

Before the Regular Council Meeting there was a drawing for the Railroad Rewards. Community Development Director Joel Pile drew the names of the Haysville Bucks certificate winners. The winners were: \$25 – Denise Hawkins, 7447 S. Ida, Haysville, KS; \$50 – Howard Cook, 323 S. Twin Pines, Haysville, KS; \$100 – Don Carlson, 401 W. 58th S., Wichita, KS.

Mayor Bruce Armstrong called the Regular Council Meeting to order at 7:03 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Pam Robbins: Carroll here, Rooney here, Rardin here, Gibson here, Pierce here, Lindsay here, Crum here, and Hampton here.

Invocation was given by Pastor Mike Bradshaw, Haysville Christian Church.

Mayor Bruce Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Bruce Armstrong presented the Presentation of Park Board Volunteer of the Quarter – 2nd Quarter, Nancy Harris.

Mayor Bruce Armstrong asked Park Board Chairman Bob Carroll to make the presentation. Carroll presented the award to Nancy Harris and thanked her for all she had done to help out in the community.

Mayor Bruce Armstrong presented for approval the Minutes of June 28, 2004.

Motion by Rardin – Second by Gibson

Mr. Mayor, if there are no corrections, I make the motion we pass the minutes of June 28, 2004.

Carroll yea, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay abstain, Crum yea, and Hampton yea.

Motion declared carried.

Mayor Bruce Armstrong asked for the Citizens to be Heard.

Mayor Bruce Armstrong presented Ryan Butler, 6136 S. Lulu, Wichita, Kansas Re: Request to use Riggs Park & Band Shelter for Concert Fund Raiser for New Skateboard Park.

Ryan Butler, 6136 S. Lulu, Wichita, Kansas, addressed Council and stated he was there to ask permission to use the band shelter and Riggs Park in order to raise money for a new skateboarding park for Haysville. Butler explained there would be a concert with seven local bands playing from 3:00 p.m. until 10:00 p.m. on Saturday, July 17, 2004. Butler said a \$5.00 fee would be charged for the concert and there would be raffles for skateboarding merchandise that had been donated by skateboarding companies. Butler requested that the fees be waived for the band shelter and rental of the park. Butler asked if food vendors could participate also. Mayor Bruce Armstrong advised that Butler had

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spoken to the PRIDE Committee and the Park Board Committee and neither one of them had a problem with letting the concert take place. Councilperson Steven Crum asked if Butler needed the event time extended due to the park closing at 11:00 p.m. Crum suggested that Butler would need extra time to clean up after the concert. Butler said he would need the extra time to clean up and he had planned on being there about 8:30 a.m. to start setting up on July 17, 2004. Councilperson Bob Carroll asked if many people would be aware of the concert. Butler informed Council that he had given out flyers advertising the event to the skate shops. Butler stated the skate shops were backing the concert to help raise money for a new skateboarding park.

Motion by Crum – Second by Carroll

Mr. Mayor, if there is no other discussion, I would like to make a motion that we allow Ryan Butler and his group to use the band shelter free of charge on July 17th and give him access to the band shelter and the park from 8:00 a.m. until 12:00 a.m. that evening to set up and clean up.

Carroll yea, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

There were no Licenses or Bonds.

Mayor Bruce Armstrong presented the Introduction of Ordinances and Resolutions.

Mayor Bruce Armstrong presented for approval A CHARTER ORDINANCE AMENDING SECTION 7 AND SECTION 8 OF CHARTER ORDINANCE NO. 11 EXEMPTING THE CITY OF HAYSVILLE, KANSAS FROM THE PROVISIONS OF K.S.A. 14-205 RELATING TO THE APPOINTMENT OF NONRESIDENTS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT.

Councilperson Bob Carroll asked why the Ordinance was brought back to Council again. Mayor Bruce Armstrong advised the motion at a previous Council Meeting was to bring back a charter Ordinance. Carroll asked if justification was the reasoning to bring the Ordinance back. Armstrong said he would have to let Councilperson Ken Hampton answer that. Hampton informed Carroll that the Charter Ordinance was not same as the City Ordinance. Hampton advised there was a conflict of wording in the Ordinances because one had the Public Works Director listed and the other one did not. Hampton stated the Ordinance the City had now required that the City Clerk and other employees be residents of the City and he would like to see a more uniform Ordinance to include everyone. Hampton said what was fair for one, was fair for everybody. Councilperson Tom Gibson said in his opinion the Ordinance the City had now had been working fine. Gibson stated he would like to see everyone living within the City limits to show solidarity and support for the community but he also thought about May 3, 1999. Gibson said if the entire City's leadership had lived within the City at the time of the tornado, they would have been concerned about their own personal property and well being and

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could not have done their job as well as they had. Gibson informed everyone that a lot of other communities stipulated that the leadership of their cities had to live within a certain amount of time to travel to their jobs. Gibson said he did not think it was much of an issue with this day of mobility, but he understood where Hampton was coming from in the respect that it would make the Department Heads more conscious of how they were spending the City's money. Gibson said he thought the leadership the City had now was fairly frugal on how they handled the City's money. Gibson stated they did not need to mess with what they had. Councilperson Mitch Lindsay directed his question to Mayor Bruce Armstrong or City Attorney Doug Mackay. Lindsay asked what the consequences would be if the Council did not pass the Ordinance that evening. Lindsay stated the current Ordinance was not being followed. Armstrong advised there was a conflict between the Ordinance and Charter Ordinance. Armstrong stated the City presently worked under the Charter Ordinance because it took precedence over the Ordinance. Mackay stated he would have to agree with that. Lindsay asked if the Charter Ordinance was the one that required everyone to live within the City limits. Armstrong said it did not. Councilperson Daniel Rooney stated he would like to make a comment. Rooney said it would be great if everyone could live in the City but he would be more concerned with actually having a response time rather than for someone to have to live within the City. Armstrong asked for a motion.

