

The Regular Council Meeting was called to order by Mayor Ken Hampton at 7:01 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was taken by Recording Secretary Misti Elliott: Conrady here, Slocum here, Ewert here, Kanaga here, Kessler here, Rardin here, Konkel here and Pierce here.

Mayor Ken Hampton stated that since the Pastor Phyllis Provost-Saas was not present to give the Invocation, there would be a moment of silence.

Mayor Ken Hampton led everyone present in the Pledge of Allegiance.

Under Special Order Of Business Mayor Ken Hampton presented a Proclamation – National Problem Gambling Awareness Week – March 4th through March 10th, 2012.

Mayor Ken Hampton made the proclamation and presented it to the Wichita Problem Gambling Taskforce.

Jess Andrews stated the mission of the Taskforce was to educate and bring knowledge that there is help for problem gamblers and their loved ones. Andrews stated that there was no cost for the service as it was part of the 2% fund that the State had arranged to collect from the casino. Andrews said there was information readily available about problem gambling at all the casinos and the taskforce would also be happy to provide that information.

Mayor Ken Hampton presented a Public Hearing for Petition Seeking Amendment to the Waiver Granted from the Distance Requirements for the Sale at Retail of Cereal Malt Beverage.

Mayor Ken Hampton asked for a motion to open the Public Hearing considering the request to amend the waiver granted from the distance requirements for the sale at retail of cereal malt beverage.

Motion by Konkel – Second by Rardin

So moved.

Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

Mayor Ken Hampton asked if any Councilmember had any outside contacts regarding the case. There were none.

Mayor Ken Hampton asked if any Councilmember had a conflict of interest in the case. There were none.

Mayor Ken Hampton asked if the City had received any written or electronic communications of the matter. City Clerk Janie Cox advised there were none.

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Dennis Free 225 Sarah Ln., stated that the previous request approved on November 14, 2011 allowed him to market the property to gather more interest in it. Free stated he had signed a contract with a national chain on December 27, 2012, to purchase part of the lot and the chain now would like to purchase the rest of the lot, so he was back to ask for the waiver for the entire property. Free stated that an amendment to the original contract between his company and the purchaser had already been signed and was pending approval by Council.

Councilperson Seth Konkell asked if the waiver was a deal breaker. Dennis Free stated it was not, but because there was already a waiver in place that area would not change but the purpose of amending to the waiver was for the company to expand. Free stated that by amending the waiver now, there would be no conflict later.

Mayor Ken Hampton asked for members of the public to speak if they had concerns. No one came forward.

Mayor Ken Hampton asked for comments from the Council. There were none.

Motion by Slocum – Second by Ewert

I move that we close the Public Hearing.

Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkell yea, Pierce yea.

Motion declared carried.

Motion by Slocum – Second by Ewert

I move that we approve the amendment for the waiver to encompass the remainder of the piece of property.

Conrady yea, Slocum yea, Ewert yea, Kanaga nay, Kessler yea, Rardin yea, Konkell yea, Pierce yea.

Motion declared carried.

Under Presentation and Approval of Minutes, Mayor Ken Hampton presented for approval The Minutes of February 13, 2012.

Motion by Konkell- Second by Rardin

If there are no corrections Mr. Mayor, I move that we approve the minutes for the February 13th meeting.

Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkell yea, Pierce yea.

Motion declared carried

Under Citizens To Be Heard Mayor Ken Hampton presented Mike Martens, Haysville Fall Festival Committee – Riggs Park

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Mike Martens, and Janet Parton, Haysville Fall Festival Committee stated that they were at Council to request the use of Riggs Park the third weekend of October for the Fall Festival.

Motion by Rardin – Second by Konkel

Mr. Mayor if there is no other discussion, I make a motion we approve the use of the park.

Mayor Ken Hampton asked if it was the third weekend in October. Mike Martins stated it was the 19th, 20th, and 21st of October. Hampton asked Councilperson Rardin to restate the motion with the dates.

I amend my motion to approve the use of the park for October 19th, 20th, and 21st for Fall Festival.

Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried

There were no Licenses or Bonds.

