

Community Development Director Joel Pile introduced Donna Robinson of Maui'z Trading Post who would be drawing the names of the Railroad Reward winners. Ms. Robinson drew the \$25.00 winner, Lynnette Miller, 1437 N. Crow Rd, Peck, KS; the \$50.00 winner was Amey Pierce, 1315 E. 90th, Haysville, KS and the \$100.00 winner was Allen Harvey, 5717 W. 71st St., Haysville, KS 67060.

The Regular Council Meeting was called to order by Mayor Armstrong at 7:04 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Carla Mann: Carroll here, Rooney here, Rardin here, Gibson here, Pierce here, Lindsay here, Crum here, Hampton here.

The Invocation was given by Reverend Tim Leaf, Resurrection Lutheran Church.

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Mayor Armstrong presented for approval the Minutes of July 12, 2004.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion if there are no corrections, that we approve the Minutes of July 12th. Carroll yea, Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

Mayor Armstrong requested Citizens to be Heard.

Anthony Winn, 2903 Wilma, Wichita, KS Re: Independent World Class Championship Inc. (IWCCI), advised he had founded IWCCI to teach chess to the inner-city and high risk areas and it wasn't long before they were teaching throughout the City of Wichita and it now included all of Sedgwick County. Winn stated he would like to invite Haysville into the Sedgwick County Chess League and would need a professional player from the City to take on the responsibility of the league in the Haysville area. Winn advised if there was no training needed for this person there would not be a charge, however, if the person required training there would be a fee of \$150.00. Winn said he had been in contact with and was working with Recreation Director Wendy Wilkinson on finding someone to represent the City and had not any luck yet. Mayor Armstrong requested Wilkinson continue searching for a liaison from within the City for their participation in the league. Wilkinson advised she would do that.

Chris Chadd, 349 Hillcrest, Donation for Skateboard Park, thanked Council for the permission received to put on the fund-raising concert for the skateboard park. Chadd presented City Clerk Carol McBeath with a check in the amount of \$672.98. Mayor Armstrong advised the money would be put into a fund.

There were no Licenses or Bonds.

Under Introduction of Ordinances and Resolutions Mayor 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

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NONRESIDENTS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT. (Tabled July 12, 2004) (**Charter Ord. 11-A**)

Councilperson Carroll stated he had visited with City Attorney Doug Mackay prior to the meeting regarding the ordinance. Carroll requested the City Attorney explain why the ordinance was being presented. City Attorney Doug Mackay explained there were some uniform laws that applied and that was why it was coming before Council in the form of a charter ordinance. Mackay advised the code required department heads to be qualified electors and that would allow for residency up to a fifteen mile radius. Mayor Armstrong explained a charter ordinance and an ordinance were in conflict and that would straighten out the matter.

Motion by Rooney – Second by Gibson

Mr. Chair, if there are no other questions, I would make a motion that we approve the CHARTER ORDINANCE AMENDING SECTION 7 AND 8 OF CHARTER ORDINANCE NO. 11, EXEMPTING THE CITY OF HAYSVILLE, KANSAS FROM PROVISIONS OF K.S.A. 14-205 RELATING TO THE APPOINTMENT OF NONRESIDENTS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT.

Councilperson Lindsay asked if all the department heads lived within the fifteen mile radius. Mayor Armstrong stated they did, however, it did not apply to the current department heads but only future department heads.

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

Motion declared carried.

Mayor Armstrong presented for approval AN ORDINANCE AMENDING SUBSECTION 2-201(E) OF SECTION 2 OF ORDINANCE NO. 851 OF THE CITY OF HAYSVILLE, KANSAS CONCERNING DOG AND/OR CAT TAGS; AND REPEALING SUBSECTION 2-201(E) OF SECTION 2 OF ORDINANCE NO. 851. (**Ord. No. 860**)

Mayor Armstrong explained the ordinance repealed a section that stated the City would engrave the names and owners on the back of tags and that had not been done. Mayor Armstrong stated it would amend that section to not require the engraving on the back of the tags. City Attorney Doug Mackay stated the I.D. number that would identify the vet would continue to be required.

Motion by Crum – Second by Pierce

Mr. Mayor, if there is no discussion I'd make a motion that we approve the ORDINANCE AMENDING SUBSECTION 2-201(E) OF SECTION 2 OF ORDINANCE NO. 851 OF THE CITY OF HAYSVILLE, KANSAS, CONCERNING DOG AND/OR CAT TAGS; AND REPEALING SUBSECTION 2-201(E) OF SECTION 2 OF ORDINANCE NO. 851.

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

Motion declared carried.

Under Notices and Communications Mayor Armstrong presented the City Clerk Activity Report for June.

