they sell the house.
 - Community and Economic Development Director Stefanie Leif stated one of the risk factors is if you do have a smaller lot and there is an absentee owner and it does go to a tax sale. Most likely it's not going to sell for ten thousand dollars, so we would lose those funds and we'd lose the Cities investment in that. To the Mayor's question, are we kind of encouraging people to let their properties go, I think that one of the advantages to doing this as a trial run is we really do clean up these initial really bad ones, and maybe there will be other people that come forward, properties that we may not have been aware of yet, to take advantage since there really is a short run on it.
- Councilmember Trinkle asked would it be maybe to have it fifty-fifty, where it would be a Council decision on whether to do it or not to do it or total teardown or cost share, they would come to the Council as a trial run?
 - Community and Economic Development Director Stefanie Leif asked for the actual amount to be more negotiable, is that your question?
 - Councilmember Trinkle stated yeah, like Tony was saying about not getting it all upfront or fifty-fifty, does that say certain procedures would be so many, trial run first year you qualify for the fifty-fifty, and then that way there's nothing that says they are going to be one hundred percent if they get a fifty-fifty.
 - Community and Economic Development Director Stefanie Leif stated the way the policy is written now is the maximum is four thousand dollars, so if the bids come back and it's only six thousand, we would only give three thousand to them, that's what the City would recommend to give, so that's how we do have it written now.
 - Mayor Kirby stated the way it's written we're capped at four.
 - Community and Economic Development Director Stefanie Leif replied right.
 - Councilmember Garvey stated or fifty percent.
 - Councilmember Pawlowski stated right.
 - Community and Economic Development Director Stefanie Leif stated yes, whichever is less.
- City Attorney Gregory Robinson stated Mayor just to follow up on your comment, the thing you have to remember on these teardowns is that you have to get to the point where they are uninhabitable, just because it doesn't have paint on it doesn't mean you can tear it down.
 - Mayor Kirby replied I understand that, I fought one in my neighborhood for three years.
 - Councilmember Pawlowski stated I'm pretty sure none of these are habitable.
 - Mayor Kirby replied yeah, I am very much aware of what it takes to get it done and I'm not talking about houses that just need paint.
 - City Attorney Gregory Robinson stated I understand, I mean the comment about it drags out over the years.
 - Councilmember Pawlowski stated but it starts with paint.
 - Mayor Kirby stated it's the little things that add up is my point.
 - Community and Economic Development Director Stefanie Leif stated all the ones that are currently on our list, all of them are abandoned and none of those are habitable.

- Councilmember Gardner stated and what Tony was talking about, if we have to eat the whole cost, we also add those other costs in.
 - Councilmember Pawlowski stated we have to go to court.
 - City Attorney Gregory Robinson stated there can be other costs absolutely, and what the sad thing is what Stefanie said, eventually if the person doesn't pay for anything and the City pays one hundred percent, and then they never pay their taxes and it goes to the tax sale and is picked up for one dollar, well, we're out everything, we paid one hundred percent and got nothing.
 - Councilmember Pawlowski stated in Kansas City they end up with the properties, how is that.
 - Community and Economic Development Director Stefanie Leif stated I think they have a land bank.
 - City Attorney Gregory Robinson stated I don't know the ins and outs of that but you're right, they do get them.
 - Councilmember McNeill stated even if you inherit the property, you still have to knock it down or build on it or do something with it.
 - Councilmember Garvey stated but you could get your money back.
 - Councilmember Pawlowski stated you could turn it into a park or whatever.
 - Councilmember Trinkle asked Greg, say we come into a situation where he talked about inheriting, in probate, and sometimes probate can last how long, years, two or three years.
 - City Attorney Gregory Robinson replied no, unless you get extensions from the Court, I believe, I don't necessarily do probate, but it's either ninety or one hundred and eighty days to wrap up the probate estate, but again, there could be intervention by creditors if there is anything of value, there could be other family members.
 - Councilmember Trinkle stated then if you had two family members fighting that could interfere with us tearing one down, if it gets tied up in the courts, what do we do then.
City Attorney Gregory Robinson replied if you're talking solely about probate, then you have to wait, but if you're talking about an uninhabitable structure then the condemnation is just going to be able to proceed.
 - Councilmember Trinkle stated you can proceed even though it's in probate.
 - City Attorney Gregory Robinson replied yes.

The motion was unanimously approved.

Request for Special Use Permit – 110 N. Ethel Lane: Councilmember McNeill moved to approve the special use permit for 110 N. Ethel Lane. Councilmember Brungardt seconded the motion.