Under Introduction of Ordinances and Resolutions Mayor Ken Hampton presented AN ORDINANCE CONCERNING THE AMENDMENT OF CHAPTER 9, ARTICLE 106, OF THE CITY CODE OF HAYSVILLE, KANSAS, IN CONNECTION WITH ASSESSMENT OF COSTS OF THE MUNICIPAL COURT, ALL WITHIN THE CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS

City Attorney Alison McKenney Brown stated the ordinance would amend Chapter 9 of the Haysville City Code, which is the Chapter concerning Municipal Court and court costs. Brown said she was asked last December to add the change to the Code update, and it didn't make it in. Brown stated the amendment was one line and it stated the Municipal Court Judge shall assess the jail costs the city incurs for each day or portion of the day the convicted person serves in jail at the rate the City is charged the jail time by Sedgwick County. Brown stated the amendment only imposed the cost of jail time upon a person once they had been convicted, not subsequent to an initial arrest. Brown advised that most cities in Kansas are passing the same language were looking to recoup fifteen to twenty percent of the cost of jail fees that may make some difference at budget time.

Councilperson Bob Rardin asked if the City went back to try and recoup the cost of incarceration upon conviction, but not at the time of arrest. City Attorney Alison McKenney Brown said that at the time of conviction the judge is mandated to assess the jail cost the City incurs. Brown stated it was in addition to court costs.

Motion by Kanaga- Second by Ewert

Mr. Mayor I move that we approve an ordinance concerning the amendment of Chapter 9, Article 106, of the City Code of Haysville, Kansas, in connection with the assessment of costs of the Municipal Court, all within the City of Haysville, Sedgwick County, Kansas.

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Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

Under Notices and Communications, Mayor Ken Hampton asked for Governing Body Announcements.

Councilperson Pat Ewert announced that the Haysville Senior Center would be holding Game Night at 6:00 p.m. on Tuesday, February 28th.

Mayor Ken Hampton presented the Haysville City Park & Community Forestry Board – 2011 Annual Report.

Councilperson Russell Kessler stated that in the report was a list of all the parks and projects the park board would like to do for each park during the year. Kessler said there was also a list of several trees that had to be removed from the parks and areas around the City that the board would like to replace. Kessler stated there was also a list of the different projects completed throughout 2011. Kessler stated Arbor Day was April 27th and the attachment passed out to Councilmembers before the meeting was a questionnaire that would help the Forestry Board decided what type of tree should be planted in which area of the City.

Mayor Ken Hampton presented a Letter from Lies Trash Service concerning the purchase by Waste Management.

Under Other Business, Mayor Ken Hampton presented a Consideration of A 30' Drainage and Utility Easement Described As Follows: The West One Half Of Vacated Jane Street In Paradise Valley, Haysville, Sedgwick County, Kansas, Being The West 30.00 Feet Of Jane Street Adjoining The East Line Of Lot 9, Block B, In Said Paradise Valley. The West Line of Said Drainage And Utility Easement Being Coincident With The East Line Said Lot 9. (Containing 3,549 SQ.FT., More or Less)

Planning/Community Relations Coordinator Jeana Morgan stated the consideration was to dedicate a 30' drainage and utility easement on North Jane in the Paradise Valley Addition. Morgan stated it was an area of platted street right of way that would never be improved.

Motion by Kanaga- Second by Ewert

Mr. Mayor, I move that we approve a 30' drainage and utility easement described as follows: The west one half of vacated Jane Street in Paradise Valley, Haysville, Sedgwick County, Kansas, being the west 30.00 feet of Jane Street adjoining the east line of Lot 9, Block B, in said Paradise Valley. The west line of said drainage and utility easement being coincident with the east line said Lot 9. (Containing 3,549 Sq.Ft., more or less.)

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Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

Mayor Ken Hampton presented an Authorization for Mayor to Sign Supplemental Agreement No. 2 for West Grand Resurfacing Project.

Planning/Community Relations Coordinator Jeana Morgan stated it was a supplemental agreement for the West Grand Resurfacing Project. Morgan said it was mostly for accounting purposes to swap out Federal funds for State funds and in order for the State to keep their books in order, the supplemental agreement would need to be signed.

Motion by Kanaga- Second by Slocum

Mr. Mayor, I move that we grant you permission to sign the Supplemental Agreement No. 2 for the resurfacing of West Grand.

Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

Mayor Ken Hampton presented an Authorization to Purchase Narrow-Banded Radios

Chief of Police Jeff Whitfield stated he would speak in Public Works Director Randy Dorner's absence. Whitfield stated they were asking for funds to complete the transfer to Narrow-Banded Radios for the Public Works Department to become compliant with the FCC mandates. Whitfield stated they were asking for authorization to purchase the equipment from PRO-COM LMR in the amount of \$7,582.00.