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Councilperson Hampton asked about the ACH payment process. City Clerk Carol McBeath explained it stood for Automatic Clearing House. McBeath stated they were accounts that were paid directly from a checking account.

Mayor Armstrong presented for approval the Governmental Services Activity Report for June.

Councilperson Gibson asked if there was a link to Community Development Director Joel Pile on the City's website. Director of Governmental Services Carol Neugent advised there was a way to contact the webmaster. Pile stated there would be a link to contact him in the future and it was being worked on.

Mayor Armstrong presented for approval the Police Department Activity for June.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Lindsay stated August 3, 2004, was a primary election and stated it was a good opportunity for citizens to be involved in government. Lindsay stated there would be at least five judicial positions that would be settled in the primary election as there were no opponents for those positions.

Councilperson Gibson stated the Curbside Waste Committee would meet on August 11, 2004. Gibson advised there was an open position on the committee in Ward II and anyone interested should contact Public Works Director Randy Dorner at the Public Works office.

Councilperson Carroll reported on the park board meeting. Carroll stated there were many in attendance at the last meeting regarding the proposed skateboard park location. Carroll advised the board was presented with a petition from Tracy and Mike Sanchez regarding citizens on Anita and Clinton who opposed the skateboard park being located in Riggs Park. Carroll stated the Park Board would discuss it further. Carroll thanked the group for the donation and advised much of the opposition was due to the group not cleaning up after their fund-raising concert in Riggs Park.

Mayor Armstrong reminded citizens that the City was a member of the county fire district and suggested citizens watch what could happen with the county fire district mill levy. Mayor Armstrong stated the county was looking to make a considerable increase in their mill levy and it might be time to let the Commissioners know that we would oppose an increase as it was starting to get too high.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Recruit Communications Officer Elizabeth Kelts – Resignation.

Mayor Armstrong presented a notification from Kansas State University, John C. Pair Horticultural Center Re: Open House Saturday, August 21, 2004.

Under Other Business Mayor Armstrong presented for approval a Consideration of Approving Publication of Notice of Hearing 2005 and Approval of the Public Hearing Date of August 9, 2004.

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Mayor Armstrong explained that was the notification of the City's budget for 2005 to be published and to set the date of the public hearing for August 9, 2004. Mayor Armstrong explained once the budget was published it could go down but could not go up and changes could be made within the budget.

Motion by Crum – Second by Hampton

Mr. Mayor, if there is no discussion I'd make a motion that we approve publication of notice of public hearing 2005, approval for the budget for 2005 for Haysville.

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

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Memorandum from the Board of Zoning Appeals Re: Request for Changes to Chapter V, Article 7 (Adult Entertainment Establishments and Adult Hotels) of the City Code.

Planning/Community Relations Coordinator Angela Millspaugh stated the Board of Zoning Appeals felt that matter should be addressed since the current City ordinance did not address escort services and therefore would not be allowed, however, if they requested a hearing the BZA would then have to make the determination as to what zone that type of business would be placed in. Millspaugh stated that route would be better since other restrictions could be made and included in the code. Mayor Armstrong asked if residential areas could be included in the distance requirement section of the code. Millspaugh advised it could. Councilperson Carroll asked if there was anything Council should do in the interim while that was being added to the code. Mayor Armstrong explained because of the lengthy process it would require for someone to go to the BZA for a request for that type of business the City would be okay at that point to direct the City Attorney to make the changes and bring them back to Council for approval. Mayor Armstrong stated the motion to the attorney would have to include the direction for a separate article or its own section. Mayor Armstrong suggested escort services be given their own section.

Motion by Carroll – Second by Pierce

I make a motion that we request changes to Chapter V, Article 7, to include a separate definition in an article that goes along with that for escort businesses as well as revising the distance location as recommended by the Board of Zoning Appeals. I would recommend the city attorney take his first pass, as they usually do, with the discussion he just heard.

Councilperson Hampton asked if there were more restrictions on that type of business. City Attorney Doug Mackay advised it could be restricted in any way Council chose to. Hampton suggested it be restricted even stronger. Councilperson Crum suggested the distance requirement be made larger and the license fees and fines increased. Mackay suggested the license fees be increased. Mayor Armstrong requested the amount of the fee being charged for adult entertainment establishments and adult hotels. Director of Governmental Services Carol Neugent stated it was \$250.00 annually for both licenses. Mayor Armstrong advised Council they should be careful charging more for escort services than what was being charged for other adult establishments so it would not give someone the reason for a constitutional challenge. Mayor Armstrong stated section 17-301 would have to be amended as well if the fees were

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significantly higher than other adult establishments. Councilperson Carroll requested the question be called on the motion.