Motion by Hampton – Second by Lindsay

Mr. Mayor, I would like to make a motion that we pass the CHARTER ORDINANCE AMENDING SECTION 7 AND SECTION 8 OF CHARTER ORDINANCE NO. 11 EXEMPTING THE CITY OF HAYSVILLE, KANSAS FROM THE PROVISIONS OF K.S.A. 14-205 RELATING TO THE APPOINTMENT OF NONRESIDENTS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT.

Carroll nay, Rooney nay, Rardin nay, Gibson nay, Pierce nay Lindsay yea, Crum nay, and Hampton yea.

Motion denied.

Mayor Bruce Armstrong advised at that point the City would continue to work under the Charter Ordinance they already had unless the Council wanted to do something different.

Councilperson Daniel Rooney asked if they could use the Ordinance before them and add a response time to it. Rooney said if the City were to look for a new Director or Department Head, they would have resumes to look at and that person might not live in the City and he would hate to limit someone. Mayor Bruce Armstrong advised that Council could make a motion to do whatever they wanted at that point. Rooney asked what a good response time to get to work would be. Rooney asked if twenty minutes would be enough time but he would not want to go over thirty minutes. Armstrong asked if that would make anything different at that point. Councilperson Keith Pierce asked if they needed to address the conflict between the Ordinance and Charter Ordinance. Armstrong asked City Attorney Doug Mackay if the Ordinance needed to be done away with since the City had a Charter Ordinance. Mackay advised that in theory, the Council

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needed to do away with the Ordinance. Mackay stated the Council had been able to determine the difference between the two Ordinances. Armstrong advised that if the City were going to operate under the present Charter Ordinance without having it redone, the Ordinance should be repealed. Councilperson Tom Gibson advised an Ordinance needed to be brought back to Council with a time frame put in it so it would be uniform and fit in with where they wanted it to be. Gibson asked Rooney if he was wanting a time frame added in the Ordinance and brought back to Council to vote on and if he wanted to make that a motion.

Motion by Rooney – Second by Gibson

I will make the motion to change the section of the Ordinance from actually living in the City to being able to respond within thirty minutes of notification of any trouble the city would have.

Councilperson Steven Crum stated that if he understood what the City Attorney had said, instead of trying to clean the Charter Ordinance up; the Ordinance could be brought back and repealed and leave the Charter Ordinance in line the way they had it at the present time. City Attorney Doug Mackay advised the City would need to repeal the Ordinance and he said the Council should be careful and not manipulate the Ordinance that evening because it was specifically designed for certain appointments and that would make everyone an appointee. Mackay advised it would be better to put an idea down of what they wanted to go after and then take a shot at it. Mayor Bruce Armstrong stated the motion was not to amend but to bring an Ordinance back. Armstrong asked if everyone understood the motion. Councilperson Ken Hampton asked for the motion to be repeated. Armstrong advised the motion was to amend the Charter Ordinance that had been presented, to allow for a thirty minute response time, not be required to live in the City, and bring that back as an Ordinance at the next Council meeting. Mackay stated the thirty minute response time was referred to as very ambiguous and the Council needed to consider that. Councilperson Tom Gibson asked Mackay what he suggested they do because the Council had looked to counsel for guidance. Gibson asked if there was any wording they needed to use. Mackay advised they could use a specified mile radius from the City Municipal Building. Councilperson Daniel Rooney asked if he needed to amend his motion or did they need to vote on his motion. Armstrong advised the motion could be amended but then it would have to be voted on. Rooney said he would like to amend his motion but he needed some direction on the radius and wanted to know if he needed to add a fifteen mile radius or a twenty mile radius. Councilperson Tom Gibson suggested that if Rooney wanted a thirty minute response time, he thought the mileage should be between ten and twelve miles. Councilperson Steven Crum stated that in his opinion he felt twenty miles would be good.

Councilperson Daniel Rooney amended his motion to state a twenty mile radius.

Councilperson Tom Gibson said he would second Rooney's amended motion.

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Mayor Bruce Armstrong advised there was a motion that had been changed to a twenty mile radius instead of a thirty minute response time.

Carroll nay, Rooney yea, Rardin yea, Gibson yea, Pierce nay, Lindsay nay, Crum yea, and Hampton nay. Mayor Bruce Armstrong voted nay.

Motion by Rooney – Second by Gibson

I will make a motion to change from living in the City to a fifteen mile radius of the City building.

Councilperson Ken Hampton asked if they were amending the Charter Ordinance that was before them or the original one that did not include all the people. Mayor Bruce Armstrong said they would vote on the Charter Ordinance before them and it would be for the residency living within a fifteen mile radius.

Carroll nay, Rooney yea, Rardin yea, Gibson yea, Pierce nay, Lindsay nay, Crum yea, and Hampton nay. Mayor Bruce Armstrong voted yes.

Motion declared carried.

Mayor Bruce Armstrong advised that vote would amend the section on residency and the Council needed to vote on having the City Attorney bring the Ordinance back to Council with the changes.

Carroll nay, Rooney yea, Rardin yea, Gibson yea, Pierce nay, Lindsay nay, Crum yea, and Hampton nay. Mayor Bruce Armstrong voted yes.

Motion declared carried.

Mayor Bruce Armstrong presented A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION BONDS SERIES 2004, OF THE CITY OF HAYSVILLE, KANSAS.

Senior Vice President Charles M. Bouilly of George K. Baum and Company reminded Council that previously there had been a hearing in May regarding assessments for improvements and after the hearing Council had adopted an assessment Ordinance, which had been published. Bouilly stated the owners of the property had again been notified that they had an assessment and had thirty days to pay it. Bouilly informed Council there had been no pay-ins during that thirty day period and there needed to be a bond issue to pay off the temporary notes, which financed the construction of the improvements. Bouilly told Council the Resolution would authorize the sale of the bonds on August 9, 2004. Bouilly explained bids would be taken until 2:00 p.m. on August 9, 2004 and then the bids would be reported to Council that evening at their meeting. Bouilly advised Council that, assuming they accepted the low bid, three days later the bonds would be paid for and the outstanding temporary notes would be paid off for the construction. Bouilly informed Council that would be the permanent financing. Bouilly explained the process of the pay off on the bonds. Bouilly wanted Council to know that the Resolution would give his firm

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permission to bid on the bonds as they had in the past. Councilperson Ken Hampton asked when the acquisition of the land had taken place. Bouilly told Council the acquisition had taken place about three years ago. Hampton asked how long temporary notes could run. Bouilly said the temporary notes could only run four years and that was why the permanent financing had to be done at that time.