Motion by Rardin- Second by Slocum

Mr. Mayor, if there is no more discussion, I make the motion we approved the purchase of Narrow-Band radios for Public Works from PRO-COM for the amount of \$7,582.00.

Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

Mayor Ken Hampton presented a Contract Agreement with Haysville Amateur Softball & Baseball League

Director of Recreation Geogie Carter stated it was the annual contract with HASBA to use the fields at Plagens-Carpenter Park. Carter stated most changes were only dates and the addition of field #5 and #6 that Campus Girls Softball were practicing on. Carter stated there was also a change in the wording for lost keys.

Motion by Konkel- Second by Kessler

If there are no questions, I move that we approve the agreement with the Haysville Amateur Softball & Baseball League.

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Councilperson Keith Pierce stated that he had an issue with Section 2 Item A. Pierce stated that he disagreed with having Sunday stipulations on the ball fields. Councilperson Derrick Slocum stated he agreed with Pierce. Slocum stated that there had been discussion the previous year and the City had lost out on a rather large tournament due to that one stipulation. Councilperson Bob Rardin stated that he also disagreed with the one o'clock playing time on the field. Rardin said that he personally did not believe that it was the City's place to mandate the time the fields could be used on Sundays. Rardin stated that he did believe it was important for children to go to church, but the City did not have anything in its ordinances for 7th Day Adventists or The Church of God, or those of the Jewish faith which celebrated their day of Sabbath on days other than Sunday, and it was not the place of the City to stipulate when games should be played. Councilperson Russell Kessler stated that he agreed with the other Council members. Kessler asked if there was an ordinance about using the ball fields on Sundays. City Attorney Alison McKenney Brown stated that there was not. Director of Recreation Georgie Carter stated that HASBA was hosting a large youth tournament and she would be coming back in the future to approve that agreement. Carter stated that there were no games scheduled before one o'clock on Sundays. Councilperson Kanaga stated that the last time the issue came up he made is position clear that he was in favor of the stipulation and his position had not changed.

Conrady yea, Slocum nay, Ewert yea, Kanaga yea, Kessler yea, Rardin nay, Konkel yea, Pierce nay.

Motion declared carried.

There was no Old Business.

Mayor Ken Hampton asked for Department Reports.

City Clerk Janie Cox had nothing to report.

Comptroller Will Black had nothing to report.

Chief of Police Jeff Whitfield had nothing to report

Public Works Director Randy Dorner was absent.

Recreation Director Georgie Carter stated the deadline for Youth Soccer sign up was the coming Saturday and the Shamrock Shuffle 5K Run would be March 10th, there would be a blood drive and Spring Break was March 19th through the 23rd.

There were no Appointments.

There was no Off Agenda Citizens To Be Heard.

Mayor Ken Hampton presented an Executive Session for Non-Elected Personnel Not to Exceed 10 Minutes to include Councilmembers, the Mayor and the City Attorney.

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Motion by Kessler- Second by Ewert

Mr. Mayor, I make a motion that we adjourn into Executive Session not to exceed ten minutes with Council, yourself and the City Attorney for non elected personnel.

Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

Council adjourned for Executive Session at 7:30 p.m.

Council returned from Executive Session at 7:40 p.m. Mayor Ken Hampton stated that no binding action was taken,

Mayor Ken Hampton presented the Bills to be Paid for the Last Half of February.

Motion by Ewert- Second by Rardin

If there are not questions, I'd like to make a motion that we pay the last half of February bills.

Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

Under Consent Agenda Mayor Ken Hampton presented a Thank You Card from USD 261.

Under Council Items Mayor Ken Hampton asked for Council comments, updates, or concerns.

Councilperson Seth Konkel asked who the person was in the City that would make sure the Broadway Corridor Plan moved forward. Konkel said there was a lot to be done that was not tied to financial issues including zoning and ordinances, and asked what the timeline was to start that process. Mayor Ken Hampton stated that something would be brought to Council in the coming weeks.

Under Adjournment Mayor Ken Hampton asked for a motion to adjourn.

Motion by Pierce- Second by Ewert

Mr. Mayor and Council, I move that we adjourn tonight's meeting.

Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

The Regular Council Meeting adjourned at 7:43 p.m.

Janie Cox, City Clerk