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

Motion declared carried.

Mayor Armstrong requested the City Attorney amend the section to include escort services as well as increase the fees in section 17-301. City Attorney Doug Mackay stated he would have to check the state's misdemeanor fines and their caps.

Motion by Crum – Second by Rardin

Mr. Mayor, I'd make a motion that while the attorney is looking at this we look at putting the license fee at the cap, the penalty fee at the cap and the length of time on the penalty at the cap.

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

Motion declared carried.

There was no Old Business.

Mayor Armstrong asked for Department Head Reports.

City Clerk Carol McBeath had nothing to report.

Director of Governmental Services Carol Neugent had nothing to report.

Police Chief Mike McElroy introduced MPO Kevin Sexton as the attending officer. McElroy advised the Police Department would be hosting an open house in conjunction with the National Night Out. McElroy advised the open house would include tours, drawings and Ident-A-Kid. McElroy gave an update on some of the action forms that had been turned in. McElroy stated 200 Trout was being followed up on as the grass was not getting mowed but hoped to have it resolved. McElroy advised the action form regarding the high weeds and grass for the Karla, Marlen and Karla Ct. area had begun that day and should be completed soon. McElroy advised the traffic pattern on Grand and Main would change to the opposite side of each street. McElroy stated the City had received permission from the railroad to hire a contractor to mow the railroad right-of-way from the floodway to 100 feet south of 63rd Street on both sides. McElroy stated the railroad requested the trees and sand plum thickets be left alone as the railroad felt it was important for the erosion control on the slopes. McElroy stated the contractor could not get within ten feet of the rail lines so there might be a strip of tall weeds left on top of the right-of-way. McElroy stated the railroad had agreed to reimburse the City for the mowing costs. McElroy stated the City would attempt to remove some of the weeds around the old elevator building at the same time.

City Attorney Doug Mackay advised he had researched the state laws regarding scooters. Mackay stated the Attorney General's opinion was not binding, however, the statutes that were relied upon to come to that finding were binding. Mackay advised it was his opinion that scooters operated by unlicensed individuals should not be allowed on traffic ways. Mackay further advised the City of Derby had enacted an ordinance that allowed the scooters and to date

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the ordinance had not been challenged. Mackay suggested it was against state statute to enact such an ordinance. Mackay advised the new Standard Traffic Ordinance also prohibited scooters or motorized vehicles by motorists without licenses. There was a discussion regarding tags and registration for the scooters as motorized vehicles. Councilperson Carroll requested Mackay further research the subject. Councilperson Crum asked if there were more penalties for an underage driver operating a scooter. Police Chief Mike McElroy stated there were.

Assistant Public Works Director Roy Jolivet had nothing to report.

Recreation Director Wendy Wilkinson had nothing to report.

Under Appointments Mayor Armstrong presented for approval Rolla Crum, 156 VanArsdale, Haysville, Kansas Re: Historic District Committee.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion that we appoint Rolla Crum, 156 VanArsdale, Haysville, to the Historic District Committee.

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

Motion declared carried.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

There were none.

There was no Executive Session.

Under Bills to be Paid Mayor Armstrong presented for approval the Bills to be Paid for the Last Half of July.

Councilperson Hampton asked what the 40 horse pump purchased for the swimming pool was used for. Recreation Director Wendy Wilkinson explained it pumped the chlorine into the pool and filtered it. Hampton asked if that replaced a pump that had failed several times over the past few weeks. Assistant Public Works Director Roy Jolivet stated the pump problem was due to dirty electric from Westar. Hampton asked about the phone bills from the Public Works building. Mayor Armstrong explained it was not a charge for the phones but for the number of lines going in. Hampton asked about the three, one-inch meters with electrical reads for \$465.00. Jolivet stated he believed it was for the new Industrial Park and the reads would scan the meter box and electronically read the meters. Jolivet stated they hoped to have all the meters throughout the City replaced with the new electronic read meters. Hampton asked how they compared to the touch readers. Jolivet explained the electronic meters saved approximately two days in personnel time.

Motion by Rooney – Second by Rardin

I make a motion we pay the bills for the last half of July.

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

Motion declared carried.

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Mayor Armstrong presented for approval the Consent Agenda.

Motion by Rooney – Second by Rardin

I make a motion we approve the Consent Agenda.

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

Motion declared carried.

Mayor Armstrong asked for Council Concerns.

Councilperson Carroll advised Hungerford Street replacement looked good and suggested the street be renamed upon completion. Mayor Armstrong stated nominations should be received for the new name. Councilperson Crum stated he agreed and would like to take nominations. Mayor Armstrong advised an article could be run in the paper and on Channel 7 to advertise for the nominations. Mayor Armstrong asked for a motion to begin the process.