Motion by Crum – Second by Rardin

Mr. Mayor, I make a motion to authorize the offering for sale of general obligation bonds series 2004 for the City of Haysville, Kansas.

Carroll yea, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay nay, Crum yea, and Hampton nay.

Motion declared carried.

Mayor Bruce Armstrong presented for approval A RESOLUTION OF THE CITY OF HAYSVILLE, KANSAS ESTABLISHING AN AMNESTY PROGRAM FOR CERTAIN OUTSTANDING TRAFFIC WARRANTS PENDING IN THE MUNICIPAL COURT.

City Clerk Carol McBeath stated that City Attorney Doug Mackay had spoken to her before the Council Meeting that evening and they both thought there needed to be a longer time set for the Resolution. McBeath asked Council to consider changing the date to August 27, 2004 on the Resolution to give the City time to put ads in the newspaper and get the word out. Councilperson Daniel Rooney asked if that was something the City wanted to do for just one day. McBeath told Council that there were at least six people who used the program the last time and if it looked like more people would come in to take advantage of the Resolution, McBeath suggested there could be a longer amount of time set the next year. Councilperson Steven Crum asked if any other smaller surrounding communities were doing the same thing. McBeath stated she did not know if other communities did the same thing. City Attorney Doug Mackay informed Council he did not know of any other smaller cities that used this program.

Motion by Rardin – Second by Rooney

Mr. Mayor, I make a motion that we allow for the amnesty program to run from 7:00 a.m. to 7:00 p.m. August 27, 2004.

Carroll yea, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Notices and Communications.

Mayor Bruce Armstrong presented the Sedgwick County Fire Department, Station #34 Activity Report for June – Captain Doug Williams.

Captain Doug Williams was not present and Mayor Bruce Armstrong gave a summary of the June Activity Report for the Sedgwick County Fire Department, Station No. 34.

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Mayor Bruce Armstrong presented the Public Works Activity Report for June.

Councilperson Steven Crum asked Public Works Director Randal Dorner about an item under Waste Water Miscellaneous. Crum wanted to know if the drying beds had to be moved because the fields were too wet to get in to. Dorner reported that was correct.

Mayor Bruce Armstrong presented the Recreation Activity Report for June.

Councilperson Tom Gibson asked Recreation Director Wendy Wilkinson about the pool bus attendance. Wilkinson reported the participation had not been good and the pool bus had been canceled.

Mayor Bruce Armstrong presented the 4th of July Celebration 2004 Activities Report.

Planning and Community Relations Coordinator Angela Millspaugh advised there had been a concern from the Park Board about the attendance because of the celebration being on a Sunday. Millspaugh reported the attendance had been good. Councilperson Tom Gibson asked Millspaugh to acknowledge the Citizen of the Year. Millspaugh reported the Citizen of the Year was Jack Ferguson. Millspaugh told everyone that Ferguson had been nominated by three different Haysville organizations. Millspaugh said those organizations were the Haysville PRIDE, Haysville Fall Festival, and the Haysville Spring Show Committee.

Mayor Bruce Armstrong asked for any Governing Body Announcements.

Councilperson Steven Crum asked Recreation Director Wendy Wilkinson to make sure the six people who had used the pool bus knew it had been cancelled.

Councilperson Tom Gibson reported the Haysville PRIDE Committee's next meeting would be Thursday night July 15, 2004 at 6:30 p.m. in the Senior Center.

Councilperson Bob Carroll thanked all the volunteers who had helped with the 4th of July activities.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Master Police Officer Guy Mitchell – Position Transfer to Communications Officer.

Mayor Bruce Armstrong presented the Memorandum from Public Works Director Randal Dorner Re: Dennis Holderman – Promotion from Park Worker I to Park Worker II.

Mayor Bruce Armstrong presented the Memorandum from Public Works Director Randal Dorner Re: Patrick Jeanerett – Promotion from Park Worker I to Park Worker II.

Mayor Bruce Armstrong presented a Letter from Kansas Department of Wildlife and Parks Assistant Director Linda S. Lanterman Re: Tree Spade Project.

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Mayor Bruce Armstrong presented a Letter from Kansas Department of Agriculture Water Structures Program Manager Matt A. Scherer III, P.E. Re: Extension of Time WSN: LSG-0216-FF Floodway Fringe Fill South Brooke 2nd Addition.

Councilperson Tom Gibson asked what a Floodway Fringe was. Public Works Director Randal Dorner explained to Council that along the Waste Water Treatment Plant there was a drainage ditch that ran behind Councilperson Bob Rardin's house. Dorner told Council some grading work needed to be done in that area. Gibson asked if the project had been approved and wanted to know if this was just to extend the deadline. Dorner told Gibson that was correct.

Mayor Bruce Armstrong presented a Letter from Kansas Department of Transportation Senior Traffic Engineer Cheryl Lambrecht Re: Road Safety Audit Sedgwick County US-81 (Broadway) and 63rd Street.

Mayor Bruce Armstrong advised the audit showed that a turn signal was needed at the intersection of 63rd Street and Broadway and the City would have to work with the County on the project. Armstrong informed Council the City would work with the County and see how soon the turn light could be installed.

Under Other Business Mayor Bruce Armstrong presented the Consideration of Request from Haysville Community Library, Judy Pegg (Friends of the Library) Re: Annual City Wide Garage Sale Permits.

Judy Pegg, 150 Wayne, Haysville, Kansas, addressed Council and said she was there to represent the Friends of the Library. Pegg told Council the fifteenth annual City Wide Garage Sale was to be held on August 14th and 15th. Pegg asked that the City waive their fees and have the fees go to the Library. Pegg stated it would cost \$5.00 for Saturday and \$6.00 for Saturday and Sunday. Mayor Bruce Armstrong stated the City would not sell any permits on those days. Councilperson Bob Rardin wanted to know if the City Wide Garage Sale had to be brought back to Council every year to vote on since it was an annual event. Armstrong explained that the Council could only make a contract for one year at a time and the City Wide Garage Sale needed to be approved each year. Councilperson Daniel Rooney asked if the City would sell permits on the 12th and 13th prior to the City Wide Garage Sale. Pegg advised that in the past, the City had not sold any garage sale permits the week of the City Wide Garage Sale and asked that the City not sell any permits at that time.

Motion by Rooney – Second by Pierce

Mr. Mayor, I make a motion that we not sell permits for the 12th and 13th of August and waive permit fees for the Library for the 14th and 15th so the funds would go to the Library.

Carroll yea, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

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Motion declared carried.

Mayor Bruce Armstrong presented the Consideration of Memorandum from Haysville Planning Commission Re: General Revision to the Zoning Ordinance (Signs).

Mayor Bruce Armstrong stated the Planning Commission and Council had worked on the Ordinance for a long time. Armstrong explained there had been a workshop in which Council had discussed the Ordinance for signs and then sent it to the Planning Commission. Armstrong stated the Planning Commission had sent it back to the Council to approve. Planning and Community Relations Coordinator Angela Millspaugh told Council the Planning Commission had sent out a copy of the Sign Ordinance to all of the businesses and all of the organizations they could get mailing addresses for. Millspaugh stated there was a Public Meeting prior to the Public Hearing to get comments from everyone. Millspaugh advised there had been some changes made due to the comments received at the Public Meeting and then the Public Hearing was held. Councilperson Bob Rardin asked how many people attended the Public Hearing. Millspaugh reported that three people had attended the Public Hearing and there were twelve who had attended the Public Meeting. Councilperson Keith Pierce asked how it would affect plumbers or Snap On Tool Dealers with their signs on vehicles. Millspaugh reported that if a vehicle was used by someone for a day to day business they would not be counted, but if it was a vehicle that was parked somewhere specifically for advertising, then the owner would need to purchase a permit and there would be a size restriction. Councilperson Tom Gibson asked if the Public Works Department would police the signs. Millspaugh reported the Code Enforcement Officer would take care of sign violations. Gibson asked what that would do to the work load at Public Works and asked if they would need to hire additional personnel to monitor and police the signs. Public Works Director Randal Dorner stated there would be some time involved in getting somebody trained for the regulations. Dorner said the work load would depend on how many action forms and nuisance abatements they would receive. Gibson's concern was that somebody would be spending time checking to see if signs were in compliance to the Ordinance before a permit could be issued. Dorner stated that was being done now but there would be different requirements that would have to be met so he could not say how much time it would take for someone to do the job. Gibson advised the Ordinance would cover hundreds of signs around town and it would be a major impact on the Public Works personnel. Gibson asked if the fees would cover the man hours that would be worked. Dorner said he did not know because the Ordinance for the signs would give people three years to come in to compliance with the new Ordinance. Gibson said in reality if someone came in to apply for a permit, they would have five years to come into compliance with the Ordinance. Dorner advised that new sign installation would be effective immediately. Gibson said he was talking about the hundreds of signs that were already up. Dorner said the signs that were already up would have a three year compliance date. Millspaugh explained to Council that the business owners had to comply in three years once they were issued a permit, and they would be told that within a three year time frame they would have to be in compliance. Gibson stated there would be a big "surge" with all the signs that were not in compliance once the Ordinance was in

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effect. Gibson wanted to know if Dorner would have only one person taking care of signs or if he would train three or four people to inspect the signs. Dorner advised the Code Enforcement Officer would be looking at the existing signs and the Building Inspector would be looking at the new signs. Gibson asked what the penalties would be if someone did not come in compliance within the three years. Millspaugh informed Council that the City had the opportunity to abate the sign and take it down. Millspaugh said the City could take the sign down and charge back to the owner the fees that would incur. Millspaugh told Council there would be a \$500.00 fee per day for a violation and that could be done through the court system. Gibson asked if the large sign by Lee's Cleaners was legal. Millspaugh advised that billboards were not addressed in the Ordinance. Gibson asked why billboards were not addressed in the Ordinance. Millspaugh stated she could not recall. Gibson stated someone could go all over town and put up billboards and not be affected. Millspaugh said that was correct if someone could get permission to put the billboard on private property. Gibson said the only other thing he would like to talk about was portable signs used for fund raisers for civic organizations, governmental organizations, and non profit organizations. Gibson advised there was a portable sign up at the Hometown Bingo that promoted the non profit organizations to play bingo, which would be for a fund raiser. Gibson stated the Hometown Bingo sign changed three times a week. Gibson said he wanted to know where that would fall under the Ordinance. Millspaugh said that is where there would be some conflict because bingo was the business there even though it was helping the civic group raise money. Millspaugh advised the civic group would be exempt from the permit regulations and the other requirements as far as the location but the sign had to be on private property. Millspaugh explained that if the sign was determined to be advertising a business, then the sign would fall under business signs and would have to then have a permit and eventually have to be a permanent sign because it would only be allowed a total of ninety days per year and there would be permit fees. Millspaugh said the permit would be issued to the business license holder. Gibson asked what section that kind of sign would fall under in the Ordinance. There was a discussion about the sign at the Hometown Bingo. Councilperson Mitch Lindsay asked if there were any fees charged for signs at the present time. Millspaugh said there were no fees paid at this time for signs unless there was an electrical license permit needed. Councilperson Steven Crum had a concern about the garage sale section in the Ordinance. Crum pointed out that on Page 2, Section 16-1002, item 7, the word "yard" was not included. Crum asked if the word "yard" should be added to that section because he wanted to make sure they had all their "t"s crossed and all their "i"s dotted. City Attorney Doug Mackay advised that section should be "improved" and the definitions should be broadened. Mayor Bruce Armstrong stated a definition should be put in the Ordinance. Millspaugh advised that a change like that would need to be directed back to Planning. Armstrong advised that any changes would need to go back to the Planning Commission. Crum pointed out that on Page 5, Item 3, he had a concern about the required set backs for fireworks signs. Crum said he saw several signs attached to the fireworks tents and he wanted to know if that would be legal. Crum advised the signs were big and they were placed close to the tents. Millspaugh informed Council the Ordinance talked about any principal residential building and the fireworks tents would not count. Crum pointed out that on Page 6,