- Councilmember Gardner asked is there a limit on what you plan on doing there.
 - Animal Control Officer Dave Asmus responded they have their four animal limit through the City, that's their personal animals and the rescue sets a license on how many extra animals they have and I believe its two extra animals that they allow.
 - Applicant Melonie Thompson replied it would be two animals or a mother and her puppies.
- Mayor Kirby asked is there a timeline on how long you'll keep them.
 - Applicant Melonie Thompson replied for puppies it's two months.
 - Animal Control Officer Dave Asmus stated this is Melonie Thompson who submitted the application.
- Councilmember Garvey asked so what happens at the end of the two months if nobody picks up the animals.
 - Applicant Melonie Thompson replied what they do is they go back to the shelter, they don't like to put puppies into shelters because of the risk of parvo and them dying. The puppies are usually adopted out pretty soon, three of the puppies I have now are adopted, they just have to age out and then I just have two more left. If the puppies are not adopted they will go back to the shelter and they'll be adopted pretty quickly. Senior dogs are not adopted so quickly, there are adoption fairs that you take the pets to every weekend, and take them to nursing homes and things like that, so you have to advocate for the dogs, it's not just a matter of you taking them into your home and feeding them, you have to advocate for them so they can move on to families.
- Councilmember Trinkle asked who controls the timekeeping on how long you have a dog, is that a voluntary thing on your part.
 - Applicant Melonie Thompson replied that is correct, yes sir.

- Councilmember Gardner asked so if you take one in on Monday you don't have to let anybody know or register that you do have an animal.
 - Applicant Melonie Thompson replied no sir, actually, I do have to register. Unleashed requires for me to take a copy of the foster information and bring it to Animal Control. They like to know that I've made contact with them and make a copy that shows them the animals are current on immunizations that are applicable, and that I would have an extra set of puppies or whatever. Because the turn around with Unleashed is very quick, I may only have a dog twenty-four hours or seventy-two hours, then the dog will have already found a home or move on to another rescue.
 - Animal Control Officer Dave Asmus stated as far as a City license, they are not required, for the animals that are on the permit for the rescue, they are not required to license them with the City because it is so short term.
- Mayor Kirby asked are they required to have their shots.
 - Applicant Melonie Thompson replied yes sir, absolutely.
- Councilmember Gardner asked and where do they go after two months, Kansas City?
 - Applicant Melonie Thompson replied they are adopted out or they go to Mission. Unleashed Rescue is in Mission, Kansas.
- Councilmember Trinkle asked so if the permits approved what's the total number, unless a momma has babies.
 - Councilmember Garvey stated six total.
 - Councilmember Trinkle stated six but it could go to ten if they have pups, right.
 - City Attorney Gregory Robinson stated but puppies are only counted as one.
- Councilmember Trinkle stated and you said there is time limit on that too.
 - Applicant Melonie Thompson replied two months, yes in two months the puppies will have to go. On this piece of paper, the puppies that I have on 10-7 the puppies will go into surgery and get neutered or spayed, and then they will go to the shelter to be adopted.
- Councilmember Garvey asked no other animals, just the dog's right.
 - Applicant Melonie Thompson replied that is correct.
- Councilmember Pawlowski asked did we do a foster one lately.
 - Mayor Kirby replied yes, we have already done this.
 - City Clerk Sarah Bodensteiner stated last year the Council did approve a family for more than four animals and it did include fostering as well.
 - Animal Control Officer Dave Asmus replied I believe that was down on Fawn Valley.
- City Attorney Gregory Robinson stated you can check out Unleashed pets online by the way, fortunately or unfortunately, I've got two dogs from there.
 - Mayor Kirby stated we have enough information here.
- Councilmember Studnicka asked do you have chickens.
 - Applicant Melonie Thompson replied I do not. I apologize I was not here at the meeting last time, I was on vacation with my children in Myrtle Beach for five weeks, so I was unable to make that meeting sir.
 - Councilmember Studnicka stated the reason I ask that question is your statement here that I am reading says I was not aware I needed a special permit for my chickens or my dogs.
 - Animal Control Officer Dave Asmus stated that was for the last permit we brought forward for more than four animals.
 - Mayor Kirby asked so the chickens are gone.
 - Animal Control Officer Dave Asmus replied the chickens are gone.
- Councilmember Pawlowski stated so the total dogs you can have is six plus puppies.
 - Councilmember Gardner stated right, at one time.
- Animal Control Officer Dave Asmus stated we also have Mr. Lonnie Nelson here who has a couple concerns.
- Councilmember Gardner asked and the puppies also fall under that two months.
 - Applicant Melonie Thompson replied yes that is correct, yes.
- Mayor Kirby stated we have one neighbor that objects and one neighbor that doesn't. Is the neighbor that doesn't object here?
 - Animal Control Officer Dave Asmus replied no.
 - Mayor Kirby asked and the neighbor that does object is here.
 - Animal Control Officer Dave Asmus replied yes.
 - Mayor Kirby stated if we're done with Ms. Thompson we'll hear from the neighbor.
 - Applicant Melonie Thompson stated thank you.
- Neighbor Lonnie Nelson stated good evening Mayor and City Council members, I stand before you today much like I did on June 16th to contest the special use permit. Last time the request was denied and shortly