Motion by Carroll – Second by Rooney

I would make that motion.

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

Motion declared carried.

Councilperson Rooney asked about the drainage problem in Suncrest on Winesap backing up to Hydraulic Ct. Professional Engineering Consultant Rod Young advised there was an easement in the backyards. Mayor Armstrong advised it was his understanding the homeowner constructing the fence would have to build the fence above the ground because of the easement for positive water flow. Rooney advised there was not a ditch in the area of Hydraulic Court and Winesap so there was a problem with standing water. Young advised the developer did put in a ditch to existing ditch grades along Hydraulic which was not deep enough. Young advised the proposed improvements in the discussion process with the county would lower the ditch along Hydraulic and the drainage ditches on Winesap could then be redone.

Councilperson Rooney asked about the drainage project in Sunset Fields. Rooney advised he had spoken with the homeowner at 6549 Osage who advised the area was dry with the exception of the area at the end of his driveway where there was a mud hole. Assistant Public Works Director Roy Jolivet stated when the project was completed there should not be any mud holes. Jolivet advised Mies Construction would come in and tie in where the City's project left off and the remaining portion of the area would be brought into the drainage ditch.

Councilperson Rardin advised the area of 79th and Seneca needed mowing. Mayor Armstrong advised the County could be contacted about it.

Councilperson Gibson advised he had been contacted by a neighbor who had received a door hanger regarding their pool and not having a fence. Gibson advised this pool was the type that was taken down at the end of each summer and put back up the next. Mayor Armstrong explained that section of the code was gray and was written prior to pools being movable in such a way. Gibson asked when the six foot fence requirement around a pool had been put into effect. Mayor Armstrong advised there was not a date on the ordinance and Director of Governmental

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Services Carol Neugent stated it was last changed in 2003 but the original ordinance would have the year and date of passage. Mayor Armstrong stated the pool ordinance needed to be reworked since a two foot deep pool required a six foot fence. Mayor Armstrong requested a motion to assign that to the Utility Committee for the changes in the swimming pool section.

Motion by Rardin – Second by Crum

Mr. Mayor, I make a motion that we send this to the Utility Committee for further review and updating.

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

Motion declared carried.

Councilperson Pierce requested copies of the attorney's recommendation regarding scooters be made available to the public.

Councilperson Crum asked about the time of the Police Department Open House. Police Chief Mike McElroy stated it would be held from 6:30 p.m. to 8:30 p.m.

Councilperson Crum asked about the van on VanArsdale that Council had passed a resolution on. Assistant Public Works Director Roy Jolivet stated he was unaware of it and did not have an answer.

Councilperson Crum advised he had requested in the past to have the entrances to the City mowed and advised the property located at 63rd and Seneca, the field of what used to be the Gunzelman property, needed mowed. Mayor Armstrong advised the property was not in the City. Crum asked about the area by the floodway just past the drive to the same property. Mayor Armstrong advised it was also not in the City and advised the City limits began on the south side of the bridge. Crum requested the County be contacted in regard to the mowing that needed to be done from 63rd Street south to the City limits.

Councilperson Crum asked what had happened with the property on Broadway where they were tearing up pallets. Planning/Community Relations Coordinator Angela Millspaugh advised Code Enforcement Officer Jeremy Cheney was working with the Sedgwick County Fire Department on it to take care of the fire concerns. Millspaugh advised there was not a zoning issue but there was a fire code they were in violation of. Crum asked about the buildings at 63rd and Broadway and Millspaugh advised the Code Enforcement Officer was continuing to work on it.

Councilperson Crum asked Community Development Director Joel Pile for an update on Main Street Place. Pile advised pre-applications could be completed and were available at various locations throughout the City.

Councilperson Hampton asked about the skate board park surface that was discussed at the last Planning Commission Meeting. Recreation Director Wendy Wilkinson advised there was a difference of about \$65,000.00 between the concrete surface and a Skate Lite surface. Hampton stated he was concerned about the amount that was discussed with the kids who were looking to help with fundraising. Mayor Armstrong stated there was no final proposal. Councilperson Carroll advised if anyone had a proposed location to bring their ideas to Council and/or the Park

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Board. Hampton asked if the check that was presented at that meeting was the first from the group raising money. Mayor Armstrong advised that was the only money that had been raised. Councilperson Rooney asked if the information could be made available about the scooters at the Activity Center. Staff agreed it would be done.

Mayor Armstrong asked for a motion to adjourn.

Motion by Rooney – Second by Rardin

I move we adjourn.

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

Motion declared carried.

The Regular Council Meeting adjourned at 8:41 p.m.

Carol McBeath, City Clerk