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Section 16-1004, Item 9, the Ordinance stated that portable signs had to be removed seventy-two hours after an event. Crum wanted to know how long a sign could be put up before an event. Millspaugh said there was not a time specified due to the signs advertising different things for certain types of events. Millspaugh gave an example such as the baseball league sign ups. Crum wanted to know how soon in advance someone needed to get a permit for a portable sign. Millspaugh said that had never been discussed. Councilperson Bob Rardin read what the Ordinance stated about portable signs and he said the Ordinance did not state when a permit had to be purchased. Rardin said the intent was not to put restrictions on celebratory signs but rather put restrictions on businesses. Millspaugh advised that the Ordinance stated on page 7, Section 16-1005 under General Permit Procedures, a permit should be purchased within fourteen days of the submission. Councilperson Keith Pierce asked how long businesses had to start cleaning up their signs if the Ordinance was passed. Millspaugh told Council that if present signs complied with the Ordinance, the business owner did not have to pay an initial sign permit fee. Mayor Bruce Armstrong advised owners of the present signs would not have to pay a fee but any new signs would have a fee charged. Pierce was concerned about the present signs that were non-conforming. Pierce did not want to cause a financial burden to businesses that were "starving." Millspaugh explained that a permanent non-conforming sign would have to come in compliance within three years and then the owner would be charged a fee because that would be considered a new sign. Millspaugh stated a portable sign would have one year to comply with the Ordinance. Councilperson Mitch Lindsay asked if a fee would have to be paid if someone put up a portable sign after the Ordinance had been passed. Millspaugh said a fee would be charged for a new portable sign. Lindsay asked how long someone could have a portable sign up presently without the new Ordinance going in to effect. Millspaugh informed Council someone who had a portable sign up now could have it up for one year but then they would need to get a permit for that sign. Millspaugh stated that under the new Ordinance they could only have it up for ninety days. Councilperson Tom Gibson wanted to know if stickers could be put on signs to let the City know if the sign had been conformed. Millspaugh stated the sticker issue was in the process of being discussed but she was not sure what would be used at that time. Gibson suggested putting a sticker on each sign so the Code Enforcement Officer would know if it was in compliance. Lindsay wanted to know if another fee would be charged if someone took down a portable sign and then in thirty days wanted another sign put up. Millspaugh explained that another fee would be charged each time someone put up a portable sign. Councilperson Steven Crum wanted to know if the Ordinance should be passed as it was and have the yard sale issue resolved, or if the Ordinance should go back to the Planning Commission. Mayor Bruce Armstrong advised the Ordinance would need to go back to the Planning Commission with any additions or changes for them to review. Armstrong informed Council that if the Planning Commission did not like the changes, they would send it back to the Council in the same manner. Armstrong told Council if they wanted anything changed in the Ordinance, they would need to make a motion to send it back to the Planning Commission to review. Millspaugh told Council that if they approved the Ordinance that evening with changes, or wanted a new Ordinance, there would have to be another Public Hearing. Armstrong stated the Council would have to start from "square

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one” again. Millspaugh stated that if a new section was added to the new Ordinance, a Public Hearing would also have to be held. Armstrong stated the billboard issue could be “buried” in another section. Millspaugh said that was correct.

Motion by Crum

I want to make a motion that we send this back to Planning and have them check with the Attorneys on some wording in Section 16-1002.

Councilperson Steven Crum wanted to know if the billboards could be put in the Ordinance or if there would need to be a Public Hearing. Millspaugh said she would have to check the statute to see for sure. Crum said he was asking City Attorney Doug Mackay for direction. Mackay said it would seem to be the same subject matter and the billboard issue should fit in the Ordinance somewhere. Mayor Bruce Armstrong advised there was a section in the Ordinance that the billboards could be added without having to do a Public Hearing.

Councilperson Steven Crum said he would also like to add in his motion to add the large billboard signs and the regulations on them and where they could be placed.

Millspaugh asked Councilperson Steven Crum if he had a direction as to where the billboards should be placed. Millspaugh advised that KDOT had regulations for billboard signs. Crum advised to give the issue back to the Planning Commission but he did not want to see the town littered with the billboard signs. Councilperson Tom Gibson said he would like to have the non-profit and portable sign situation clarified. Gibson advised that if someone were issued a citation, it could cost the City some money if they had to go to court. Gibson said if the regulations were in black and white, and not gray, it would solve a lot of problems.

Councilperson Steven Crum stated he would like to add that as an amendment to his motion.

Councilperson Tom Gibson advised that a church was a non-profit organization and they would be able to leave a portable sign up indefinitely. Councilperson Bob Rardin said it was not the intent of the sign committee to punish non-profit organizations but to make the businesses comply with an Ordinance for signs. Gibson said he understood that but he felt the issue needed to be defined. Mayor Bruce Armstrong asked Crum what his motion was.

Councilperson Steven Crum said his motion was to look at billboards, the wording on the section about garage sales, and make sure there was something in the Ordinance that would specify between civic and businesses in the bingo halls.

Councilperson Tom Gibson said he would like to second the amended motion. Mayor Bruce Armstrong called for the question.

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Carroll nay Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay nay, Crum yea, and Hampton nay.

Motion declared carried.

Mayor Bruce Armstrong stated the Ordinance would go back to the Planning Commission and come back to Council at a later date.

Mayor Bruce Armstrong presented for approval the Consideration of Memorandum from Sign Subcommittee Re: Proposed Sign Fees.

Planning and Community Relations Coordinator Angela Millspaugh explained the proposed fees had been gathered prior to some changes made from the Planning Commission. Millspaugh advised the Planning Commission had taken out the continuing sign permit application process because they did not want it to be a burden on the staff and/or businesses to keep track of inspecting a sign each year. Millspaugh informed Council the portable sign permit fee should be for commercial signs only and not civic signs. Millspaugh stated that civic signs would be exempt now for the portable sign fee. Councilperson Daniel Rooney asked if the proposed sign fees should be tabled until the Ordinance came back from the Planning Commission. Mayor Bruce Armstrong advised the item should be sent back to the Planning Commission also for fee structure changes because billboards would be added to the Ordinance. Armstrong explained the proposed sign fees should not be tabled because the item would be tabled as it was and there needed to be changes made. Rooney said he did not mean to table the item but rather send it back to the Planning Commission. Millspaugh stated the proposed sign fees actually came from the Sign Subcommittee and not the Planning Commission. Millspaugh advised the fees were to be determined from Council and not the Planning Commission. Armstrong asked Rooney if he wanted to make a motion to send the proposed sign fees to the Planning Commission to review the fees and bring it back to Council.

Motion by Rooney – Second by Gibson

That is my motion.

Carroll nay, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay nay, Crum yea, and Hampton nay.

Motion declared carried.

Mayor Bruce Armstrong presented for approval - Establish Workshop at 7:00 p.m., July 22, 2004 with Planning Commission and Historic Committee to Discuss Historic District (this is a regularly scheduled Planning Commission Meeting).

Mayor Bruce Armstrong advised the Planning Commission had asked for the workshop because of changes that had happened to the Historic District. Armstrong explained the Planning Commission had wanted some guidance as to what to do with the present set up of the Historic District. Armstrong informed Council the Historic District Committee was a subcommittee of the Planning Commission and originally the Historic District

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Committee had been set up to preserve the Historic District and there was not much left to that district now. Armstrong advised the Planning Commission wanted to discuss what to do with the Historic District.

Motion by Rardin – Second by Rooney

Mr. Mayor, I make a motion we establish a workshop at 7:00 p.m., July 22nd with the Planning Commission and the Historic Committee to discuss the Historic District at the City building.

Carroll yea, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consideration of Pay Request No. 1 to Kansas Paving Re: Hungerford Addition, Paving and Waterline Improvements (PEC Project No. 35-03431-1-1263).

Motion by Rooney – Second by Pierce

Mr. Mayor, I make a motion to pay Kansas Paving estimate No. 1 for the Hungerford Addition in the amount of \$41,580.00.

Mayor Bruce Armstrong advised the amount to be paid was less the retainage fee.

Carroll yea, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

Under Old Business Mayor Bruce Armstrong presented the Update on Status of Vacation Petition.

Mayor Bruce Armstrong told Council the letter in their packet had been sent to the petitioners. Armstrong asked City Attorney Doug Mackay to give Council an update. Mackay reminded Council the City had been served with a petition in June to vacate. Mackay stated the petition was defective because the petitioners had attached what the City had originally used for annexation. Mackay advised the statute was very clear on ownership of who could actually move to vacate. Mackay explained the statute required the owner and/or owners to petition. Mackay advised that not all of the owners had signed the petition. Mackay informed Council that a letter had been written and sent to all of the petitioners that identified the petition as defective and there would be no further action taken until a petition had been submitted that was in compliance with the statute. Mackay stated that Mr. Chuck Tilson had contacted him and they had discussed the problem. Mackay said it was his belief that Tilson would have the defective petition corrected. Mackay stated he told Tilson if he had any questions he would be glad to talk with him. Mackay said he expected that to occur. Mackay informed Council that in order for the petition to be in compliance, the owner would need to be identified of that

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particular property that had been requested for vacation. Armstrong asked if there were any questions for the City Attorney. There were none. Armstrong thanked Mackay.

Mayor Bruce Armstrong asked for Department Head Reports.

City Clerk Carol McBeath had nothing to report.

Director of Governmental Services Carol Neugent reported Planning and Community Relations Coordinator Angela Millspaugh had been working on getting the action request forms ready for the Council Members to see and do searches on their computers. Neugent informed Council the City would e-mail them a link to the website the next day. Neugent advised that all the Council could see at this time would be the requests that had been taken since the last Council Meeting. Councilperson Mitch Lindsay asked if the City always responded to a citizen that had filed a formal complaint. Mayor Bruce Armstrong explained the complaints went to the Department Heads in charge of the department that the complaint would pertain to. Armstrong stated the Department Head would then respond back to the person that had filed the complaint and a survey would be sent to the citizen to reply about the response of the complaint. Lindsay asked what would happen if a citizen had not heard anything about their complaint. Armstrong asked if a complaint form had been filled out. Lindsay said the complaint form had been filled out. Armstrong asked for Lindsay to let staff know about the complaint.

Police Chief Mike McElroy introduced Master Police Officer Aaron Tabing as the visiting officer. McElroy stated he had received an Action Request Form about high weeds on the property at 200 Trout, which was an empty lot. McElroy stated he had looked in to the situation and he was in the process of making contact with the owner of the property.

Public Works Director Randal Dorner reported the signs in the Country Lakes Addition had been installed at both entrances. Dorner informed Council the sign at Willow and Apple Lane had been made. Dorner reported the clean up behind Osage in Sunset Fields by the railroad tracks had been completed. Dorner stated he had a few action request forms to report on. Dorner advised a door hanger had been put on 220 Trout per the action request form that had been filled out. Dorner reported someone had spoken with the owner about the issue and the property would be re-inspected on July 22, 2004. Dorner reported that at 209 Trout a door hanger had been left on the property and the owner had said the property would be cleaned. Dorner said the owner was to have the property cleaned up by July 12, 2004 and it had not been done so a letter would be sent to them. Dorner advised the case of 236 Hays had been closed because the property had been cleaned. Dorner reported that a door hanger had been left on a property at Apple Lane and Sandalwood and the owner had responded about the matter. Dorner informed Council that the owner of that property said they would have everything cleaned within the ten days allowed and it would be re-inspected on July 24, 2004. Dorner reported a complaint had been made about tall grass around a pool. Dorner reported that property had been checked by the City Inspector, no violations were found, and the case had been

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cleared. Dorner said there was a stagnant pond in the back yard of a house on Linden. Dorner told Council a door hanger had been left at that property, the owners had responded about the matter, and the property would be re-inspected on July 21, 2004. Dorner reported on the railroad update and stated the weather had played a big role in not getting the traffic changed over on the corner of 71st Street and Main. Dorner said traffic would be able to drive on the new road by Perfect Touch approximately the 19th of July. Dorner advised the new road would have a 1½ inch lift at all of the entryways. Dorner explained the surface lift would be done after the total road had been completed to give the road a smooth ride. Dorner said everyone would have to drive on the base mix for a couple of months until the other side of the road had been completed. Dorner informed the Council that across from Leeker's you could see the main line embankment that was in the process of being built. Dorner said the embankment was higher than the shoo-fly and it would be approximately ten feet higher than the railroad tracks at the intersection of Grand and Main. Councilperson Mitch Lindsay asked Dorner about the progress on the Hungerford construction. Dorner said the project was behind schedule due to the weather and trying to relocate the utilities. Lindsay asked if the dirt roads on Summey and Osage had been graded and if any ditches had been put in. Dorner reported ditches had been put in and the area surveyed but they had run into a gas line conflict. Lindsay wanted to know if there were any plans to do anything to the surface of the street other than sand. Dorner informed Council the roads would be built up with gravel and pipes would be put underneath the road to help with drainage. Lindsay wanted to know if the City would mow the area by the railroad since all the trash had been picked up. Police Chief Mike McElroy advised the City would make contact with the railroad officials about the situation. Mayor Bruce Armstrong advised the railroad would spray the property to kill the vegetation instead of mowing. Councilperson Daniel Rooney thanked Dorner for the clean up by the railroad. Rooney advised that nobody could mow their property by the railroad because they would be considered trespassing on railroad property and that made it tough for the homeowners.

Recreation Director Wendy Wilkinson had nothing to report.

Mayor Bruce Armstrong presented for approval Appointments.

Mayor Bruce Armstrong advised there were no Appointments to be approved that evening and stated there was a position on the Historic District Committee that needed to be filled.

Mayor Bruce Armstrong asked for any Off Agenda Citizens to be Heard.

Howard Cook, 323 S. Twin Pines Avenue, Haysville, Kansas addressed Council and asked why they wanted to limit an employee to live within a twelve mile radius from work. Councilperson Daniel Rooney informed Cook there could be an emergency situation where an employee would need to be at work as soon as possible. Cook asked Rooney to name an event. Rooney gave an example of any sewer or water problems, mechanical malfunctions, tornados, or any emergency a department head might need to

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be there for. Cook stated if there was a tornado, there would be no way someone could get into town within the time allowed if it was like the last one. Cook said a thirty-five to forty-five mile radius would be fine and with all the cell phones now days, someone could talk to an employee while they were driving to work. Cook wanted to know if the requirement would be only for the Director. Rooney informed Cook the Ordinance was not for every employee but only for the Departments Heads. Cook asked if there were any requirements for any of the other employees. Mayor Bruce Armstrong advised there were no requirements for any of the employees other than the Department Heads. Rooney told Cook that if someone wanted to drive four hours to work they could. Cook stated if that was the case, he would step out of the picture. Cook said he did not like the "good ole boy network with the directors" and said he would be watching everyone. Cook informed Council the sign in front of Hometown Bingo had the name of an organization, which was the Optimist Club at that time, but did not list anything about bingo. Cook stated the Hometown Bingo sign was above the other one. Cook asked if the City would charge citizens to put up signs in their yard for birthdays, anniversaries, and so forth. Planning and Community Relations Coordinator Angela Millspaugh advised there would be no charge for birthdays or anniversaries. Cook asked about retirement signs. Millspaugh stated there were no fees for retirement signs either. Millspaugh said the Ordinance did not propose any fees for celebratory signs. Cook asked about congratulation signs being used. Millspaugh stated there would be no fees for that either and said that any celebratory sign would have no fees charged. Millspaugh advised that someone would need to get a permit for the sign but there would be no fees charged for that type of sign. Cook wanted to know why the City would have to issue a permit for a sign to be up for about a week. Millspaugh advised the City wanted to make sure that the sign would only be there for one week. Cook stated that most people put those types of signs up for a week anyway and it took about fifteen days for the companies to pick up their signs. Cook wanted to know if that would be the citizen's fault. Mayor Bruce Armstrong told Cook that Millspaugh was not the one that had put the Ordinance together. Armstrong advised Cook that Council and the Planning Commission had put the Ordinance together and Millspaugh was a messenger. Cook said it should not be the homeowner's fault if the sign company would not pick up the sign on time. Cook addressed Councilperson Mitch Lindsay about the gravel road he lived on. Cook said the City had not put good gravel on his road and it "walked" from the center of the road out into the ditches. Cook informed Council that in his opinion, the person that operated the road grader did not know what he was doing. Cook stated that when he attended the meeting for Ward III and Ward IV, the City said they would use a different kind of gravel but they put the same old "junk" gravel back on the road. Cook asked Lindsay to come and look at his road and he would show him what the gravel looked like. Lindsay asked Cook when he wanted him to show up and look at the road. Cook told Lindsay he could show up anytime the next day and he would be there. Councilperson Steven Crum asked if the corner at Twin Pines Avenue and Blossom had washed out. Cook said it did not wash out but the gravel worked its way from the middle of the street out to the sides and into the ditches. Crum asked if the problem got worse after it rained. Cook stated it did not get bad after a rain but it had always been that way. Cook said he

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had to rake the gravel away from his yard and he had not done that for about four weeks and it was piled high in certain areas in his yard.

There was no Executive Session.

Mayor Bruce Armstrong presented for approval the Bills to be Paid for the First Half of July.

Motion by Rooney – Second by Rardin

Mr. Mayor, I make a motion we pay the bills for the first half of July.

Carroll yea, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

There was no Consent Agenda.

Mayor Bruce Armstrong asked for Council Concerns.

Councilperson Daniel Rooney asked about the mud balls in Sunset Fields. Rooney stated the gravel kneaded into the mud balls and made a good base for the road. Rooney asked about the ditch area behind Marlen and Kay Streets being mowed. Rooney wanted to know if he needed to fill out an Action Request Form about the problem. Police Chief Mike McElroy reported it had been an on-going problem. McElroy stated it was his understanding the contractor had been over there to mow and had hit some rubble with the machinery and then somebody else came in to replace them and had the same problem. McElroy advised the developer had contacted Councilperson Mitch Lindsay about the situation. Lindsay said the developer had contacted him before he had been sworn in as a Councilperson. McElroy asked Lindsay if he had been contacted in the last two weeks. Lindsay said he had not been contacted. Mayor Bruce Armstrong advised he would like to have an Action Request Form filled out for Rooney's concern. Rooney stated he did not know if he could fill out a request after the process had started. Armstrong said a form could still be filed.

Councilperson Bob Rardin said he would like to make a comment on Howard Cook's invitation to Councilperson Mitch Lindsay to stop by his house and look at his gravel problem. Rardin advised he had talked with Cook about the problem several times and he did not want anyone to get the opinion he had not done his job. Rardin said he had talked with Public Works Director Randal Dorner about the road situation. Rardin stated he did not need another Councilperson from another Ward looking into matters in his Ward. Rardin said again that he did not want anyone thinking he had not done his job.

Councilperson Tom Gibson asked Public Works Director Randal Dorner about an e-mail he had sent him one day last week regarding the drainage problem on Spencer. Dorner said he had looked at the situation and he had not found any problems other than the grass had grown high and dirt had blocked the drainage. Gibson reported that it looked

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like somebody had put railroad ties over the drainage. Dorner advised that homeowners had done different things in the area. Dorner stated the drainage had not been obstructed. Dorner said the area needed to be cleaned but it was on private property. Gibson asked if there had been any problems in that area. Dorner informed Council that the only time citizens had said anything was when there had been a two-inch rain in an hour and a half. Dorner said he never had a problem with a water back up or the water flow. Gibson asked about the Ranger and Jubilee street signs. Gibson said the signs were very faded and could not be read. Dorner advised there were several faded signs and he tried to replace a certain number in a year's time. Dorner reported that last year the signs were replaced at Ward Parkway and Grand Avenue because they were faded also. Dorner said he would look into the problem.

Councilperson Daniel Rooney asked about the process of the drainage problem in the Suncrest Addition. Professional Engineering Consultant Rod Young reported he had spoken to the developer and the weather had delayed the process along the floodway. Young said the Township had graded the north side of the ditch and the County would do their portion once the surfacing of 79th Street had been completed. Young advised that the project was scheduled to be completed as soon as possible. Public Works Director Randal Dorner informed Council the Township had cut the ditch to take some of the top water off but did not cut it as deep as the County had planned. Dorner reported the general construction of Sedgwick County and mid Kansas had been set back due to the weather. Dorner advised the work area had been under water for several days and it was settling back down.

Councilperson Steven Crum asked the citizens to stay diligent with their mowing and keeping their yards clean for their neighbors as well as for themselves. Crum advised everyone people would be visiting Haysville for the annual City Wide Garage Sale. Crum said he would like to remind everyone that Thursday would be the last day for summer school and he wanted the citizens to be aware of all the children that would be out of school. Crum commended the Haysville Activity Center for a job well done with their summer programs. Crum reported the City had received complaints every year about fireworks. Crum said he thought there had been a better effort put forth this year with citizens cleaning up after the fireworks. Crum asked the citizens to follow the rules of the Ordinance in place. Crum said he had a statement to make about one of the Council member's comments in the Haysville Times last week. Crum said he was referring to the quote that a Council member had stated, "With the Council we had now, we were not going to get solutions." Crum said assuming the quote was correct, he felt compelled to respond. Crum stated the present Council had been elected by the citizens of Haysville. Crum stated it was true that every Council member did not have the same views or opinions but that was the way a democracy worked. Crum said that did not mean the Council members could not find solutions for problems the City had or could not improve situations. Crum said that the present Council, and most past Councils, had done their best to improve the City. Crum reported that just because something had not been done the way that someone thought was best; it did not mean the Council decisions were wrong. Crum stated the decisions made by Council were from a majority opinion

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by elected officials representing the citizens. Crum said the citizens must understand that the Council was trying to work together. Crum stated the Council must agree to disagree on some things, however, the Council must stay professional and respectful to opinions of their peers, City personnel, and citizens the Council represented. Crum said that if a citizen had a concern about a Council member, they should feel free to call the Council or the newspaper. Crum advised citizens elected the Council and they had that right but to have a Council member come out in a public forum and insinuate that the Council was unable to find solutions was unprofessional and disrespectful. Crum stated that was a false statement. Crum said he wanted to assure all the citizens in Ward III that he was working for them to the best of his ability. Crum said he thought the other Council members were doing their best as well. Crum advised that working together, the Council could continue to find solutions and ways to improve the great town of Haysville. Crum said he stated that respectfully.

Councilperson Ken Hampton asked Community Development Director Joel Pile to give an update on the Main Street Place situation. Hampton wanted to know if there were any expenditures between the bonds, investors, and the delayed contract. Pile stated he had talked with Hampton that day about the issue. Pile said he had talked with Tom Bishop to revisit the issue. Pile advised there had been a series of delays that had led to more delays and he believed all the parties were in agreement now. Pile said there had been a new market analysis done on the property and there were some details he did not think were accurate. Pile informed Council facts were sent to back up the City's case. Pile said he believed the project was necessary for the City of Haysville and it was a matter of now getting together the attorneys, the bond counselors, and the Main Street Place Board to do a closing. Pile said a letter had been sent stating the project needed to be closed in the month of July otherwise the City might look at other alternatives. Pile advised the City had not spent any money on the project. Pile informed Council that a plat had been done but no dollars had been spent for the project out of the City's pocket. Hampton thanked Pile.

Mayor Bruce Armstrong asked for a motion to Adjourn.

Motion by Rooney – Second by Rardin

So moved.

Carroll yea, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

The Regular Council Meeting adjourned at 8:44 p.m.

Carol McBeath, City Clerk