after the neighbors did get rid of the chickens, but the number of dogs has fluctuated between four and six. I emailed Mr. Vandall on July 19th to state that the residents had six animals. On July 25th, Officer Asmus, I received an email from him stating the residents did have five animals but two were scheduled to be euthanized so they technically had three. Then again on August 1st, I filled out a City fix it form because they were once again at six animals and received no feedback. I was contacted by Officer Asmus stating that the neighbors had requested a permit. Then on the 18th I met with him personally and pointed out piles of dog excrement in the backyard that I had taken pictures of and showed him and the Captain that was with him, and I was also informed during this time that they had been fostering dogs for quite some time. Upon looking at similar foster care programs I have a few concerns. Similar foster care programs state pets will be maintained within accordance to City, State, County, and Municipal laws. By keeping over four animals on a pretty constant basis, municipal laws were not followed. Also in similar waivers it states that the Agencies cannot guarantee the temperament of the animals. Furthermore, according to 2007 study conducted by the Department of Law of Michigan State University, loud animals, for example dogs, decrease property value five to ten percent. A reason this is a concern is there are currently two houses for sale on North Ethel Lane, the street where we live. In closing I would like to ask this Council to deny this special use permit, furthermore, I would like to ask the Governing Body to address to continual violations of the four dog limit.

- Councilmember Pawlowski asked do the dogs stay outside.
 - Neighbor Lonnie Nelson replied periodically throughout the day, I assume so, I don't know.
 - Councilmember Pawlowski asked when you're home, because you work during the day, when you're home in the evening, do the dogs bark.
 - Neighbor Lonnie Nelson replied yes ma'am. There is a particular shepherd that barks about the whole time I'm outside.
- Councilmember McNeill stated I can address the over the dog limit issue if you'd like, which is a lot of people aren't aware of it until something is brought up. Just like we run into people who move into town and they never did get their dog licensed, even though that's a City Ordinance. You're not supposed to blow your grass out into the street, you see that all over the place and we can go around and give people fines for things like that. The Special Use Permit is for this kind of situation, they didn't know it, so they have to ask for a permit for that, they have to pay for it. The other thing with the Special Use Permit is even if we give her a Special Use Permit, if there are complaints and violations, we can pull it at any time. My view on these situations is if there isn't a police report, the Police don't bring this to us and say hey this person has asked for Special Use Permit and here's all the times that we had to go there and here's all the complaints, I'd typically deny it if it comes to us like that. If it doesn't come to us like that, the inspection is clean, we normally give people a chance. That's my explanation of why a lot of times Special Use Permits are requested, people just don't know the ordinances.
 - City Administrator Tim Vandall stated I would agree that, and I partially agree with what Mr. Nelson said. He did contact me and tell me they were at five dogs, but we sent Dave out there and Dave verified with the Vet that two of them were going to be euthanized and we didn't feel it necessary for them to remove two dogs from their house one week before they were going to euthanized.
- Councilmember McNeill stated we have voted on this Council for people who have an extraordinary amount of dogs who are really close to their dogs and we've had to say hey, you're causing way too many problems in the neighborhood, we're getting way too many complaints, your animals have to go, personally that's hard to do, a lot of these people that's part of their family, so we have to make the hard decision either way a lot of times.
- Councilmember Pawlowski stated he complained about the dog excrement in the back yard, did you see that, is it a problem?
 - Animal Control Officer Dave Asmus replied when I walked through the backyard, and you've got pictures of the backyard, there wasn't large amounts, where he was talking about was back in the very back corner of the fence where they meet, I didn't walk all the way back to the corner, so I didn't notice that little pile in the corner, but for the rest of the yard there wasn't that much in the yard at all.
 - Neighbor Lonnie Nelson stated there are times on sunny days it slaps you in the face when you're in the backyard.
- Councilmember Garvey asked and you have a dog too right.
 - Neighbor Lonnie Nelson replied I have a dog.
- Mayor Kirby stated you see that's part of the problem, you're complaining about her dogs and she's complaining about your dogs, I don't know what the answer is.
 - Neighbor Lonnie Nelson stated I've never had anyone come over and complain about that dog.
 - Mayor Kirby stated Mr. Nelson says my dogs are the problem, but his dogs bark all the time, they chew on my privacy fence, they run the fence with my dogs, and they dig. I've had to put up a double sided fence so that they will stop poking their heads on my side.
- Animal Control Officer Dave Asmus stated the fence between their two yards has been repaired.
 - Councilmember Garvey stated we can see that in the pictures.

the future in order to handle those requests. Letters are being sent to homeowners and companies regarding grass being blown into the street and gutters and that is a code violation.

Governing Body: Councilmember Gardner thanked those who presented this evening and congratulated Sunshine Petrone on her achievement.

Councilmember Pawlowski announced that City Administrator Tim Vandall is a new dad again, and Lansing has a new resident.

Councilmember Garvey wished Police Chief Steve Wayman a Happy Birthday.

ADJOURNMENT: Councilmember Garvey moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was approved, with Councilmember Garvey voting against the motion. The meeting was adjourned at 8:03 p.m.

ATTEST:

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk