

Prior to the start of the Regular Council Meeting Mayor Armstrong drew the names of the Railroad Reward winners. E. Clark, 231 Anita, Haysville, KS won \$25.00; David Sperry, 8018 South Santa Fe, Haysville, KS won \$50.00 and Melanie Van Scyoc, 8801 South Vesta won \$100.00.

The Regular Council Meeting was called to order by Mayor Armstrong at 7:02 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

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

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

The Mayor led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented a Presentation of the Police Department Civilian Employee of the Year.

Mayor Armstrong presented Part-time Records Clerk Joy Cosby with a plaque for the Police Department Civilian Employee of the Year.

Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of December 29, 2004.

Motion by Rooney – Second by Rardin

Mr. Chair, if there are no corrections I make a motion we approve the minutes of December 29, 2004.

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

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

There were no Licenses or Bonds on the Agenda.

There were no Ordinances or Resolutions on the Agenda.

Under Notices and Communications Mayor Armstrong presented the Sedgwick County Fire Department, Station #34 Activity Report for December – Captain Glenn Randol.

Captain Glenn Randol advised there were 704 alarms in the City for 2004. Randol stated there was one structure fire in December with a \$15,000.00 loss and the substation received 15 medical alarms for December and 316 alarms since the opening in September 2003.

Mayor Armstrong presented the Public Works Activity Report for December.

Mayor Armstrong presented the Recreation Activity Report for December.

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Recreation Director Wendy Wilkinson distributed a year-end report for the Activity Center. Wilkinson advised although the numbers were down for December the membership drive had begun and the numbers were going up.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Crum advised the Activity Center had been opened as a shelter for storm victims without electricity and the Red Cross had delivered 35 cots. Crum further advised approximately 30 people utilized the facility and that was the last night for the building to be used as a shelter.

Councilperson Crum advised three pine trees would be planted by the swimming pool and more would be planted in the island on North Ward Parkway.

Councilperson Rooney announced he would not be running for Council at the next election due to family reasons and encouraged anyone interested to file. Mayor Armstrong advised the election filing deadline was noon on January 25, 2005.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Communications Officer Guy Mitchell – End of Training.

Mayor Armstrong presented the League of Kansas Municipalities Re: Municipal Leadership Academy 2005 Curriculum.

Mayor Armstrong presented the Flow Chart for Compliance Timeframe.

Public Works Director Randy Dorner advised Councilperson Gibson had requested information regarding the process of getting nuisance abatement problems taken care of. Dorner explained the flow chart and the time frames involved in clearing a nuisance abatement issue. Dorner advised compliance was met on eight out of ten door hangers. Dorner stated an abatement that went through the entire process would take 78-80 days. Dorner explained the forms used for notification and resolution of nuisance abatements. Councilperson Crum asked if this would be the same process for weed issues. Dorner said the Police Department would handle the weeds unless it was a combination of nuisance and weeds and then it would be handled by the Code Enforcement Officer. Police Chief Mike McElroy explained the process for weed violations. Mayor Armstrong suggested one of the committees or staff along with the City Attorney review that matter and take it back to Council with recommendation to reduce the timeframes. Crum advised he would like to see the timeframes reduced. Crum suggested both nuisances and weeds be reviewed. Councilperson Rooney said the weeds should not be reduced as there could be extenuating circumstances preventing a person from clearing the abatement in a shorter time. Mayor Armstrong recommended staff work with the City Attorney to come back with a recommendation.

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Motion by Crum – Second by Lindsay

Mr. Mayor, I'd like to make a motion that we have staff and attorneys look at the nuisance abatement process to see if we can cut the time down on it and also look at the weed ordinance just to look and see if maybe it's a reasonable amount of time.

Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.
Motion declared carried.

Under Other Business Mayor Armstrong presented for approval a Consideration of Memorandum from Haysville Planning Commission Re: Final Plat of 59th Street Substation Addition to Sedgwick County, Kansas.

Mayor Armstrong advised that was the new substation for Westar which would help boost the power coming into the City.

Motion by Rardin – Second by Lindsay

Mr. Mayor, I make a motion to approve the final plat on the 59th Street Substation Addition to Sedgwick County, Kansas.

Councilperson Crum asked if there were any comments or concerns from the public. A representative from Westar advised they had one person inquire about the screening and Westar had advised him they would work with him to put together a satisfactory landscaping plan. There was a discussion regarding the zoning of the area.

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 Contract Agreement with Professional Engineering Consultants Re: Pedestrian Hike/Bike Trail – Pear Tree Addition to Orchard Acres Addition.

City Attorney Lee Parker advised he had reviewed the contract and approved it as to form. Professional Engineering Consultant Rod Young stated the contract was for construction and administration only in conjunction with KDOT. Young advised there were contracts previously, however, KDOT required their forms be used.

Motion by Crum – Second by Rardin

Mr. Mayor, I make a motion that we enter into a contract for architectural and engineering service for the hike/bike trail with P.E.C.

Rooney yea, Rardin yea, Gibson yea, Pierce yea, Lindsay nay, Crum yea, Hampton yea.
Motion declared carried.

Under Old Business Mayor Armstrong presented for approval a Consideration of Proposed Pay Plan, Job Descriptions and Personnel Manual. (Tabled December 29, 2004 – Information Distributed December 13, 2004)

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Councilperson Rardin advised he felt the exit interview should be stricken from the personnel manual.

Motion by Rardin – Second by Pierce

I make a motion that we approve the proposed pay plan and job description and in the personnel manual that we strike the exit interview from that.

Councilperson Hampton stated due to the discrepancy between some of the jobs he felt another workshop be held and possibly a committee formed to review it. Councilperson Rooney asked Councilperson Rardin why he wanted to do away with exit interviews. Rardin advised it was his opinion most places did not do exit interviews any longer as nothing was gained from the information received. Rooney asked staff their position on exit interviews. Director of Governmental Services Carol Neugent stated there were situations where staff acted on something that came forward in an exit interview and there were times when they were used in unemployment insurance hearings. Hampton advised there were seven positions that if passed would be higher than any other city around. Hampton stated that was why it should be looked at closer.

Rooney yea, Rardin yea, Gibson yea, Pierce nay, Lindsay nay, Crum yea, Hampton nay.
Motion declared carried.

Councilperson Pierce advised he voted no because Council was divided and felt it should be discussed again.

Mayor Armstrong asked for Department Head Reports.

City Clerk Carol McBeath was absent and did not leave a report.

Director of Governmental Services Carol Neugent had nothing to report.

Police Chief Mike McElroy introduced the attending officer Sgt. Anthis. McElroy advised the new "H" logo was added to the new car that was purchased.

Public Works Director Randy Dorner displayed for Council a map depicting new housing starts and other various permits purchased throughout the City from 2002 through 2004. Dorner advised there were a total of 250 new homes built in that time. Councilperson Crum requested Dorner put together a map showing the streets replaced, sealed, etc. over the next year. Dorner advised over one hundred tons of sand were put on the streets during the last ice storm and the salt reserve was depleted. Dorner stated a truck was in Hutchinson waiting in line for more salt. Dorner said the tree limbs from the ice storm would be picked up by City crews if taken to the curb and further advised where they could be taken by individuals. Dorner stated the new railroad track was in place and the ballast was in the process of being put in. Dorner advised sometime in the next two weeks trains may be run on the main line. Councilperson Hampton asked about the status of the skateboard park. Dorner explained the Park Board would meet in

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February where the final drawings would be presented for final approval and at that point bids on the concrete would be taken. Dorner stated they were looking at assembling it in April 2005. There was further discussion regarding limb pick up from the ice storm.

Recreation Director Wendy Wilkinson had nothing to report.

There were no Appointments.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

There were none.

Mayor Armstrong asked for a motion to go into Executive Session for Attorney Client Privilege and Land Acquisition for 20 minutes to include the City Attorney, Director of Governmental Services Carol Neugent and Public Works Director Randy Dorner.

Motion by Rardin – Second by Crum

Mr. Mayor, I make a motion to go into Executive Session in the amount of twenty minutes to include the City Attorney, Director of Governmental Affairs and the Public Works Director.

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

Motion declared carried.

Council went into Executive Session at 7:42 p.m.

Council reconvened at 8:01 p.m.

Mayor Armstrong stated there was no binding action taken in Executive Session.

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

Motion by Rardin – Second by Gibson

Mr. Mayor, if there's no questions I make a motion we pay the bills for the first half of January.

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

Motion declared carried.

There was nothing on the Consent Agenda.

Mayor Armstrong asked for Council Concerns.

Councilperson Rardin thanked Public Works Director Randy Dorner and his crew for the snow removal during the ice storm.

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Councilperson Crum thanked the staff at the Activity Center for their work in accommodating many people while the center had been used as a shelter. Crum stated he was proud to be a part of Haysville as the citizens always pulled together during difficult times.

Mayor Armstrong called for adjournment.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion we adjourn.

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

Motion declared carried.

The Regular Council Meeting adjourned at 8:03 p.m.

Carol McBeath, City Clerk

COUNCIL MEETING

REGULAR

JANUARY 24, 2005

Prior to the start of the Regular Council Meeting Mayor Armstrong drew the names of the Railroad Rewards winners. The winner of the \$25.00 was Denise Willcott, 201 German, Haysville, KS; Jim Herman, 4160 South Laura Ct., Wichita, KS, won \$50.00 and Roberta Gould, 357 Clinton, Haysville KS, won \$100.00.

The Regular Council Meeting was called to order by Mayor Armstrong at 7:03 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, Crum here, Hampton here. Councilperson Lindsay was absent.

Invocation was given by Reverend Rob Winslow, United Methodist Church.

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented a Presentation of Service Award to Don Everett – Library Board.

Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of January 10, 2005.

Motion by Rardin – Second by Crum

Mr. Mayor, if there are no corrections I make a motion we approve the Minutes of January 10, 2005.

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

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

There were no Licenses and Bonds on the Agenda.

There were no Ordinances or Resolutions on the Agenda.

Under Notices and Communications Mayor Armstrong presented the City Clerk Activity Report for December including a Summary of 2004.

Mayor Armstrong presented the Governmental Services Activity Report for December including a Summary of 2004.

Councilperson Hampton advised the website had not been updated with current railroad information. Director of Governmental Services Carol Neugent advised the updates generally came from monthly meetings and there was no meeting held in January and felt that was the reason but she would check.

Mayor Armstrong presented the Police Department Activity Report for December.

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Police Chief Mike McElroy distributed the 2004 Summary for the Police Department.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Crum advised volunteers were needed for the annual Special Olympics Kristin Swartzendruber Memorial Basketball Tournament to be held February 19, 2005. Crum advised anyone interested should contact Michelle Nichols at Campus High School. Crum stated on January 20, 2005, an athlete in the Special Olympics had passed away during practice. Crum advised his name was Jeremy Swain and he had graduated from Campus High School where a memorial had been established and donations could be sent. Crum further advised he had attended a basketball camp at Kansas University approximately a week prior to his death and the KU basketball office was making a jersey with his name on it to be presented to the family.

Councilperson Gibson reminded Council of the joint workshop with the school board on January 31, 2005. Mayor Armstrong advised he would take recommendations for items to be included on the agenda.

Councilperson Carroll advised he would not be running for re-election for Ward I and stated the filing deadline was noon that following day.

Mayor Armstrong presented the Letter from Cox Communications Director Kristin Peck Re: Discovery High Definition (HD) Theater Being Moved to the Free Expanded HD Tier on or After February 15, 2005.

Mayor Armstrong presented a Presentation Re: Homeland Security Grant.

Police Chief Mike McElroy introduced Lieutenant Bruce Powers who would be giving the presentation.

Lieutenant Bruce Powers advised the Police Department Investigations Section had used an old system to analyze evidence tapes. Powers advised with that system the images could not be enhanced in any way. Powers stated late in 2003 they had attempted to order film for the machine and found it had been discontinued as the system was obsolete. Powers advised they had begun searching for new equipment and found the cost to be approximately \$40,000. Powers further advised he and Sergeant Crites put together a grant proposal and submitted it to the Homeland Security Fund where they were asked to give an oral presentation. Powers stated they were notified after a second discussion with the grant committee that they would receive the grant. Powers said the equipment was delivered and only six other agencies in the state had the system with the closest one being in Topeka. Powers explained the technology of the system and how it would be utilized in the Investigations Department. Powers stated two detectives would be sent to Virginia for training, most of which would be covered by the grant as well. Powers advised the system would be used to assist other agencies as part of the grant.

Mayor Armstrong presented a Letter from Regional Economic Area Partnership (REAP) Executive Officer Keith Lawing Project. Re: Water Coalition Meeting.

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Under Other Business Mayor Armstrong presented for approval a Consideration of Request for Reimbursement, UPRR/Grand Avenue Grade Separation Project.

Motion by Rardin – Second by Crum

Mr. Mayor, I make a motion that we pay the request for reimbursement for the UPRR/Grand Avenue grade separation project for amount of \$49,668.04.

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

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Recommendation from Historic District Committee Re: South Main Speed Limit.

Mayor Armstrong advised the recommendation was to change the speed limit to 20 m.p.h. on South Main. Councilperson Crum asked about the regulations regarding speed limit sign posting. Crum suggested a 20 m.p.h. sign be placed at Waggoner. Police Chief Mike McElroy explained speed limit posting regulations and the City's ordinances regarding business and residential speed limits. Councilperson Carroll asked Professional Engineering Consultant Rod Young if 35 m.p.h. would be considered a dangerous speed for the curve on South Main. Young stated the curve would not be an issue in regard to speed since there would be a stop sign coming off of South Main and traffic would be coming from a stop off of Grand. Councilperson Rooney asked if there had been a problem for the issue to come up. McElroy advised he had researched the area and found no accidents on South Main in 2004. Councilperson Pierce advised the Historic Committee was looking to the future in regard to setting the speed limit. Crum advised he felt it should be done at that time because the speed limit had been 20 m.p.h. since the railroad construction began and people were used to it. Crum advised a park and a farm and art market would be going in and felt 20 m.p.h. would be safest. Councilperson Hampton advised he did not agree with slowing traffic to 20 m.p.h. in that area since it was not residential and stated he felt it should not change when the district was completed.

Motion by Crum – Second by Pierce

Mr. Mayor, I'd like to make a motion that we change the speed limit on South Main to 20 m.p.h. from Waggoner to Grand.

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

Motion denied.

Mayor Armstrong presented for approval a Consideration of Annexation.

Mayor Armstrong explained the area for consideration was the corner of 71st Street and Meridian which was zoned light commercial. Mayor Armstrong stated additional businesses could be constructed at that corner. Councilperson Hampton asked about the procedure for annexing property and zoning it. Mayor Armstrong explained it would be brought into the City as "AA" and sent to the Planning Commission for the land use plan which had been done and was made "Light Commercial." Councilperson Crum asked if water was already in the area. Public Works Director Randy Dorner advised there was. Mayor Armstrong advised any utilities would have to be petitioned for.

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Motion by Crum – Second by Pierce

Mr. Mayor, I'd like to make a motion to annex a tract of land in the South Half of the Southeast Quarter of Section 36, Township 28 South, Range 1, West of the 6th P.M.

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

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Contract with Professional Engineering Consultants for Design Standards.

Professional Engineering Consultant Rod Young advised the Utility Committee had requested a contract for the City to adopt design standards. Young further advised the standards would be set and in place when commercial businesses were being built or contractors come into the office with questions in regard to construction. Young explained the contract. Councilperson Gibson asked what the City had been using in the past when someone put in a waterline. Young advised if the work was done by P.E.C. there would not be questions, however, if the work had been done by another agency he and Public Works Director Randy Dorner were involved in the process debating what had to be done in order for it to be done correctly. Councilperson Hampton advised the contract stated P.E.C. did not provide warranties or guarantees and asked if that was normal. Young advised it was a standard contract and explained if an item was overlooked in the design standard but was required for construction it would still be required without cost to the City or P.E.C.

Motion by Pierce – Second by Rardin

I'll make the motion that we empower P.E.C. to develop a general improvement policy outlining the City of Haysville's standard design criteria.

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

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Contract Agreement with Professional Engineering Consultants Re: North Main Commercial Area Extension of Sanitary Sewer and Water Main Improvements (Project No. 35-050000-1263).

Professional Engineering Consultant Rod Young explained they had been asked to look at the design contract for water and sewer to the North Main retail area. Young distributed a map of the sanitary sewer and water extension necessary for the area. Young advised that was a standard contract. Young advised the survey had been done. Councilperson Gibson said he thought the line was already there. Mayor Armstrong explained a 2" line had been in place for years but would not be large enough to serve the new area because of the number of businesses.

Motion by Rardin – Second by Pierce

Mr. Mayor, if there is no other discussion I make a motion to accept the proposal for the North Main commercial area extension of sanitary sewer and water main improvements.

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

Motion declared carried.

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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 Officer Greg Wright as the attending officer.

Public Works Director Randy Dorner advised the trains had shifted to the new main line and would be running slower than normal for awhile. Dorner advised the seasoning time had begun and would last up to thirty days. Dorner stated they would then begin removing the shoofly and that would depend on the weather. Dorner said the Public Works Department had removed approximately six thousand cubic yards of debris left from the ice storm and advised of the route taken for the debris removal process. Dorner stated the street sweeping had begun and they were using the old sweeper to remove the storm debris before using the new sweeper. Dorner advised the first 100 feet off of Grand on Ranger and Western would be replaced with concrete and flyers had been hung on the doors notifying the residents on those streets. Councilperson Gibson asked about FEMA money for the storm. Director of Governmental Services Carol Neugent advised they had met with the FEMA representative and the disaster had not been declared but was expected by the end of that week. Neugent advised the expected cost to the City would be approximately \$136,000.00. Neugent stated it was possible to be reimbursed for 80-100% of that cost once a declaration was made by FEMA. Gibson told Dorner he and his employees had done an excellent job compared to what was seen in Wichita.

Recreation Director Wendy Wilkinson had nothing to report.

Under Appointments Mayor Armstrong presented for approval the Appointment of Nancy Harris, 302 Ranger – Historic District Committee (Appointment).

Motion by Rardin – Second by Pierce

Mr. Mayor, I make a motion to appoint Nancy Harris at 302 Ranger to the Historic District Committee.

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

Motion declared carried.

Mayor Armstrong presented for approval the Appointment of Rolla Crum, 156 Van Arsdale – Historic District Committee (Re-Appointment).

Motion by Rardin – Second by Pierce

Mr. Mayor, I make a motion to re-appoint Rolla Crum at 156 Van Arsdale to the Historic District Committee.

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

Motion declared carried.

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Mayor Armstrong presented for approval the Appointment of Tom Nickel, 133 Van Arsdale – Historic District Committee (Re-Appointment).

Motion by Rardin – Second by Pierce

Mr. Mayor, I make a motion to re-appoint Tom Nickel at 133 Van Arsdale to the Historic District Committee.

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

Motion declared carried.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

Howard Cook, 323 South Twin Pines, asked why there was not a calendar of events posted on the website for the month of January. Director of Governmental Services Carol Neugent advised Multimedia Specialist Sean Conley would post it.

Mayor Armstrong asked for a motion to go into Executive Session for Attorney Client Privilege/Land Acquisition for thirty minutes. Mayor Armstrong asked that the City Attorney, Director of Governmental Services Carol Neugent, Public Works Director Randy Dorner be included.

Motion by Rardin – Second by Pierce

Mr. Mayor, I make a motion that we go into Executive Session for Attorney Client Privilege/Land Acquisition to include the City Attorney, Director of Public Affairs and Public Works Director for thirty minutes.

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

Motion declared carried.

Council went into Executive Session at 7:51 p.m.

Council returned from Executive Session at 8:22 p.m.

Mayor Armstrong asked for a motion to return to Executive Session.

Motion by Crum – Second by Rardin

Mr. Mayor, I'd like to make a motion that we go back into Executive Session for Attorney Client Privilege/Land Acquisition for another thirty minutes to include Governmental Services, Public Works and the City Attorney.

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

Motion declared carried.

Council went back into Executive Session at 8:22 p.m.

Council returned from Executive Session at 8:53 p.m.

Mayor Armstrong advised there was no binding action taken in Executive Session.

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Mayor Armstrong asked for a motion to add an item to the Agenda. Mayor Armstrong asked that Item 14 be changed to Contract Promissory Note, Mortgage Easement and Improvements Between the City of Haysville, Haysville One, LLC and move Item 14 Adjournment to Item 15.

Motion by Crum – Second by Rardin

So moved.

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

Motion declared carried.

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

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion we pay the bills for the last half of January if there is no discussion.

Councilperson Hampton asked about the two weather stations purchased. Public Works Director Randy Dorner explained they were weather stations for the wastewater treatment facility and City Hall and would be displayed on Channel 7 and the City's website. Hampton asked why the City continued to pay the phone bill for the Economic Development Director since that position was vacant at that time. Mayor Armstrong advised the City had offered the job to someone and that was one reason. Director of Governmental Services Carol Neugent explained the pool also kept the phone line open during the winter months as it was cheaper than paying the reconnect fees.

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

Motion declared carried.

Mayor Armstrong presented for approval the Consent Agenda.

Motion by Rooney – Second by Rardin

Mr. Chair, I make a motion we approve the Consent Agenda.

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

Motion declared carried.

Mayor Armstrong asked for Council Concerns.

Councilperson Gibson advised Haysville Forward Inc. had a booth in the Home Show and invited Councilmembers to work it.

Councilperson Rardin thanked the Public Works Department for their work in the storm clean-up.

Mayor Armstrong presented for approval the Addition of the Real Estate Contract, Real Estate Promissory Note, Mortgage and Easement Plus Agreement to Provide Improvements with the City of Haysville and Haysville One, LLC. on the Legal Description of Corner of Lot 1, Block B, Main Street Place Addition to Haysville, Sedgwick County, Kansas.

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Motion by Rooney – Second by Rardin

I make that a motion.

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

Motion declared carried.

Mayor Armstrong asked for Adjournment.

Motion by Crum – Second by Gibson

I move we adjourn.

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

Motion declared carried.

The Regular Council Meeting adjourned at 8:59 p.m.

Carol McBeath, City Clerk

Prior to the start of the Regular Council Meeting Councilperson Tom Gibson drew the name of the winner of the Wichita Home Show gift basket and the Railroad Reward winners. The gift basket went to Barbara Olson, 10110 East Mt. Vernon, Wichita, 67207; Eric Allen, 2030 S. Wichita, 67213, won \$25.00; Carol Powell, 1017 W. Grand, Haysville, won \$50.00 and Marjorie Limchu, 824 E. 57th St. So., Wichita, 67216, won \$100.00.

The Regular Council Meeting was called to order by Mayor Armstrong at 7:03 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.

Invocation was given by Pastor David Castleberry, West Haysville Baptist Church.

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented a Presentation of 4th Quarter Park Board Volunteer Award – Haysville Fall Festival Committee.

Councilperson Carroll presented the Haysville Fall Festival with the 4th Quarter Park Board Volunteer Award. Vern Lippoldt accepted the award on behalf of the Fall Festival Committee.

Mayor Armstrong presented a Police Department Promotion.

Mayor Armstrong advised Lieutenant Bruce Powers had been promoted to the position of Captain. Mayor Armstrong presented Powers with his badge.

Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of January 24, 2005.

Motion by Rardin – Second by Crum

Mr. Mayor, if there are no corrections I make a motion to accept the Minutes of January 24, 2005.

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

Motion declared carried.

Under Citizens to be Heard Mayor Armstrong presented Gail Ledford – Haysville Neighbors Website.

Gail Ledford, shared with Council their website, haysvilleneighbors.com. Ledford advised the website would be free to anyone in the community and explained the various features of the website.

There were no Licenses or Bonds.

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FEBRUARY 14, 2005

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Under Introduction of Ordinances and Resolutions Mayor Armstrong presented for approval AN ORDINANCE ANNEXING AND INCORPORATING CERTAIN LAND WITHIN THE BOUNDARIES OF THE CITY OF HAYSVILLE, KANSAS. (Ord. #871)

Mayor Armstrong advised that was the land at 71st and Meridian.

Motion by Gibson – Second by Pierce

Mr. Mayor, I will make a motion we approve an ordinance annexing and incorporating certain land within the boundaries of the City of Haysville, Kansas.

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 Sedgwick County Fire Department, Station #34 Activity Report for January.

Captain Disney gave a brief summary of the activities in January. Disney advised there had been a structure fire valued at \$85,000 with no loss. Disney stated there were 62 medical alarms, one special assignment, eight good intent calls and 32 service calls, most of which were from the ice storm.

Mayor Armstrong presented the Public Works Activity Report for January (Summary of 2004 Included)

Councilperson Lindsay asked about the tree clean up progress. Public Works Director Randy Dorner explained they had hoped to be done with all of the limbs by the end of that week and there were limbs that would have to be cut down that hung above the streets rights-of-way. Councilperson Gibson asked about the salt and sand supply. Dorner advised someone would be refilling the truck within that week. Gibson asked about FEMA in regard to the ice storm. Dorner advised the meeting with the FEMA representative would take place that following day.

Mayor Armstrong presented the Recreation Activity Report for January.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Rardin advised the AARP would be holding free tax preparations every Tuesday at the Senior Center. Rardin stated approximately eighty new members signed up at the Senior Center. Rardin advised the next Jam Session would be held Sunday, February 20, 2005 from 2:00 p.m. to 5:00 p.m. at the Activity Center.

Councilperson Gibson advised that week was Child Passenger Safety Awareness Week. Gibson stated three officers and one person at the School District could be contacted to make arrangements for a car seat safety check at any time.

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Councilperson Crum advised he had received positive feedback at the Wichita Home Show. Crum asked for volunteers for the Special Olympics Kristen Swartzendruber Basketball Tournament. Crum said the joint workshop with the School District went well with the biggest topic being the growth of the City. Crum advised the school updated Council on their plans to handle the overcrowding problems in the schools. Crum advised Nelson Elementary would be holding their 50th Anniversary on August 25, 2005, and asked people to let anyone know who either worked or attended Nelson Elementary.

Mayor Armstrong announced the next week would be the last drawing on the railroad rewards and the drawing for the Baha Bug would be held in March.

Mayor Armstrong presented a Letter from Cox Communications Director of Public Affairs Kristen Peck Re: Cease of In Demand Operations.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Full Time Police Officer Grady L. Germany Jr. – New Hire.

Mayor Armstrong presented a Memorandum from Election Commissioner Bill Gale Re: Voter Registration for the Upcoming Election.

Under Other Business Mayor Armstrong presented for approval Consideration of Memorandum from Recreation Director Wendy Wilkinson Re: Pool Manual.

Councilperson Hampton asked if the prices for the pool set by Council should be addressed. Recreation Director Wendy Wilkinson advised the fees had not changed for five years. Hampton asked how the fees were in comparison to other cities. Wilkinson advised some charged more while others charged less, however, the City's pool prices were about average. Mayor Armstrong advised it could be discussed prior to the pool opening if Council chose to do so. Wilkinson advised she would prepare a comparison for Council. Hampton asked if errands for the pool were run in City or personal vehicles. Wilkinson advised the only employees running errands would be the manager and assistant manager and they would use personal vehicles.

Motion by Rardin – Second by Crum

Mr. Mayor, I make a motion to approve the pool manual as presented.

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 Recreation Director Wendy Wilkinson Re: Contract Agreement with Haysville Swim Club.

Mayor Armstrong advised the contract was done each year for the use of the pool for practices and meets. Mayor Armstrong asked if there were any changes in the contract from the previous years. Recreation Director Wendy Wilkinson advised the club had asked to use the pool less this summer than previous summers. Councilperson Hampton asked Wilkinson to compare the

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insurance to other pools to make sure it was adequate. City Attorney Lee Parker advised the City would be covered under the Kansas Claims Act and the Act put a lid on the liability of \$500,000.00. Councilperson Pierce advised the contract stated a total number of pool uses by the Swim Club in two separate places and both were different. Wilkinson advised it was a typo and would be corrected.

Motion by Pierce – Second by Rooney

I make a motion that we go ahead and accept this agreement with the noted correction to the number of days.

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 Letter of Intent for Yum! Brands, Inc. (Pizza Hut)

Mayor Armstrong advised that company represented the local Pizza Hut and the Letter of Intent was for a trade of the Pizza Hut building for space to build a new, more contemporary building across Main Street. Mayor Armstrong stated if Council were to agree on the Letter of Intent a contract would issued that would come back at a later date. There was a discussion regarding the restriction of pizza, pasta or Italian items on a menu of a future restaurant in the building of the current Pizza Hut. Councilperson Gibson asked if there were specific guidelines on drive-up window service. Public Works Director Randy Dorner explained there were guidelines in the building code. Gibson asked about the proposed sign. Dorner stated the sign would have to meet the sign code as well. Councilperson Lindsay asked if there were any prospective buyers or plans for the building. Mayor Armstrong advised there were none.

Motion by Rardin – Second by Pierce

Mr. Mayor, I make a motion to approve the Letter of Intent for proposed property trade with Yum! Brands, Inc.

Councilperson Gibson asked about the appraised value difference. Mayor Armstrong advised it had not been appraised. Mayor Armstrong reminded Council it was a Letter of Intent and not a contract.

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

Motion declared carried.

Mayor Armstrong presented for approval Consideration of Request for Reimbursement, UPRR/Grand Avenue Grade Separation Project.

Mayor Armstrong advised the recommendation was to reimburse \$10,609.00 for work performed.

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Motion by Crum – Second by Pierce

Mr. Mayor, if there is no discussion I make a motion that we pay \$10,609.00 for reimbursement of the UPRR/Grand Avenue Grade Separation.

Councilperson Rardin asked if there would be anymore of these. Mayor Armstrong advised it would depend on the funding and the difference between the adjusted and the prorated shares.

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

Motion declared carried.

Mayor Armstrong presented for approval Consideration of Memorandum from Planning Commission Re: 2005 Capital Improvements Plan.

Mayor Armstrong advised the last Capital Improvements Plan was done in 1993 and felt it would be a good idea to have it updated. Councilperson Hampton asked if the drainage, roads, and water pipes would be the items looked at in the plan. Professional Engineering Consultant Rod Young said that was correct. Hampton asked if the City would normally follow the recommendations. Mayor Armstrong stated the plan could be amended as time went by. Hampton asked if there was an expected completion time. Young advised his company would be assisting City staff in the CIP Plan and would be under their direction and P.E.C.'s services would be used as much as it was asked for. Councilperson Lindsay asked if the same arrangement was made in 1993. Mayor Armstrong explained he had not seen the contract for 1993 but only the plan that was prepared. Mayor Armstrong further explained it appeared to be more extensive in 1993.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we go into contract with P.E.C. for 2005 Capital Improvement Plan.

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

Motion declared carried.

Mayor Armstrong presented the Skate Park Update.

Councilperson Carroll advised the Park Board was requesting Council approval to pay the balance of the concrete work of \$35,020.38 out of capital improvements and the Park Board would reimburse the City for that amount with the sales of 2005 fireworks permits. Carroll advised that would complete the skateboard park, concrete pad for the basketball court and the concrete for the sidewalk. Carroll explained the reason they wanted to do the work now was it could be done in conjunction with the Hike/Bike trail in the area. Carroll advised the City could get a better price on the concrete by doing the work all at once. Carroll further advised the Park Board was looking to make an addendum to the contract by allowing the company to install the skateboard park rather than the City crews and this would change the contract amount \$2,500.00. Councilperson Lindsay asked what would happen if fireworks permit sales did not cover the

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loaned amount. Carroll said the funds would then come from capital improvements. Carroll advised it would take another \$140,000 to completely finish the park with playground equipment, another shelter, etc.

Motion by Carroll – Second by Pierce

I make a motion we allow the Park Board to borrow \$35,020.38 for the construction of the concrete work for the skate park to be repaid if available from fireworks funds.

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

Motion declared carried.

Motion by Carroll – Second by Rooney

Councilperson Carroll advised the second item would be the approval of the concrete work in the amount of \$38,755.00, and I make that motion.

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

Motion declared carried.

Councilperson Carroll advised approval was needed for the Mayor to sign the addendum to the contract allowing the company to install the skate park rather than City employees.

Motion by Crum – Second by Pierce

So moved.

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

Motion declared carried.

Councilperson Carroll thanked Council for their support of the park. Carroll stated there would be an area for a dirt bike/BMX track and opportunities for the Activity Center to put on events to draw attention.

There was nothing under Old Business.

Mayor Armstrong asked for Department Head Reports.

City Clerk Carol McBeath advised Council had a copy of a memo regarding the Health Insurance Broker RFP. McBeath requested permission to enter into contract with the current insurance broker, Hardman Benefit Plans. McBeath advised there would be a 3% premium commission for the broker and the total would be \$18,825.00. Councilperson Pierce asked if there was a change in the policy. McBeath advised there was no change.

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Motion by Gibson – Second by Crum

Mr. Mayor, I make a motion that we retain Gary Hardman with Hardman Benefit Plans with 3% premiums on our health insurance.

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

Motion declared carried.

Director of Governmental Services Carol Neugent advised she and Public Works Director Randy Dorner would be attending a FEMA applicants briefing that following day to find out the eligibility. Neugent advised the bottom line would be a 75%-25% match for eligible expenses, however, many of the expenses the City had were not eligible. Neugent said based on the tornado it was about a 50% recoup of the losses. Councilperson Crum asked what the total would be. Neugent advised the last total was over \$130,000 of the City's expense and they would only pay for overtime.

Police Chief Mike McElroy introduced the visiting officer, M.P.O. Chad Case.

Public Works Director Randy Dorner advised they were down to one-quarter of the City for limb cleanup and that would be the end of the second pass. Dorner stated street sweeping had begun to remove the major debris and then a second and third time to complete the process which might take up to thirty days. Dorner advised he had received several Council Action Forms and one was for the installation of a speed limit sign on Hungerford and Sarah Lane. Dorner advised they were looking at where to locate the sign in relation to the striping. Dorner said the potholes on Lamar would be patched and long term repairs would be looked at closer to spring. Dorner stated there were regulations on stop sign heights and he would be contacting Councilperson Pierce regarding the Council Action form on that. Dorner said Alexander Street had been swept. Dorner advised the sheeting had been removed on the railroad project and there was a view under the bridge. Dorner further advised piles had been driven on the south side wing wall and most on the north wing wall. Dorner said once that process was complete they would begin prepping the ground for the roadway. Councilperson Rardin asked about 6450 Ward Parkway. Dorner advised a certified letter had been sent and that was the second violation on the property. Councilperson Lindsay asked about the Sunset Fields Addition where the water problems were worse. Dorner advised there was no drainage in the area except for what was put in along Osage and Osage Ct. Dorner further advised there were no culverts in the area and the City had attempted to maintain the direction of the flow of water on 65th Street and Hollywood Street,. Dorner said however, when a homeowner added rock it would back up the water and created more problems as there had not been drainage in that area. Dorner advised it would take a lot of time and money to completely fix the problems in that area. Lindsay asked about the driveways on Summey. Dorner said they had to do ditch work on that street and more water services to be lowered. Dorner said they would be working on Osage and the intersections. Lindsay asked if the residents had built up their driveways too much with rock. Dorner advised there was no drainage there and the water did not have anywhere to go. Dorner advised concrete curb and gutters would be the best way to get the water down to the storm drains. Lindsay asked for an estimate of the costs. Mayor Armstrong advised those figures could be given to him.

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Recreation Director Wendy Wilkinson had nothing to report.

Under Appointments Mayor Armstrong presented for approval Tom Nickel, 133 Van Arsdale
Re: Appointment BZA.

Motion by Pierce – Second by Rardin

Mr. Mayor, I'd like to make a motion that we appoint Tom Nickel to the Board of Zoning Appeals.

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

Motion declared carried.

Mayor Armstrong called for Off Agenda Citizens to be Heard.

Howard Cook, 323 S. Twin Pines, advised the website had not been updated with the current Council Agenda. Cook requested the agenda for the Planning Commission meeting be put on the website as well. Cook advised a sign was needed at the turnpike showing either 71st Street or Grand. Mayor Armstrong advised that could be checked into. Cook said the road leading to the limb dump at Public Works needed to be graded and asked that the City contact him once it was done.

Mayor Armstrong called for Executive Session for Attorney/Client Privilege and Land Acquisition to include the City Attorney, Director of Governmental Services and the Public Works Director for thirty minutes.

Motion by Rardin – Second by Pierce

Mr. Mayor, I make a motion we go into Executive Session for Attorney/Client Privilege and Land Acquisition to include the City Attorney, the Director of Governmental Affairs and Director of Public Works for thirty minutes.

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

Motion declared carried.

Council went into Executive Session at 8:19 p.m.

Council returned from Executive Session at 8:49 p.m.

Mayor Armstrong stated per state statute no binding action was taken in Executive Session.

Mayor Armstrong requested two Items be added to the Agenda. Mayor Armstrong stated Item 14 would be a contract with David M. Kahmann, Kevin S. McMullin and Dana Haislett for the purchase of the North 110 Feet of Lot 3, Block A, Haysville Downtown Addition. Mayor Armstrong advised Item 15 would be a Contract with Ozark Property and Management Company to purchase the South Half of Lot 2, Main Street Downtown Addition. Mayor Armstrong advised Adjournment would be moved to Item 16.

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Motion by Rooney – Second by Rardin

I make that motion.

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

Motion declared carried.

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

Motion by Rardin – Second by Crum

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

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

Motion declared carried.

Mayor Armstrong presented for approval the Consent Agenda.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion to accept 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 Hampton advised he felt the purchasing policy for the City was not being followed the way it should. Hampton stated he felt the policy should be followed or addressed. Hampton said items over \$5,000 should be bid on. Mayor Armstrong suggested the policy be reviewed and then brought back to Council. Hampton requested a report on the HAC usage. Recreation Director Wendy Wilkinson advised the usage was being tracked for the month of February in regard to daily passes, program usage and people that walked in the door. Hampton advised there were a lot of items being paid for from the previous year's budget and he did not have a problem if there were contracts or orders made in 2004. Hampton said he felt the money should be spent in the 2005 budget. Mayor Armstrong explained that was why money was encumbered in 2004 and Council was given a list of encumbrances to vote on.

Councilperson Crum requested there be more media coverage regarding the railroad opening and the new businesses coming in. Crum advised he had spoken with Commissioner Norton regarding the toll being removed from the turnpike and found the actual area covered in the removal of the toll was from 96th to 47th Street South. Crum asked that the City look into the toll being pushed to the Haysville exit. Crum asked about the pallet business and the progress of the clean up. Director of Governmental Services Carol Neugent advised they had gone to court, the case was continued and the County was looking at issuing additional violation summons for not meeting certain deadlines. Neugent stated the business could stay depending on how it was cleaned up and if it met certain requirements with fire being the biggest issue. Mayor Armstrong explained the zoning requirements had to be met.

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Councilperson Pierce asked about the pothole condition on Willow Lane. Public Works Director Randy Dorner explained he was aware of the problem and potholes would be filled.

Councilperson Gibson thanked Council and staff that had helped with the Home Show. Gibson stated residents should pick up limbs in their yards, gutters, and streets and make the neighborhood look good.

Councilperson Rardin asked about the car in front of the shopping center with four flat tires and no tag. Public Works Director Randy Dorner advised they would check into it. Rardin advised the interchange issue had come up at a meeting he had attended the previous weekend and it was said the turnpike toll would not go away as the turnpike was built with state and federal bonded money and the state would not relinquish that money.

Mayor Armstrong presented for approval the Contract for Real Estate Land Sales Agreement with David Kahmann, Kevin McMullin and Dana Haislett for the purchase of the North 110 feet of Lot 3, Block A, Haysville Downtown Addition.

Motion by Crum – Second by Rooney

I'd make that motion.

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 Contract to Purchase Real Estate with Ozark Property Management Company LLC, on the South Half of Lot 2, of the Main Street Downtown Development.

Motion by Rooney – Second by Crum

So moved.

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

Motion declared carried.

Mayor Armstrong called for adjournment.

Motion by Rardin – Second by Lindsay

I make a motion 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 9:04 p.m.

Carol McBeath, City Clerk

Prior to the start of the Regular Council Meeting Mayor Armstrong drew the names of the Railroad Reward winners. The winner of the \$25.00 was Kathy Roush, 1915 S. Edgemoor, Wichita, 67218; the \$50.00 winner was Lacy Albert, 920 W. 65th Street South, Wichita, 67217 and the \$100.00 winner was Terri Holloway, 209 Moy Ct., Haysville, 67060. Mayor Armstrong announced they would be drawing the winner of the Baja Bug after the Council Meeting.

Mayor 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 Carla Mann: Carroll here, Rooney here, Rardin here, Gibson here, Pierce here, Lindsay here, Crum here, Hampton here.

Invocation was given by Dr. George Lespagnard, First Christian Church.

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented a Public Hearing to Consider Vacation Access Control on Lots 2 and 3, Block A, Downtown Addition.

Mayor Armstrong asked for a motion to open the Public Hearing.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion to open the public hearing for downtown vacation access control on lots 2 and 3, block A.

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

Motion declared carried.

Mayor Armstrong advised Council would be following the regular public hearing script to make sure all action needed was taken. Mayor Armstrong asked if Council had received any outside contacts regarding that case. There were none. Mayor Armstrong asked any Councilmembers with conflicts of interest regarding the case to withdraw themselves from Council action. There were none. Mayor Armstrong asked if the City had any written communication regarding that matter. There were none. Mayor Armstrong advised the City would be the applicant. Mayor Armstrong asked for any questions from the applicant for Council. There were none. Mayor Armstrong asked for anyone from the public who would like to speak in regard to the access control on lots 2 and 3, block A. There were none. Mayor Armstrong asked for comments from the applicant. Mayor Armstrong explained it was being done so the businesses being built on Main Street would be able to have access. Mayor Armstrong asked for anyone from the public who wished to rebut the comments. There were none. Mayor Armstrong asked for a motion to close the public hearing.

Motion by Rardin – Second by Crum

Mr. Mayor, I make a motion we close the public hearing.

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

Motion declared carried.

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Motion by Gibson – Second by Rardin

Mr. Mayor, I'll make a motion that we approve the vacation access control on lots 2 and 3, block A, Downtown Addition.

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

Motion declared carried.

Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of February 14, 2005.

Motion by Rardin – Second by Gibson

Mr. Mayor, if there are no corrections I make it a motion to approve the minutes of February 14, 2005.

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

Motion declared carried.

Under Citizens to be Heard Mayor Armstrong called Linda Beehler, Chamber of Commerce President.

Linda Beehler, Chamber of Commerce President, advised Council she would like to follow up on a letter that had been sent to Councilmembers expressing the Haysville Chamber of Commerce's support of the zone change for Robert and Vicky Nunn's property on South Broadway. Beehler advised the residents in the area of the property and the Planning Commission had received the cooperation of the Nunns in regard to the protective overlay and the wishes of the residents. Beehler stated antique and custom vehicles were a specialized industry and more people were getting involved for pleasure. Beehler said Haysville had a large and active car club who hosted one of the largest car shows in the area at the Haysville Fall Festival and that business was viewed by herself and the Chamber as a compliment to the interest of many of the citizens in Haysville. Beehler stated Haysville needed growth with the loss of several businesses to the area and the Nunns would bring new business and activities to the area. Beehler advised the City did not want to be viewed by other businesses wanting to come to town as being difficult to work with.

There were no Licenses or Bonds.

Under Introduction of Ordinances and Resolutions Mayor Armstrong presented for approval AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF HAYSVILLE, KANSAS, PROVIDING FOR THE EFFECTIVE DATE THEREOF, PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, SAVING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES. (Ord. #872)

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Motion by Crum – Second by Pierce

Mr. Mayor, if there is no more discussion I make a motion that we pass AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF HAYSVILLE, KANSAS, PROVIDING FOR THE EFFECTIVE DATE THEREOF, PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, SAVING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES.

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 January.

Mayor Armstrong presented the Governmental Services Activity Report for January.

Councilperson Rardin asked if the website was being updated. Director of Governmental Services Carol Neugent advised it was. Councilperson Crum advised the joint meeting with the School Board should have been on the activity report. Neugent advised it was one of the miscellaneous items but not under meetings.

Mayor Armstrong presented the Police Department Activity Report for January.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Carroll updated Council on the Curbside/Solid Waste Committee's activities. Carroll advised the City Attorney's had represented Bel Aire in their efforts to implement the city's curbside recycling and waste collection. Carroll stated there was the potential for savings on a monthly or quarterly basis. Carroll advised he would like to set a workshop date for Council to discuss the options.

Motion by Carroll – Second by Rooney

I would make a motion that we set March 7th at 6:30 at the City Building for a workshop to discuss curbside recycling and solid waste collection.

Motion was withdrawn by Councilperson Carroll. Councilperson Rooney withdrew his second.

Motion by Carroll – Second by Rooney

I would make a motion that we set March 21st at 6:30 at the City Building for the workshop for the same purpose.

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

Motion declared carried.

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Councilperson Rardin advised the meals had not been delivered due to equipment failure and the problem had been fixed. Rardin said there were 76 seniors in attendance at the Jam Session the previous Sunday. Rardin advised the Jam Sessions would be held every third Sunday of the month for all of 2005. Rardin further advised the AARP would be on hand at the Senior Center for tax preparation free of charge to all citizens.

Councilperson Crum thanked all volunteers who helped with the Kristen Swartzendruber Basketball Tournament the past weekend.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Police Officer Gregory Wright – Promotion to Master Police Officer.

Under Other Business Mayor Armstrong presented for approval a Consideration of Memorandum from Planning Commission Re: Zone Change Request “D” Light Commercial to “E” Heavy Commercial With Protective Overlay.

Councilperson Hampton advised it was vague the first time the zone change was presented to Council, he did not want a metal building built and that was not the case, and he did not see a problem with the homeowners in the area of the business going in, however was concerned about the environmental issues of the paint booth. Hampton advised he had spoken with Walter Rooney at the Sedgwick County Fire Department and was told they were in charge of the codes of paint booths. Hampton asked Public Works Director Randy Dorner if the business would be subjected to those same codes. Dorner explained the fire department would be called on to okay the plans submitted for the paint booth. Dorner further explained the City’s inspector would be inspecting electrical and making sure it was built according to the plans. Dorner said the fire department would be called upon to make the final inspection of the paint booth. Hampton advised he was assured by Walter Rooney that the filters were good in protecting the environment for emitting chemicals and were inspected on an annual basis unless there were complaints and then it would be inspected sooner. Hampton advised those were the concerns he had the first time it was presented and that was why he had voted no but now understood and did not have a problem with what was being put in and the safeguards were there to protect the neighborhood. Hampton advised he did however have a problem with the ordinance as presented in regard to the uses prohibited on a Class “E.” Hampton said he was concerned with the zone being changed to “E” since certain businesses were allowed whether the Nunns owned the property or not. Hampton advised he did not want to see amusement enterprises such as dancehalls, pool halls and auction houses and further advised he felt those things should be excluded. Hampton stated he would vote in favor of the ordinance if those items were included. Councilperson Carroll advised he had voted no the first time because of the zoning being changed from light commercial. Carroll stated it was originally intended to zone land in front of residential areas light commercial and he would like to remain consistent with that plan. Councilperson Gibson stated the Nunns, the Planning Commission and the residents of the area had spent a lot of time on that project and conclusions had been reached appropriate for all parties and felt Council should back the business and the zone change. Councilperson Rooney advised he had some residents contact him who would like to see the six foot fence constructed on the property and Mayor Armstrong explained if it were to pass that was one of the requirements.

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Motion by Gibson – Second by Rardin

Mr. Mayor, I make a motion that we change the zoning from “D” to “E” on Lot 5, Block E, Orchard Acres Addition to Haysville, Sedgwick County, Kansas, as recommended by the Planning Commission with the protective overlays.

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

Motion declared carried.

There was no Old Business.

Mayor Armstrong asked for Department Head Reports.

City Clerk Carol McBeath advised Council the primary election would be held on March 1, 2005 and stated she had statutes for Council if they wanted them regarding how primary elections work. McBeath advised voting registration had closed for the primary and would re-open March 2, 2005 for the general election and close on March 21, 2005. McBeath advised the voting locations would remain the same for the general election even if the Main and Grand intersection were to open as the Election Commission’s office believed it would be more confusing to change the locations that soon. McBeath advised Council of the locations for voting for each ward. Councilperson Lindsay asked about the purchasing policy brought up at the last Council Meeting by Councilperson Hampton. McBeath advised it was being discussed. Lindsay asked if Council would be receiving any information on the policy changes and when it would be received. McBeath advised something would be brought back to Council and it was hoped to be prepared by the next Council Meeting. Mayor Armstrong advised it would be presented to Council upon completion.

Director of Governmental Services Carol Neugent had nothing to report.

Police Chief Mike McElroy introduced the attending officer, M.P.O. Paul Strother. McElroy advised the annual Storm Spotter Severe Weather class would be held on Thursday, March 10th at 7:00 p.m. at the Haysville Middle School Multi-Purpose Room and would be presented by Sedgwick County Emergency Management.

Public Works Director Randy Dorner advised the speed limit sign at Sarah Lane and Hungerford and street sign on Peach had been installed that day. Dorner further advised the potholes on Lamar, Willow Lane and other streets had been filled. Dorner stated the car parked at Faye’s Family Dining had been removed that day after notice was served the previous week. Dorner advised staff was waiting on the return slip for the delivery of the registered letter to 6450 Ward Parkway. Dorner displayed a short video on the railroad project showing the street being put in at Main and Grand. Dorner advised the street would be open within the next couple of weeks. Dorner advised after the street opens the sidewalks would be completed and there would be times lanes on one side or the other would be closed for that. Councilperson Pierce asked about the schedule for Clinton Street. Dorner advised they were waiting for better weather.

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Recreation Director Wendy Wilkinson had nothing to report.

There were no Appointments.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

Roxy Cook, 323 S. Twin Pines, PRIDE Committee, requested \$3,871.60, which included 22 lighted pole decorations, shipping and tax at a discounted rate. Cook advised she would have to call the companies the following morning in order to receive the 40% discount from one company and 10% from another. Cook stated Council had previously approved six banners for the Kay Street bridge in the amount of \$600.00, and it was unknown as to whether they were included. Cook requested approval for the \$600.00 for the banners if the money was still available. Cook stated decorations were also needed for the railroad bridge. Cook advised of the plans for the next year. Councilperson Gibson asked if the money was available from the previous year. Mayor Armstrong explained it was not held over and it would come from the capitol improvement budget. There was a discussion regarding the total needed to cover the request of the PRIDE Committee. Councilperson Gibson advised the total should be \$5,293.60. Councilperson Hampton asked why the Committee needed approval that night as was the case the previous time they had requested funds for holiday decorations. Cook advised in order to take advantage of the discount the order had to be placed that following day. Cook asked if the City could be billed directly.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion to approve the expenditure of \$5,293.60, for the Christmas decorations.

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

Motion declared carried.

Mayor Armstrong advised Roxy Cook the companies could bill the City directly. Councilperson Rooney asked if the PRIDE Committee had solicited businesses for money for the decorations. Councilperson Gibson advised they had not at that time but planned to in the future. Councilperson Carroll thanked PRIDE for the banners on Hungerford Street as it looked nice at Christmas time and suggested the City logo be placed on some of the banners.

Howard Cook, 323 S. Twin Pines, advised he was concerned the new business that was approved at that meeting may cause a drainage problem on the west side of Broadway. Cook stated a six inch rain would cause water to run to Blossom at his yard.

Mayor Armstrong called for a motion to go into Executive Session for Attorney/Client Privilege and Land Acquisition for 15 minutes to include Council, the Mayor, the City Attorney, the Director of Governmental Services and the Public Works Director.

Motion by Rooney – Second by Gibson

I make that motion.

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

Motion declared carried.

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Council went into Executive Session at 8:10 p.m.

Council returned from Executive Session at 8:26 p.m.

Mayor Armstrong advised there was no binding action taken in Executive Session.

Motion by Crum – Second by Rooney

Mr. Mayor, I make a motion that we go back into Executive Session for Attorney/Client Privilege and Land Acquisition to include Governmental Services, Public Works and the City Attorney for 15 minutes.

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

Motion declared carried.

Council went back into Executive Session at 8:26 p.m.

Council returned from Executive Session 8:41 p.m.

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

Motion by Rardin – Second by Crum

Mr. Mayor, if there is no discussion I make a motion that we pay the bills for the last half of February.

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

Motion declared carried.

Mayor Armstrong presented for approval the Consent Agenda.

Motion by Rooney – Second by Rardin

Mr. Mayor, I make a motion we accept 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 Hampton welcomed the Nunns to Haysville.

Councilperson Crum thanked Public Works Director Randy Dorner for the tour of the railroad project. Crum asked about the limbs at 6450 Ward Parkway. Public Works Director Randy Dorner explained nothing had been done and Public Works would be sending notification to the owner that the deadline for picking up limbs had passed and they would have to clean it up. Crum suggested anyone running for office be given a notice regarding lawful sign placement. City Clerk Carol McBeath advised that was being done. Director of Governmental Services Carol Neugent advised she had contacted those whose signs were illegally placed and they said they would move them.

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Councilperson Lindsay advised he had spoken with several residents who had stated the City Building was only open during the hours they worked and felt it was difficult to make it to the City Building during the business hours. Lindsay advised it might be a good idea to be open one Saturday a month to accommodate those people.

Councilperson Gibson asked about the progress of the limb pickup. Public Works Director Randy Dorner explained they had completed the process and were looking at trees hanging in the rights-of-way. Dorner stated the crusher would be coming down next week. Gibson asked about the senior housing progress. Mayor Armstrong explained they were waiting for a letter of intent from the bank for financing.

Councilperson Carroll requested the wastewater surplus fund be placed on the next Council Agenda under Other Business since it was about that time of year to begin reviewing it.

Mayor Armstrong drew the name of the winner of the Baja Bug. The winner was Johnny Howell, 220 W. Market, Derby, KS 67037.

Mayor Armstrong requested a motion for adjournment.

Motion by Rardin – Second by Crum

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 8:49 p.m.

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Bruce Armstrong at 7:00 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

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

Invocation was given by Dr. George Lespagnard, First Christian Church.

Mayor Bruce Armstrong led everyone in the Pledge of Allegiance.

Under Special Order of Business Mayor Bruce Armstrong presented the Police Promotion.

Mayor Bruce Armstrong introduced Police Officer Gregory Wright and advised he had been promoted to Master Police Officer. Armstrong presented Wright with his badge.

Mayor Bruce Armstrong presented for approval the Minutes of February 28, 2005.

Councilperson Bob Rardin advised there was a correction on page 6 on a motion for Christmas decorations. Rardin said the motion stated it had been seconded by Councilperson Bob Carroll and it had been seconded by Councilperson Tom Gibson. Councilperson Ken Hampton advised that on page 5, instead of Hampton, Lindsay had asked the question after the sentence; McBeath had stated it had been discussed.

Motion by Rardin - Second by Gibson

Mr. Mayor, I make a motion to approve the minutes of February 28, 2005 with the amended corrections.

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

Motion declared carried.

Mayor Bruce Armstrong presented Citizens to be Heard.

Mayor Bruce Armstrong presented Roxy Cook, 323 S. Twin Pines Avenue Re: City Christmas Decorations.

Roxy Cook addressed Council and explained the City had approved the amount of \$5,293.60 for Christmas Decorations at the last Council Meeting. Cook advised the total bill had been for \$91.20 more. Councilperson Bob Rardin told Council he was the President of the Optimist Club and stated the Optimists would pay for the balance of the Christmas decorations. Rardin stated the matter would be brought up at the next board meeting for the Optimists.

There were no Licenses and Bonds.

There were no Ordinances and Resolutions.

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Under Notices and Communications Mayor Bruce Armstrong presented the Sedgwick County Fire Department, Station #34 Activity Report for February – Chief Gary E. Curmode & Captain Glenn Randol.

Captain Glenn Randol addressed the Council and gave a summary of last month's Activity Report. There was a discussion about Sub-station #30. Chief Gary Curmode congratulated the City for their leadership in achieving "the monumental effort" of the past eighteen months on the railroad project. Curmode stated the railroad project had put an extreme hardship on the citizens and business owners. Curmode explained that now the railroad project had been completed, Substation #30 would be closed sometime in April. Curmode told the Council the Fire Department would be getting new equipment, which would benefit Haysville, and discussed the Fire Department's agreement with McConnell Air Force Base. Curmode reminded everyone that the Fire Department provided service for the citizens and they wanted to be a good partner for the community. Curmode said that hopefully, Fire Station #34 would be annexed into the City in the next couple of years and he promised to do anything in his power to help the City get the best service at the cheapest cost. Councilperson Tom Gibson thanked the Fire Department for their service on the east side of the City with the substation. Mayor Bruce Armstrong thanked the Fire Department for coming to the Council Meeting.

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

Mayor Bruce Armstrong presented the Recreation Activity Report for February.

Councilperson Mitch Lindsay asked Recreation Director Wendy Wilkinson how the daily usage numbers were figured. Wilkinson distributed information on how she tracked each person that came into the Haysville Activity Center each day.

Mayor Bruce Armstrong asked for Governing Body Announcements.

Councilperson Steven Crum thanked the citizens and businesses for their patience on the Grand and Main re-opening. Crum thanked everyone involved with the ribbon cutting.

Councilperson Bob Carroll reported the concrete would be poured sometime that week for the skateboarding park, basketball court, and sidewalk.

Mayor Bruce Armstrong presented the Certificate of Canvass from Commissioner of Elections Bill Gale Re: Primary election results.

Mayor Bruce Armstrong presented the Letter from Kansas Department of Health and Environment – Mark E. Gerald, P.E. Re: 503 Sludge Report for the 2004 Reporting Year.

Crum reported a city near Haysville had been fined and questioned on their report. Crum wanted to know what needed to be done so that would not happen to Haysville. Public

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Works Director Randal Dorner reported there were several testing “checks” the City followed to make sure they were in compliance with regulations.

Mayor Bruce Armstrong presented a Letter from United Way of the Plains Campaign Accounts Manager Pam Chamberlin Re: Thank You to Employee Campaign Manager Pamella Robbins.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Full Time Recruit Communications Officer Brady G. Simmons – New Hire.

Mayor Bruce Armstrong presented the Memorandum from Public Works Director Randal Dorner Re: Code Enforcement Officer Brian Hunter – End of Training.

Mayor Bruce Armstrong presented the Memorandum from Planning and Community Relations Coordinator Angela Millspaugh Re: Planning Commission Member Michael White Re: Resignation.

Mayor Bruce Armstrong advised the vacant position on the Planning Commission would be for Ward IV. Armstrong asked the Council to contact him if they knew of someone that could fill the position.

Under Other Business Mayor Bruce Armstrong presented for approval the Consideration of Real Estate Exchange Agreement (Pizza Hut).

Mayor Bruce Armstrong explained the agreement would go along with the previous letter of intent that the City had signed. Armstrong stated the City had an exchange agreement with Pizza Hut Of America, Inc. Councilperson Bob Rardin asked about page 2, paragraph A and the thirty day extension. Armstrong explained the extension would be if they had not gotten all of their permits. Rardin advised there was a typo on page 3; paragraph 6 which stated “Pizza Hit” instead of Pizza Hut. Councilperson Mitch Lindsay asked if City Attorney Lee Parker had looked over the agreement. Parker stated he had looked over the agreement. Lindsay asked if there was anything in the agreement that should be questioned or to be concerned with. Parker advised the agreement had been straightforward for a land transfer. Parker explained there was a difference in the time of possession but that was because they would be moving the equipment from one place to the other. Parker said he did not see anything to be concerned with because the contract was standard. Councilperson Keith Pierce advised that on page 3, paragraph 5 it stated that no part of the existing property shall be used for a restaurant to serve pizza or pasta. Pierce asked Parker about the sentence. Parker advised he had dealt with that kind of language before with other contracts. Parker said he would tell Council how he interpreted the contract. Parker explained for example that if a restaurant’s specialty was chicken, then a restaurant like Wendy’s would be alright because they were primarily involved with hamburgers but also sold chicken sandwiches. Parker continued to explain that if a restaurant were to go in and sell chicken primarily, then there would be a problem with that situation. Parker stated if a restaurant came in and other things on their

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menu and not specifically an Italian restaurant or a pizza restaurant then they would fall underneath "it" but if their one specialty was pasta or pizza, then they would have a problem. Armstrong said he would like to point out in item 6; they talked about identifying the building. Armstrong said he wanted to make sure they did not do anything structural wise, which would mean removing the red Pizza Hut roof because that was not truly defined as what that may mean. Armstrong asked for Parker's insight to the structure. Parker stated the City could talk with the owners about it. Parker advised that generally in the past, which he had not dealt with a Pizza Hut change agreement for about seven or eight years, but they did not mean to take the roof off. Parker said what they meant instead was to take down all the logos and that kind of thing but the roof had stayed on. Parker said in one instance that he could remember, they came in and changed the color of the roof. Parker stated the roof was still the same roof but it was brown instead of red. Armstrong said he wanted to make sure there were no structural changes to the building. Parker said he could check with their Council to make sure there was no structural changes prior to Mayor Bruce Armstrong's approval to sign the contract. Armstrong stated it had been questioned of what the Pizza Hut was valued at as to what the land would be exchanged for. Armstrong advised the County had the Pizza Hut valued at \$120,000.00. Lindsay asked what the City had planned to do with the building. Armstrong said the plans were to get the best business they could possible get to take the place. Lindsay asked if the City was still open on the matter. Armstrong said the City was still open on the issue and said the City needed additional restaurants and he would like another restaurant to go in there since the building was set up for that. Lindsay asked if there had been any "hits" for another restaurant. Armstrong told Council he had contact from a citizen that wanted to have a catering business but there had not been a place for them to go. Armstrong stated he would talk with that person first.

Motion by Lindsay – Second by Pierce

Mr. Mayor, I make a motion that we go into an agreement with Pizza Hut of America to approve the contract before us as long as there is no structural change to the roof of the building.

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

Motion declared carried.

At the March 28, 2005 Council Meeting, Councilmembers Lindsay and Pierce amended their motion and second to the above motion to clarify that the peak of the roof would be removed and the red metal will be replaced with a shingled, hip roof.

Mayor Bruce Armstrong presented for approval the Consideration of Real Estate Purchase Contract From R.A.M. Properties, LLC.

Mayor Bruce Armstrong advised that was a contract that would cover Lot 3, Block A, which was for a two acre lot on Main Street. Armstrong stated the price of the lot would be \$1.56 per square foot. Councilperson Tom Gibson asked if there were two contracts

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for the same piece of dirt. Armstrong stated that the City did have two contracts for the same lot and advised that Items B and C were for the same piece of land. Armstrong informed Council that Item C was the wrong size of land and the dollar amount had changed. Gibson said that before he voted on Item B, he needed to know what Item C's

price was. There was a discussion on the price per square feet for the land. Councilperson Mitch Lindsay asked the Mayor to explain the differences in the two Items since the Council had just received the second before the Council Meeting that evening. Armstrong advised that primarily the difference between the two contracts, besides the cost, was that the second contract wanted to make sure the water was to the edge of the property at no cost to them, the City waive building permit fees, and to have the fill dirt tested for any hazardous substances or contamination. Armstrong stated that the first contract was straightforward in going through with buying the land, where the second contract had a Due Diligence to it. Gibson asked who would pay the 6% brokerage fees on the second contract. Armstrong stated that usually the seller paid those fees. Lindsay asked if the City Attorney had looked over the contracts. City Attorney Lee Parker stated he had looked over the contracts and there were some differences. Parker stated he was not sure what the Governing Body wanted to do with the contracts. Parker advised the Council that both contracts were offers to the City and they did not have to feel compelled to accept them. Councilperson Ken Hampton asked if the contracts could be tabled until the next Council Meeting so they would have time to research them. Armstrong advised Council they had the ability to table the contracts but they had to be done one at a time.

Motion by Hampton – Second by Lindsay

I make a motion that we table the R.A.M. contract until the next meeting.

Carroll 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 Real Estate Purchase from Russell Bornhoff (To Be Distributed).

Motion by Hampton – Second by

Mr. Mayor, I would like to make a motion that we table the contract with Russell Bronhoff until the next meeting also.

Carroll 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 Memorandum from Recreation Director Wendy Wilkinson Re: Pool Pricing Comparison.

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Recreation Director Wendy Wilkinson advised the information that had been in the Council packets was a price comparison as requested per Councilperson Ken Hampton. Hampton stated that half of the comparisons were higher and half were lower. Councilperson Tom Gibson commented that it was hard to compare anything when they were not close on their age brackets. Mayor Bruce Armstrong stated there did not need to be any action taken because the comparison had been for informational purposes only.

There was discussion about approving the prices for the pool fees. Wilkinson stated the prices had previously been approved in the pool manual.

Mayor Bruce Armstrong presented the Discussion of Water/Wastewater Surplus Fund.

Councilperson Tom Gibson asked when the change had been done on the sewer fee. Gibson said the fee had been lowered from \$16.80 to \$16.00 but the information did not say when it happened. Director of Governmental Services Carol Neugent stated the fees had been lowered about two or three years ago. Gibson wanted to know the status of the fund. Mayor Bruce Armstrong reported there was approximately \$507,000.00 in the fund. Councilperson Bob Carroll stated he had intended to get with staff to get the figures to present to Council for when they talk about the 140% of the bond payment, the dollar amount, and the true surplus over and above that. Carroll said it was confusing looking through the trial balance because there were several entries. Carroll stated it was a good time to improve the payment with interest rates low. Armstrong advised it would be best to go through all the numbers before the next Council Meeting and run the number of houses and bonding. Carroll thanked Neugent for providing the information of what the fund was set up to cover as far as the bond payments and what it could be used for. Carroll stated the figures would prepare them for reviewing the sewer/water fees in May and make sure the Council had a good understanding of what the numbers meant. Armstrong stated that information had been kept from year to year.

Councilperson Steven Crum suggested including that information at the Council workshop on March 21, 2005 so it could be discussed. Armstrong asked Neugent if the paperwork could be done in time for the workshop. Neugent said the paperwork could be done. Armstrong explained the workshop has been set up only for the trash issue and there needed to be a motion to add the Wastewater Surplus discussion.

Motion by Crum – Second by Rardin

Mr. Mayor, I would like to make a motion that the workshop that is scheduled for the 21st, I believe at 6:30 p.m., we add information on the Wastewater Surplus Fund to our trash meeting we are having already.

Councilperson Bob Carroll stated he was not in favor of adding the Wastewater Surplus because it would take time to talk about what the City Attorney had put together on the Bel Aire study. Carroll advised it would be better to keep the two issues separate. Councilperson Bob Rardin asked if the workshop meeting could be put on the website. Mayor Bruce Armstrong stated the workshop could be put on the City's website.

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Councilperson Steven Crum stated he would like to at least get the information distributed because there were too many meetings a month. Councilperson Mitch Lindsay reminded Council that two Councilmembers would be gone next month and he said if they had discussed the issue at the workshop, they would have to discuss it again with the new Councilmembers.

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

Motion denied.

Mayor Bruce Armstrong presented for approval the Consideration of Request for Reimbursement UPRR/Grand Avenue Grade Separation Project.

Mayor Bruce Armstrong explained the request was the final payment that was in dispute. Armstrong said the recommendation was not to pay the request until the project was finished.

Motion by Rardin – Second by Crum

Mr. Mayor, I make a motion to deny the request for reimbursement for the UPRR/Grand Avenue Grade Separation in the amount of \$38,690.00.

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

Motion declared carried.

There was no Old Business.

Mayor Bruce Armstrong asked for the Department Head Reports.

City Clerk Carol McBeath reported she had put a memo on the Council bench to remind everyone the registration for voting in the primary election would close on Monday, March 21, 2005 and would re-open on Wednesday, April 6, 2005.

Director of Governmental Services Carol Neugent passed out some information on the Purchasing Policy as requested previously at a Council Meeting. Neugent advised the information had some suggestions from the Department Heads. Neugent stated she also distributed information on extended City Hall hours as requested. Neugent advised the information did not need to be voted on that evening but could be put back on the Agenda at another time. Neugent informed Council the City had received information from the Kansas Turnpike Authority. Neugent said the City had been informed that after school was out for the summer, the bridge on 71st Street would be closed all summer for repairs and would be opened again when school was in session again. Councilperson Bob Rardin asked if the citizens could still get around town. Neugent advised the residents of Suncrest Addition would have to go around until the project was completed. Mayor Bruce Armstrong advised the Kansas Turnpike Authority wanted to close the road when the railroad project had begun but they were told they could not do that at that time.

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Police Chief Mike McElroy introduced the attending officer, Police Officer Grady Germany. McElroy stated he had nothing to report.

Public Works Director Randal Dorner reported on the Council Action for 6450 Ward Parkway. Dorner advised the ownership of the property had changed hands and the previous owners had been notified. Dorner stated the new owners had also been notified.

Public Works Director Randal Dorner reported the shop had extended hours so citizens could bring their limbs in to dispose of. Dorner advised the extended hours would last about two more weeks.

Public Works Director Randal Dorner reminded everyone the railroad project at Grand and Main was still a work zone and various lanes would be closed occasionally for the sidewalks to be worked on. Dorner reported the speed limit in the work zone would be 20 mph.

Councilperson Mitch Lindsay asked about the culvert that was supposed to be reset on Winesap Street in the Suncrest Addition. Public Works Director Randal Dorner told Lindsay the contractor had been told the culvert had been set too high and it was a problem for water to drain. Lindsay asked about the procedure of putting in the culvert. Dorner explained that the standard procedure was to have the elevation done before the culvert was placed. Dorner said that was the contractor's first time he had placed a culvert and there were no inspections for the City to catch when the problem occurred. Dorner assured Lindsay the contractor was aware of the problem with the elevation. Lindsay asked if the concrete would have gone over the culvert for the driveway if the neighbors had not brought the problem to their attention. Dorner advised that was doubtful because the City would have caught it during their inspections because the

concrete drive was the last thing to go in. Lindsay asked if anything needed to be done to make sure that problem did not occur again in the development. Dorner advised that was the first time the builder had built in an area that had culverts. Lindsay asked what would happen if there were new developers in the area. Lindsay said he had concerns about water backing up in people's ditches when it rained. Dorner advised the builder had put the culvert in to let trucks drive in and he knew it was a mistake and it should not happen again.

Councilperson Tom Gibson asked if barricades would be put up at Karla or Kay Street. Public Works Director Randal Dorner reported there were several options to block the construction site until the project was completed. Dorner said it had been discussed to use barricades or cables. Gibson advised something solid should be put there or it could be moved for people to drive around.

Councilperson Tom Gibson asked about the hanging tree limbs. Public Works Director Randal Dorner advised he had met with FEMA about the limbs and there were strict guidelines about having the limbs removed. Dorner said a contractor had to be hired to

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cut down hanging limbs over streets. Dorner advised home owners were responsible for any limbs in their yards or easements.

Councilperson Steven Crum reported there was a big pothole in the road on Meridian and 71st Street on the northwest corner.

Recreation Director Wendy Wilkinson had nothing to report.

There were no Appointments on the Agenda.

There were no Off Agenda Citizens to be Heard.

Mayor Bruce Armstrong called for a motion to go into Executive Session for Attorney/Client Privilege for 20 minutes to include the City Attorney, Director of Governmental Services Carol Neugent, and Attorney Dave Seely.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion to go into Executive Session for 20 minutes to include the City Attorney, Director of Governmental Services, and Attorney David Seely for Attorney/Client Privilege.

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

Motion declared carried.

Council went into Executive Session at 8:15 p.m.

Council returned from Executive Session at 8:35 p.m.

Mayor Bruce Armstrong advised there was no binding action taken in Executive Session.

Mayor Bruce Armstrong advised an Item No. 14 needed to be added to the Agenda and Item No. 14 (Adjournment) needed to be moved to Item No. 15. Armstrong stated Item No. 14 would be a settlement agreement between Morrison Construction LLC, City of Haysville, Professional Engineering Consultants P.A., and APAC Kansas Inc.

Motion by Gibson – Second by Rardin

Mr. Mayor, I make a motion that we add Agenda Item No. 14 and move 14 to 15 entering into agreement with the City of Haysville, Morrison Construction LLC., Professional Engineering Consultants P.A., and APAC.

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

Motion declared carried.

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

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Motion by Rardin – Second by Gibson

Mr. Mayor, if there are no questions or any comments about the bills, I make a motion to pay the bills for the first half of March.

Councilperson Ken Hampton asked about the spending of \$31,586.07 for a Foley Tractor. Hampton wanted to know if that was for the sludge tractor. Public Works Director Randal Dorner explained it was for a trailer that the undercarriage fell apart on in the middle of sludge application. Hampton asked about the internet service for the Economic Development Director being disconnected. Mayor Bruce Armstrong advised nobody was using the service and it would be disconnected.

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

Motion declared carried.

There was nothing on the Consent Agenda.

Mayor Bruce Armstrong asked for Council Concerns.

Councilperson Bob Rardin asked if Hometown Bingo's license had been renewed. City Clerk Carol McBeath stated she would check to see if they had been renewed.

Councilperson Tom Gibson asked about a meeting held by MAPC and if it would affect Haysville. City Attorney Lee Parker explained briefly saying it probably would affect the City because Wichita had changed the areas of growth for cities around it. Councilperson Bob Rardin advised there was a piece of land between Derby and Haysville that Wichita planned on expanding into and moving south. Rardin stated the boundaries needed to be closed so that could not happen.

Councilperson Steven Crum commented that the City's handling of tree limbs had been good. Crum advised that citizens could take their limbs to the City shop, which could be used to make mulch. Crum reminded the citizens they could dump concrete and white goods as long as they did not have any Freon left in them. Crum advised the citizens they could not dump things like couches and mattresses at the City's site because it was illegal.

Mayor Bruce Armstrong presented for approval the Settlement Agreement between the City of Haysville, Morrison Construction LLC, Professional Engineering Consultants P.A., and APAC Kansas Inc.

Mayor Bruce Armstrong advised the settlement agreement had no cost to the City of Haysville and there needed to be a motion made to allow the Mayor to sign the settlement agreement.

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Motion by Gibson – Second by Crum

Mr. Mayor, I make a motion we enter into an agreement with the Morrison Construction LLC, City of Haysville, Professional Engineering Consultants P.A., and APAC to settle the lawsuit.

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

Motion declared carried.

Mayor Bruce Armstrong presented for approval Adjournment.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion we adjourn.

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

Motion declared carried.

The Regular Council Meeting adjourned at 8:47 p.m.

Carol McBeath, City Clerk

The Special Council Meeting of the Haysville Governing Body was called to order at 6:25 p.m. in the Haysville Municipal Building, 200 W. Grand, by Mayor Armstrong with the following members present: Carroll, Rooney, Rardin, Gibson, Pierce, Crum, Hampton. Councilmember Lindsay was absent.

The Request For Call Of Special Meeting Of The City Council was signed by Councilmembers Carroll, Rardin, Crum, Gibson and Rooney.

Mayor Armstrong presented the matter to Authorize Signatures/Personnel For Filing FEMA Forms.

Council was referred to the memo from Carol Neugent regarding the FEMA forms to designate representatives for the City.

Motion by Gibson - Second by Pierce

I make a motion that we authorize the Mayor to sign the forms for FEMA.

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

Motion declared carried.

Motion by Crum - Second by Rooney

I move we adjourn.

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

Motion declared carried.

Meeting adjourned at 6:31 p.m.

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Armstrong at 7:02 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.

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

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented a Child Abuse Prevention Month 2005 Proclamation.

Beth Zuba, Communities in School of Wichita, Sedgwick County, advised her organization had received a grant from the Children's Cabinet from the State of Kansas to work in the Community of Haysville on the prevention of child abuse and neglect. Zuba advised the grantees were being asked to have the communities sign the proclamation in support of the prevention of child abuse. Zuba advised she would be in Topeka at the state kick-off at the capital and the proclamation would be available for the legislators to see. Zuba advised a kick-off would be held at Botanica for Sedgwick County on March 31, 2005.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion to accept the proclamation for child abuse prevention month of April 2005.

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

Motion declared carried.

Mayor Armstrong presented Madrigal and Welch Re: Insurance Renewal – Tony Madrigal.

Tony Madrigal advised he would answer any questions regarding the proposal that had been distributed to Council. Councilperson Gibson asked why the general liability had dropped. Madrigal advised it was relative to loss ratios and the cost of the market for general liability. Gibson asked about the linebacker charge. Madrigal explained it covered liability for public officials and employees of the City for negligence. Gibson asked about the structure of the old water plant. Mayor Armstrong explained the underground storage tank was covered but the structure was not. Madrigal explained the premises liability covered all City properties. Councilperson Hampton asked how the values were arrived at. Madrigal advised his office had met with staff and values were assigned to the properties that were put into the computer with an inflation cost increase each year for replacement cost. Mayor Armstrong explained there were properties he had Public Works Director Randy Dorner and staff look at that would possibly be changed as they were too low. Madrigal explained that there was a blanket policy that would take effect if something was underinsured that would be offset to be as close as possible to the 100% replacement cost.

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Motion by Gibson – Second by Rardin

Mr. Mayor, I make a motion to accept the policy renewal from Madrigal and Welch.

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

Motion declared carried.

Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of the Regular Council Meeting of March 14, 2005.

Mayor Armstrong explained the motion by Lindsay in regard to the Pizza Hut stated there would be no structural changes to the building. Mayor Armstrong advised he wanted Council to be aware the very top of the roof and the red roofing would be removed and replaced with a shingled, hip roof. Mayor Armstrong advised before the Minutes were approved Council should make changes to that motion in the Minutes. Mayor Armstrong advised there would be no cost to the City for the changes to the roof. Councilperson Lindsay advised he did not have a problem with the change. Councilperson Hampton advised the Minutes did not reflect a second to the motion made in reference to tabling the contract with Russell Bornhoff.

Motion by Gibson – Second by Crum

Mr. Mayor, I'll make a motion to approve the Minutes of March 14, 2005, with the corrections.

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

Motion declared carried.

Mayor Armstrong presented for approval the Minutes of the Special Council Meeting of March 21, 2005.

Motion by Rooney – Second by Rardin

Mr. Chair, I make a motion we approve the Special Council Meeting minutes of March 21, 2005.

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

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

Under Approval of Licenses and Bonds Mayor Armstrong presented for approval David Lies, 4631 South Palisade, Wichita KS Re: Solid Waste Disposal and Collection – Lies Trash Service License Renewal.

Motion by Gibson – Second by Crum

Mr. Mayor, I make a motion to approve the license for solid waste disposal for Lies Trash Service.

Councilperson Crum asked if a fine was charged for the late businesses. City Clerk Carol McBeath advised she was not sure if the trash service was charged a higher rate for late renewal,

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however, there were penalties in the code for some of the business types. Crum asked if all the licenses expired on December 31st. McBeath advised some did, however, liquor licenses expired with the state license with the exception of cereal malt beverage licenses. Councilperson Lindsay asked if there were any problems. Police Chief Mike McElroy advised there were none.

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

Motion declared carried.

Mayor Armstrong presented for approval Kathy Helmers, 420 East Grand Avenue, Haysville Re: Bingo Establishment – Hometown Bingo License Renewal.

Mayor Armstrong advised the license would need to be passed contingent upon the health department inspection approval.

Motion by Rooney – Second by Rardin

Mr. Chair, I make a motion to approve the bingo establishment application contingent upon passage of health inspection.

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

Motion declared carried.

Mayor Armstrong presented for approval Larry F. Tyson, 7709 South Seneca Re: Keever-Wire Post #6957 – Private Club License Renewal.

Councilperson Hampton asked if something was not applicable if there should be an N/A rather than leaving the space blank on the application. Mayor Armstrong advised that could be done but the application should specify that. Hampton advised he felt it should be done.

Motion by Rooney – Second by Rardin

Mr. Chair, I'll make a motion we approve the alcohol liquor application for Keever-Wire V.F.W. Post #6957.

Councilperson Gibson advised there was no physical address listed on the application. Mayor Armstrong advised the address was 7504 S. Broadway. Mayor Armstrong advised Council could vote to pass it as long as the address was plugged into the application. City Attorney Alison McKenney advised the applications should be given back to staff after the meeting since they contained social security numbers.

Councilperson Rooney amended his motion to include 7504 S. Broadway be added to the application and to the removal of the social security numbers.

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

Motion declared carried.

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There were no Ordinances or Resolutions.

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

There was a discussion regarding the General Bookkeeping, utility billing and general ledger funds listed on the activity report.

Mayor Armstrong presented the Governmental Services Activity Report for February.

Mayor Armstrong presented the Police Department Activity Report for February.

Police Chief Mike McElroy advised they had placed the order that day for door hangers for weeds. McElroy advised an in-house procedural change had been made to the weed issue. Mayor Armstrong advised the City Attorneys were also looking at the ordinance.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Carroll thanked Mayor Armstrong for his perfect attendance to City meetings and him not having to chair a meeting as president of Council.

Councilperson Gibson advised the PRIDE Committee would be holding a fundraiser for additional Christmas decorations. Gibson further advised bierocks would be sold for \$2.50 each or \$25.00 a dozen and could be preordered by contacting DeAnn Konkel or Kay Ohnesorge. Gibson stated PRIDE had decided to combine the Community Expo and Spring Show and would be held April 30, 2005, at the Activity Center from 10:00 a.m. to 4:00 p.m. Gibson reminded voters of the election on April 5th.

Councilperson Crum advised a Middle School Dance would be held at the Activity Center from 8:00 p.m. to 10:00 p.m. Crum stated the Tree Board had purchased three pine trees and had been planted on the east side of the swimming pool.

Mayor Armstrong presented a Memorandum from City Clerk Carol McBeath Re: Bookkeeping Assistant Teri Thomas – End of Training.

Mayor Armstrong presented a Letter from Cox Communications Director of Public Affairs Kristin Peck Re: Removal of Shop at Home Network.

Under Other Business Mayor Armstrong presented for approval a Consideration of RFP/Ordinance Re: Trash.

Councilperson Carroll advised the Committee needed approval to put together an RFP, to reduce the traffic on the streets and to make it more feasible for the citizens and the committee would also draft an ordinance to be brought back to Council.

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Motion by Pierce – Second by Carroll

I make the motion that we pass the curbside waste committee to go ahead and proceed with a request for proposals at this point in time and come back to us with a copy/proposition for approval.

Councilperson Carroll advised it related to the request from citizens to look into the possibility of lessening the amount of truck traffic while lowering the fees and may ultimately go back to the citizens for final approval since Council was not comfortable in approving the issue. Councilperson Hampton asked if the committee would only be preparing an RFP and not an ordinance. City Attorney Alison McKenney Brown advised the discussion at the workshop involved drafting an ordinance to encourage waste haulers to respond to the request for bids. McKenney Brown advised that was not a franchise agreement but rather the City would be contracting with a hauler to provide services to the City. Hampton asked if the City would be able to get RFPs without passing an ordinance. McKenney Brown stated many haulers were small businesses and sitting down to respond in written form to an RFP when there was no real surety that anything would come of it was less likely than if something presented to them had shown the City was serious in moving forward with the issue. Hampton advised the vote would be taken out of the people's hand by writing and passing an ordinance. McKenney Brown further explained the ordinance would set up the utility and would be left at that point without committing to anything. Carroll stated the committee could structure the RFP to include more than just price. Councilperson Crum stated without the ordinance the City would not receive very many bids of those interested and the ordinance would not be binding. McKenney Brown advised if an RFP and an ordinance were brought back Council would only be looking at them and would not have passed anything at that point.

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

Motion declared carried.

Councilperson Crum asked if something should be done by Council to ensure Councilperson Carroll remained on the Curbside Waste Committee after he was no longer on Council. Mayor Armstrong advised citizens were a part of the committee and he could remain on that committee if he would like.

Mayor Armstrong presented for approval a Consideration of Authorization to Replace Sand Salt Truck.

Public Works Director Randy Dorner advised the sand and salt truck that the Public Works Department had been using had been in service for over 25 years and had four different spreaders during that time. Dorner stated since the City was larger than it was 25 years ago he was looking at replacing it with a similar truck with a four-yard spreader on it. Dorner stated he had spoken with the Utility Committee and it was decided to go to a smaller version truck with a two-yard sand/salt spreader on it and utilize one of the other trucks from another department and put a sand/salt spreader on it in order to go two different directions. Dorner advised an RFP was sent out for one truck with a bed mount dump bed and two sand spreaders, one for the existing truck

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and one for the new truck. Dorner further advised Council of the bids he had received with the low bidder being Don Hattan Fleet Sales for \$44,479. Councilperson Lindsay asked if there was a rush to order at that time. Dorner advised a discount was involved and in order to receive it the equipment and vehicle had to be ordered at that time. Lindsay asked why Council had not been notified earlier. Dorner explained the topic had been discussed with the Utility Committee. Councilperson Crum asked about the price of one spreader. Dorner advised they were approximately \$12,000 and the bid included two spreaders. Dorner advised it would only require one operator rather than two operators on the existing truck. Councilperson Carroll asked where the funds would come from. Dorner advised it would come from the wastewater reserve fund.

Motion by Crum – Second by Rooney

Mr. Mayor, I make a motion that we approve the actual purchase for the new salt and sand dump truck from Don Hattan Fleet Sales for \$44,479.00 for the truck and the two spreaders.

Councilperson Carroll asked if it would be possible to pay that from another fund. Dorner advised it was not possible at that time and wastewater and water would have the biggest advantage of the truck. Carroll stated he was not sure that fund was the right one to be used for that purchase. Carroll suggested sending the topic back to the Utility Committee for review.

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

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Approval to Change Certain 2005 Council Meetings.

Mayor Armstrong advised two meetings would be changed because of holidays.

Motion by Rardin – Second by Crum

Mr. Mayor, I make a motion to change the 2005 City Council Meetings of Monday, October 10th to Tuesday, October 11th, and December, change that meeting from Monday, December 26th to Thursday, December 29th.

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 Extended City Hall Hours. (Tabled from March 14, 2005)

Mayor Armstrong advised there had been a previous discussion regarding Saturday hours and Department Heads had discussed and come back with the proposal to extend the Tuesday hours. Councilperson Gibson advised there were parking problems because of court and asked if that would propose a bigger problem. City Clerk Carol McBeath advised court would be over by that time and parking would not be a problem. Councilperson Lindsay asked staff why Tuesday was chosen as the day to be open longer. McBeath advised Tuesday would be better for late court

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payments and stated when that was done years ago they stayed open late on Tuesdays. Lindsay asked why it had been stopped back then. McBeath advised the main reason was there was no traffic and the second reason was for security. Councilperson Rardin asked how many people would be staffing the building on Tuesdays. McBeath advised there would be two people. Gibson asked if the City Building would be the only facility open late on Tuesdays. Mayor Armstrong advised that was his understanding. Lindsay asked if it would be done without overtime. McBeath advised they would try to do that. Lindsay advised he had not had anyone ask for extended hours during the week but most requested Saturdays. Lindsay further advised he was open to try that but wanted Council and staff be open to Saturdays if that did not work. Councilperson Crum asked for regular updates on the number of people who come in on Tuesdays and requested there be advertising for the extended hours.

Motion by Lindsay – Second by Pierce

Mr. Mayor, I make a motion to extend City Hall hours on Tuesday nights until 7:00 p.m. starting as soon as possible.

There was a discussion regarding the date in which that would start. McBeath advised she could start on April 5th.

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

Motion declared carried.

Under Old Business Mayor Armstrong presented for approval a Consideration of Real Estate Purchase Contract from R.A.M. Properties, LLC. (Tabled from March 14, 2005)

Mayor Armstrong explained that was to purchase part of Lot 3, approximately 1.85 acres. Councilperson Gibson asked if something would be received from the other party. Mayor Armstrong explained Council could counter offer at that point. Gibson suggested tabling that and the next presentation until the next meeting. Councilperson Pierce advised he did not realize Council was waiting on anything from the second contract as he did not recall there being a counter offer. Mayor Armstrong advised there was not a counter offer. Pierce asked what Council was waiting on. Gibson advised the square footage amount was not correct and therefore the total dollar amount was not correct. Mayor Armstrong explained he had already talked to them about the incorrect amount. Mayor Armstrong explained it was tabled and it was his understanding that when an item was tabled there was no further discussion on a tabled item. City Attorney Lee Parker advised that was correct.

Motion by Gibson – Second by Rardin

Mr. Mayor, I'll make a motion we table the contract from R.A.M. Properties, LLC., Lot 3, Block A, Haysville Downtown Addition.

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 a Consideration of Real Estate Purchase Contract from Russell Bornhoff. (Tabled from March 14, 2005)

Councilperson Lindsay advised there was a start date included in the contract and advised he felt an actual finish date should be included. Mayor Armstrong advised there was a finish date included that read 120 days from the acceptance of the purchase contract. Lindsay stated a date to start building should be included. Mayor Armstrong advised if Council wanted that done it could be included. Lindsay stated he would like to see that changed on the contract. Mayor Armstrong explained since the contracts were for the same property and the previous item was tabled that one should be as well. Mayor Armstrong asked for direction from the City Attorney. City Attorney Alison McKenney Brown advised the Mayor was correct according to Robert's Rules. McKenney Brown further advised she had been looking at the new municipal city procedure that did say the Mayor would have some discretion as to which way that should go. Mayor Armstrong advised there may be more information at the next meeting. Mayor Armstrong explained Council would have to counter offer with everything Council was discussing and advised he felt it would be inappropriate to do after tabling the previous contract.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion to table the contract from Russell Bornhoff.

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

Motion declared carried.

Mayor Armstrong presented a Discussion of Water/Wastewater Surplus Fund (Tabled from March 14, 2005).

Councilperson Carroll asked what the surplus balance was as of that day. Assistant City Clerk/Finance Director Beverly Rodgers advised the balance was \$487,315.23. Carroll stated that was originally structured to keep a balance of 140% of the bond payment and it was on the rise from 2001 on. Carroll asked if it would be possible to re-bond to bring the total principal amount down. Senior Vice-President of George K. Baum, Charles Bouilly, advised a refunding was done in 2002 and could not be done again until the bonds were called. Bouilly stated a restructuring could not be done at that point. Bouilly distributed and explained to Council the resolution passed for the wastewater treatment plant and advised any revenue generated from water and services were to go into the revenue fund and from there stemmed a maintenance and operation fund where enough money would have to be maintained to operate the system for sixty days. Bouilly advised another fund was there to transfer dollars from to the bond and interest account which pay the bonds and it was typically done by transferring 1/12th of the next principal and 1/6th of the next interest so they were always current. Bouilly advised there was a debt service reserve which should be maintained with \$370,000, if that were deficient then money would be transferred to bring that balance up. Bouilly stated once those funds were maintained any remaining money would go into the surplus account and advised the surplus account could be used to pay maintenance and operation of the system, pay for improvements or to extend and enlarge the system, to prevent default on the bonds, to pay bonds prior to maturity, any lawful purpose in connection with the operation of the system and benefiting the system, to make

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transfers back to the revenue fund and then lawful transfers to any fund of the issuer for any lawful City purpose. Bouilly explained Council could consider lowering the rates again, however, the rate covenant was worded that the City would have to maintain coverage of 125% of annual debt service. Councilperson Crum asked what figures were used to lower the rate previously while still covering the 125%. Mayor Armstrong explained that information would be figured in May 2005. Councilperson Hampton asked if the requirements of the reserve fund could be changed to only allow the money to only be spent to pay off the bonds. Bouilly advised that could not be done since the agreement was with the City and the bond holders and refinancing the bonds would be the only way to change the requirements. Hampton stated he agreed with Councilperson Carroll and advised Council should not allow money to come out of the reserve fund. Carroll asked if the budget included everyday maintenance of the wastewater plant out of water and sewer accounts. Public Works Director Randy Dorer explained the everyday maintenance was all that was in the budget and major items were not included. Mayor Armstrong stated the sewer lines that had to be replaced by the Wichita/Valley Center floodway had to be paid for from that account as the City did not have the money in the budget to spend on large expenditures. Mayor Armstrong asked where the City would take care of drainage problems without a fund such as that and the surplus fund had helped repair the Timberlane drainage, the Wire Street drainage and the Sunset Fields drainage. Carroll stated he felt it was important to review the fees and since Council had turned over since the original issue he wanted the subject to be brought up to keep everyone informed.

Under Department Head Reports Mayor Armstrong asked for Reports.

City Clerk Carol McBeath had nothing to report.

Director of Governmental Services Carol Neugent was absent and left no report.

Police Chief Mike McElroy introduced the attending police officer Sergeant Kevin Sexton. McElroy reminded Council there would be no parking on the east side of Nelson Street adjacent to the Little League ball fields and that would begin the first part of May and would run for approximately a ninety day period. McElroy advised it would be looked at again for the football season.

Public Works Director Randy Dorer advised the Community Request form was left at 226 Hays in regard to a Council Action form and at 6450 S. Ward Parkway a door hanger was posted. Dorer advised there were other issues being addressed on Trout, German, Marion, Stewart, Summey and Broadway. Dorer stated the railroad had poured the sidewalk on the south side of Grand and should be fully open the next week and were working on the north side sidewalk and screening wall. Councilperson Lindsay asked about tree limbs hanging in people's yards. Dorer explained if they were not in the road right-of-way it was the responsibility of the homeowner. There was a discussion regarding those addresses where the limbs from the ice storm remained. Dorer advised FEMA would take care of only those in road right-of-way. Lindsay asked if the alley behind the liquor store and car wash had been checked. Dorer advised several complaints had been received and staff had corrected many of the problems and

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more were in the process. Lindsay asked about the two large pieces of concrete. Dorner advised they were not exactly sure how to handle the concrete but staff was working on it.

Recreation Director Wendy Wilkinson had nothing to report.

There were no Appointments.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

There were none.

There was no Executive Session.

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

Councilperson Hampton asked about the storage and handling fee from the United States Marshall Service for a Chrysler. Police Chief Mike McElroy explained it was for a seizure vehicle through the federal system and that was a processing fee required to be paid to the marshal service and was paid from the federal trust fund. McElroy explained the police department would be allowed to use the car and then at some point it would be sold where the money would be returned to the federal trust fund. Hampton asked about the 2005 Ford Crown Victoria. McElroy advised that vehicle was to replace another vehicle on the fleet. Hampton asked if Council had to approve those types of purchases even though the encumbrance was approved. McElroy advised the encumbrance was approved at the end of the year for \$25,000 and that car was bought from the lowest bidder for less money. Mayor Armstrong explained money was encumbered to purchase those items and Council had approved the purchase at that time.

Motion by Rooney – Second by Rardin

Mr. Chair, I make a motion we pay the bills for the last half of March.

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

Motion declared carried.

Mayor Armstrong presented for approval the Consent Agenda.

Motion by Rooney – Second by Gibson

Mr. Mayor, I make a motion that we approve the Consent Agenda.

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

Motion declared carried.

Mayor Armstrong asked for Council Concerns.

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Councilperson Hampton asked how the vacant position of the Wastewater Lab Technician was being covered. Public Works Director Randy Dorner explained interviews had been done for more than two months trying to fill the position with a qualified person. Hampton advised he had received complaints about the work zone ¼ of a mile each direction on 71st and Seneca and asked that they be brought in. McElroy advised the City had asked Sedgwick County to review it and they were moved in once. Staff advised they would check into it at the next meeting. Hampton advised staff should publicize the Tuesday extended hours.

Councilperson Crum requested the work zone signs be brought in to match the speed limit signs. Crum asked if the limbs from the ice storm left on the Cowskin Creek were going to be cleaned up. Public Works Director Randy Dorner advised FEMA had advised they did not pay for rivers and streams and there would be no funds available. Crum suggested the railroad information on the front sign at City Hall be removed since the road was open. Crum advised Nelson Elementary had a serious vandalism problem. Crum asked anyone with vandalism information or saw it happen to call the police. Crum stated there were still election signs not in appropriate places and they were placed along the roadway on road right-of-way. There was a discussion regarding the right-of-way width in different areas.

Councilperson Lindsay asked if an ordinance was being prepared for the issue of adult entertainment businesses. City Attorney Alison McKenney Brown advised she would follow-up with staff as she had an ordinance that she and Lee Parker had been providing to cities that mimics the Wichita ordinance so that while they were having the shut-down it would not encourage people to move to surrounding cities. Lindsay advised he would like to see it on the next agenda. Mayor Armstrong explained there was no zoning class for those businesses to come into the City. Lindsay asked about the swimming pool ordinance since that time of year was approaching. Councilperson Pierce advised the attorneys were working on it and the ordinance should be ready soon.

Councilperson Gibson advised there was a lot of old equipment setting around the public works yards and asked what would be done with them. Public Works Director Randy Dorner explained some of the equipment would be sold possibly over the Internet. Gibson asked if the City had plans on the old water plant. Dorner advised there was 100,000 gallons of water storage that was used daily and to have it demolished would cost \$60,000 plus and there was no guarantee the tank would be salvageable or useable. Dorner stated after demolition something would have to be constructed to protect the tank as it was not designed to be outside. Mayor Armstrong requested the windows be boarded up rather than broken windows and more general maintenance to make it look better than it did until there was money to tear it down. There was a discussion regarding previous attempts to remove the building.

Councilperson Rardin advised the Optimist Club had approved \$100.00 to be given to the City to pay for the shortage of the Christmas lights. Rardin presented the City with the check. Rardin advised the City offered up to \$1,000 for information leading to the arrest of vandals. Rardin advised there was a problem with grading on Twin Pines and the road being pushed off into the homeowners yards, taking out street markers and covering sprinkler heads.

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Councilperson Carroll complimented P.E.C. for the services provided to the City and felt they did great work going over and above what they were actually being paid for. Carroll advised several people had asked him about the Karla Street bridge and it not being open. Carroll stated it was intended to sit there until a street was put under it and the opportunity had presented itself at a good price to have the bridge constructed. Carroll said it was hoped that when a development was put in on the east side of the tracks the improvement would be paid for by specials. Rardin advised the real estate agent was ready to begin developing the area.

Mayor Armstrong called for adjournment.

Motion by Rooney – Second by Rardin

I move we adjourn.

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

Motion declared carried.

The Regular Council Meeting adjourned at 8:55 p.m.

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Bruce Armstrong at 7:00 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, and Hampton here. Councilperson Steven Crum was absent.

Father Andrew Kuykendall, St. Cecilia Catholic Church was not present to give the invocation. Mayor Bruce Armstrong asked Councilperson Bob Rardin to give the invocation in Kuykendall's absence.

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

Councilperson Steven Crum arrived at the Council Meeting at 7:03 p.m.

Mayor Bruce Armstrong presented for approval the Minutes of March 28, 2005.

Motion by Rardin – Second by Gibson

Mr. Mayor, I make a motion to accept the Minutes of March 28, 2005.

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 Bills to be Paid for the First Half of April.

Motion by Rooney – Second by Gibson

Mr. Mayor, I make a motion to pay the Bills for the First Half of April.

Councilperson Ken Hampton asked about a line item on page 7 for the training of the City Inspector. Hampton said it was his understanding that City Inspector Chad Bettles would be sent to another training seminar. Hampton explained that Bettles had picked up four continuing education units for a training seminar in Denver, Colorado and all that had been required would be 1.5 per certificate. Hampton advised that Bettles had been certified and he could not see why Bettles needed to go to another seminar. Hampton stated there were three different options for certification and those options were: online, over the phone, or on site at the seminars. Hampton stated he did not think Bettles should go to any more seminars since he had enough credits to be certified. Hampton asked if Public Works Director Randal Dorner would agree. Dorner advised the next seminar would be held locally. Dorner explained that each seminar that Bettles attended would be for a different subject. Hampton said he had been advised it was cheaper to do the training in house online and that would save the City a lot of money. Mayor Bruce Armstrong asked Dorner to check into the seminar. Councilperson Bob Carroll wanted to make sure he had the amount right for the seminar which would be \$170.00. Hampton stated it would cost \$135.00. Hampton stated it had cost the City \$951.00 to send employees to the last seminar and \$1,423.00 for their lodging. Hampton advised the

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budget for training and travel was \$1,550 and 176% of that budget had been spent. Hampton said his concern was to cut back on the expenses.

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 stated that Item A for Consideration of RFP/Ordinance Re: Trash needed to be disregarded. Armstrong explained the item had not been tabled but rather would be brought back to the Council when it was ready.

Mayor Bruce Armstrong presented for approval the Consideration of Real Estate Purchase Contract from R.A.M. Properties, LLC. (Tabled 3-14-05 & 3-28-05)

Motion by Gibson – Second by Rardin

Mr. Mayor, I make a motion to approve the sale of Lot 3, Block A except for the North 110 feet of the Haysville Downtown Addition, Haysville, KS to R.A.M. Properties LLC.

Mayor Bruce Armstrong asked Councilperson Tom Gibson if his motion to approve the contract meant he wanted to accept the contract with no changes. Gibson said that was correct. Councilperson Mitch Lindsay asked Gibson why he would accept the first contract over the second contract on the Agenda. Gibson advised the second contract was worded that if the owner could find someone to lease his building, then he would build it. Gibson said the first contract had the plan in place and stated what the buildings would look like and it was a sure thing. Lindsay said his concern was that the City would be dealing with someone that had not proved their self in that type of development. Lindsay said the Council had the option of sending the second contract back with a counter offer. Lindsay advised the Council should send the second contract back and see if they could get something closer to what they wanted. Gibson stated there had been three meetings for the second contract to come back to Council and there needed to be a line drawn somewhere. Councilperson Ken Hampton said the contracts had been tabled twice and at first R.A.M. had offered \$1.56 per square foot, where the other contract had started at \$1.70 per square foot. Hampton said he noticed the contracts now started at \$1.70 and there had not been a counter offer made. Hampton stated he was curious how that amount had come about. Armstrong advised the contracts had been public record. Hampton advised the contract that Council had before them at the last Council Meeting had been for \$1.56 and now it was \$1.70. Armstrong stated R.A.M. had decided to change the bid and the contracts were public record. Lindsay asked Armstrong if he had met with the contract owners. Armstrong stated he had not met with anyone but had talked on the phone with them. Lindsay asked if there was any room for re-negotiating either contract. Armstrong advised the contract from R.A.M. was probably as far as they were going to go and the other contract was ready to pull out because it had been tabled twice already. Lindsay wanted to know if a counter offer would be considered if the City had sent it back again. Armstrong advised it would depend on how strict the counter offer was.

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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 presented for approval the Consideration of Real Estate Purchase Contract from Russell Bornhoff. (Tabled from 3-14-95 & 3-28-05)

Motion by Hampton – Second by Crum

I make a motion that we deny the Real Estate Contract with Russell Bornhoff on Lot 3, Block A except for the North 110 feet of the Haysville Downtown Addition.

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

Motion declared carried.

Mayor Bruce Armstrong presented the Seating of the New Governing Body Members.

Mayor Bruce Armstrong presented a plaque for time served on the Council to the outgoing Councilmembers Bob Carroll, Daniel Rooney, Bob Rardin, and Tom Gibson. Police Chief Mike McElroy presented Rooney and Rardin an award for their time served on the Police Committee. The new Councilmembers were sworn in by City Clerk Carol McBeath: Joe Holub Ward I, Bill Youngers Ward II, Patricia Ewert III, Michael Streets Ward IV, and Mayor Bruce Armstrong. All the newly elected members of Council were then seated at the bench.

Mayor Bruce Armstrong welcomed the new Councilmembers.

Under Special Order of Business Mayor Bruce Armstrong presented the National Volunteer Week Proclamation.

Senior Center Director Cindy Taylor spoke to Council about the many volunteers that helped out at the Senior Center. Taylor told of the many programs that were provided for the seniors in the community. Taylor advised the volunteers helped out with the Red Cross Good Neighbor Nutrition Program by delivering lunch meals to home bound residents as well as serving lunch to the seniors that came to the Center. Taylor said the volunteers helped with the Emergency Assistance Commodity Program, prepared holiday food baskets, assisted with setting up and working garage sales, jam sessions, bingo, covered dish dinners, distributing the free Panera Bread, special events like the 25th anniversary celebration, senior dances, out of town trips, decorating the Center for various holidays, creating monthly bulletin boards and center pieces, and serving as members on the Senior Planning Committee and the Senior Advisory Board. Taylor advised the Senior Center could not operate or function without the help from the volunteers. Taylor introduced the volunteers in the audience to the Council. Taylor invited everyone to attend the Volunteer Reception at the Senior Center on Friday, April 22, 2005 from 11:00 a.m. to 1:00 p.m. Mayor Bruce Armstrong thanked the volunteers

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present for all their help with the Senior Center and for the work they do in the community.

Mayor Bruce Armstrong asked for a motion to sign the Proclamation to declare April 17th through April 23rd 2005 as the National Volunteer Week in Haysville.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we have you sign the National Volunteer Week Proclamation.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

There were no Licenses and Bonds to be approved on the Agenda.

There were no Ordinances and Resolutions to be approved on the Agenda.

Under Notices and Communications Mayor Bruce Armstrong presented Sedgwick County Fire Department, Station #34 Activity Report for March – Lieutenant Steve Rudd.

Lieutenant Steve Rudd gave the summary of the March Activity Report. Rudd reported that Station #30 had been closed. Councilperson Steven Crum asked where the structure fire had been. Rudd stated he had not heard of where the fire occurred. Crum asked Police Chief Mike McElroy if he knew where the structure fire had occurred. McElroy said he did not know either but would check into the matter. Councilperson Keith Pierce asked where a home owner could go to have a fire extinguisher re-furbished. Rudd advised that any business in the yellow pages under fire equipment should be able to help citizens with the fire extinguishers.

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

Mayor Bruce Armstrong presented the Recreation Activity Report for March.

Mayor Bruce Armstrong asked for Governing Body Announcements.

Councilperson Steven Crum there was one person still serving on the Tree Board whose term had been up and another position would be open after the by-laws were reviewed. Crum said anyone interested could call the City Building or Public Works Director Randal Dorner.

Councilperson Bill Youngers advised there was a vacancy on the Park Board in Ward II that needed to be filled now that he was on the Council. Youngers reported there would

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be an organizational meeting at the Senior Center on Tuesday, April 12, 2005 at 7:00 p.m. to hopefully start a garden club or a garden tour.

Mayor Bruce Armstrong presented the Sedgwick County Association of Cities/Hugo Wall School of Urban & Public Affairs Re: Municipal Leadership at Wichita State University.

Mayor Bruce Armstrong presented a Letter from Sedgwick County Public Works Director/County Engineer David C. Spears, P.E. Re: Haysville Railroad Grade Separation Project CIP#1-78.

Mayor Bruce Armstrong reported the water line that had been in question would be paid for by the County. Councilperson Ken Hampton stated he was glad the County had paid the bill and they should be sent a thank you card. Armstrong advised that even though the bill had been paid, there could be some more expenses the City would be responsible for when the project was completed.

Mayor Bruce Armstrong stated there was nothing on the Agenda for Other Business.

Mayor Bruce Armstrong asked for Department Head Reports.

City Clerk Carol McBeath told the new Councilmembers she had forms for them to fill out and return to the City Building. McBeath reported on the extended hours for City Hall. McBeath told Council the Court office had five telephone calls with no customers, and the upstairs office had only one telephone call with no customers, and someone came in looking for the Police Department.

Director of Governmental Services Carol Neugent announced there would be a Community Expo Show held April 30, 2005 from 10:00 a.m. to 4:00 p.m. Neugent sent around a sign up sheet for the Councilmembers to sign to work the show. Neugent told Council it would be a good way to meet their constituents. Mayor Bruce Armstrong explained that in the past, the Expo Show had been put on by the Haysville Forward, Inc. and Chamber of Commerce. Armstrong stated it had been decided to combine the Expo Show this year with the Spring Show. Armstrong stated the event would be held at the Haysville Activity Center.

Police Chief Mike McElroy reported that MPO Rene LaMarche had been the visiting officer for the evening but he had to leave the Council Meeting for Police duty.

Public Works Director Randal Dorner reported on a Council Action Request at 6450 Ward Parkway and said they were in the process of moving to the last level on the matter. Dorner stated a registered letter had been sent out about the property. Dorner said they were checking about problems on Trout, Main, Stewart Ct., Summey, and South Broadway. Dorner gave an update on the railroad project dirt work and stated the sidewalk on the north side should be poured next week if everything went according to

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plan. Dorner said they still had to do some level grading for grass seeding but the project was nearing completion. Dorner advised the skateboard park was closer to being opened and had Multimedia Specialist Sean Conley show a video of the progress. Dorner explained that on April 26, 2005 a crew would start assembling the skateboard park equipment. Dorner said on May 21, 2005 from 9:00 a.m. to 1:00 p.m. Sedgwick County Hazardous Waste would have a site at Haysville Public Works for residents to bring their hazardous wastes to dispose of them. Dorner said it would be advertised on Channel 7 and the City sign in front of City Hall. Dorner stated he had received the Pool Ordinance on fence heights and nuisances and would present it to Council soon. Councilperson Steven Crum asked Dorner about the broken limbs on the Cowskin. Crum said he read where the County was getting some money to clean up the Cowskin. Dorner said he had tried to contact FEMA to find out more about the cleanup. Crum asked that the Hazardous Waste cleanup be put on Channel 7 and in the newspaper. Councilperson Ken Hampton said he would like to publicly thank Dorner for the cleanup of the broken bottles on the bike path and also for promptly cleaning up the big limb on 4th Street and Wire. Councilperson Mitch Lindsay asked if Dorner had received any information about the cleanup of broken tree limbs in citizen's yards from the ice storm. Dorner reported that a map and list of problem areas had been delivered to FEMA but he had not heard back from them to see if they would pay for the limb cleanup. Dorner advised he had all the paperwork filled out but it was up to FEMA to say if they would pay for the cleanup or not.

Recreation Director Wendy Wilkinson had nothing to report.

Mayor Bruce Armstrong presented the Appointments.

Mayor Bruce Armstrong presented for approval the Appointment of Ken Reavis, 711 Chelsea Re: Library Board of Trustees.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion that we appoint Ken Reavis to the Library Board of Trustees.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Appointment of Don Schneiter, 315 W. 6th Street Re: Board of Zoning Appeals.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we appoint Don Schneiter to the Board of Zoning Appeals.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

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Mayor Bruce Armstrong presented for approval the Appointment of Sandy Bradshaw, 110 Champion Re: Board of Zoning Appeals.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we appoint Sandy Bradshaw to the Board of Zoning Appeals.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Appointment of Bob Crane, 336 Mimosa Re: Board of Zoning Appeals.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion we appoint Bob Crane to the Board of Zoning Appeals.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

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

There were none.

There was no Executive Session.

There was nothing on the Consent Agenda.

Mayor Bruce Armstrong asked for Council Concerns.

Councilperson Ken Hampton said he would like to welcome the new Councilmembers and said he appreciated them running and getting elected. Hampton thanked the City for making it possible for him to attend a workshop on Municipal Finance in Rose Hill.

Councilperson Steven Crum welcomed the new Councilmembers and stated he looked forward to working with them. Crum stated he wanted to thank the outgoing Councilmembers and said it had been good to work with them over the last few years. Crum suggested having a workshop in a month to six weeks to see what direction the new Council wanted to go.

Mayor Bruce Armstrong welcomed the new Councilmembers. Armstrong told the Council if they had any items to go on the Agenda to let him know, City Clerk Carol McBeath, or Director of Governmental Services Carol Neugent. Armstrong advised the Agendas were finished on Thursdays in order for the packets to be ready by Friday.

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Mayor Bruce Armstrong called for adjournment.

Motion by Pierce – Second by Lindsay

Mr. Mayor, I make a motion we adjourn the Council Meeting.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, and Hampton yea.

Motion declared carried.

The Regular Council Meeting adjourned at 7:46 p.m.

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Armstrong at 7:02 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Carla Mann: Holub here, Youngers here, Ewert here, Streets here, Pierce here, Lindsay here, Crum here, Hampton here.

Reverend Rob Winslow, United Methodist Church, was not present for the Invocation. Mayor Armstrong asked for a moment of silence.

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented a Public Hearing to Consider an Easement Vacation Request – 6612 S. Meridian.

Mayor Armstrong advised Council would be working from the script for the Public Hearing.

Mayor Armstrong asked for a motion to open the Public Hearing.

Motion by Hampton – Second by Pierce

Mr. Mayor, I'd like to make a motion that we open the public hearing on the request to vacate the twenty foot utility and drainage easement located on Lot 4, Block A, Timberlane North Addition to Haysville, Sedgwick County, Kansas.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

Mayor Armstrong asked if any Councilmembers had any outside contact regarding that case. Councilperson Hampton advised he had spoken with Planning/Community Relations Coordinator Angela Millspaugh regarding his concern about the utility companies not responding to answer whether the easement was necessary. Hampton advised Millspaugh had said Westar had stated the easement was not necessary. Mayor Armstrong advised if any Councilmembers had a conflict of interest in the case to disqualify themselves from the action of Council for this case. Mayor Armstrong asked if staff had received any written or electronic communication regarding the matter. Millspaugh advised she had received letters from P.E.C. and the developer as well as a phone call from Westar advising they did not need the easement. Mayor Armstrong asked to hear from the applicant.

Rick Plush, owner of 6612 S. Meridian, advised he had requested the vacation of the easement since he would like to build a house on the property. Plush stated building a house according to specifications when taking into consideration the easement would put the home to the south end of the lot, approximately 18-20 feet from the south property line. Plush advised that would leave 300 feet on the north side. Plush further advised he would be able to utilize the lot better by centering the house on it. Plush stated the only way he would be able to center the house was to have the easement and the rear building setback vacated. Plush said he had gone before the BZA and the Planning Commission where he had received the variance. Councilperson Hampton asked Mr. Plush if he would build the home if he was not granted the vacation of the easement.

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Plush advised he would not. Councilperson Crum asked Planning/Community Relations Coordinator Angela Millsbaugh why Dickerson had voted the way he did according to the Planning Commission minutes. Millsbaugh advised he did not explain why he had voted the way he did. Mayor Armstrong asked for any member of the public who wished to speak. **Don Schneider, 315 W. 6th, Planning Commission and BZA member**, explained why he had felt it made sense to vacate the easement. Schneider advised the easement was granted when the lot was platted, however, it was not needed since there would not be a development to the north. Mayor Armstrong asked for any other members of the public who wished to speak. There were none. Mayor Armstrong asked if the applicant wished to rebut anything Mr. Schneider had said. Mr. Plush did not. Mayor Armstrong asked if any member of the public wished to rebut any public comments. There was no one. Mayor Armstrong asked for a motion to close the public hearing.

Motion by Pierce – Second by Hampton

Mr. Mayor, I make the motion that we close this portion of the public hearing.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

Mayor Armstrong asked what Council would like to do in regard to that property.

Motion by Hampton – Second by Pierce

Mr. Mayor, if there's no more discussion I make the motion that we approve the request to vacate the twenty feet of utility drainage easement located on Lot 4, Block A, Timberlane North Addition to Haysville, Sedgwick County, Kansas.

Holub nay, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

Mayor Armstrong presented the Election of Council President.

Assistant City Clerk/Finance Director Beverly Rodgers asked for nominations from Council for Council President. Councilperson Pierce nominated Councilperson Crum. Councilperson Lindsay nominated Councilperson Hampton. Rodgers asked for a show of hands for all those in favor of Councilperson Crum. There were three. Rodgers asked for a show of hands for all those in favor of Councilperson Hampton. There were four. Rodgers announced Councilperson Hampton would be the new Council President.

Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of April 11, 2005.

Councilperson Youngers advised page three, paragraph five, line five had the wards listed incorrectly for himself and Councilperson Ewert. Councilperson Hampton advised a correction was needed to his comments in regards to the City Inspector Chad Bettles' number of

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certificates. Hampton advised the minutes reflected him saying “1.5” and he had actually said “1.5 per certificate.”

Motion by Pierce – Second by Hampton

Mr. Mayor, I make the motion that we approve the minutes of the Council Meeting of April 11, 2005, with the noted corrections.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

There were no Licenses or Bonds.

There were no Ordinances or Resolutions.

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

Mayor Armstrong advised City Clerk Carol McBeath was absent and Assistant City Clerk/Finance Director Beverly Rodgers was available for questions from Council.

Mayor Armstrong presented the Governmental Services Activity Report for March.

Mayor Armstrong presented the Police Department Activity Report for March.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Youngers advised the second organizational meeting for the Haysville PRIDE and Haysville Times Garden Tour would be held at the Senior Center on April 26, 2005.

Councilperson Pierce advised the Historic Committee had changed officers that previous month and Patty Waters was the new chairperson and Rolla Crum was the new vice-chair. Pierce stated the Historic Committee was planning a Grand Street Opening Celebration and the date was yet to be determined and any suggestions for the event should be sent to Rolla Crum. Pierce said the celebration would be held in the old town area newly named the HaysVillage Historical Park.

Councilperson Crum advised Nelson Elementary School would be holding their 50th Anniversary in August and further advised if anyone knew someone who taught or attended Nelson to have them contact Nelson School to be included in the anniversary.

Mayor Armstrong presented a Certificate of Canvass from Commissioner of Elections Bill Gale Re: Finalized Abstract of Election Returns.

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Mayor Armstrong presented a Memorandum from Code Enforcement Officer Brian Hunter Re: Resignation.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: MPO Jason Whipple – End of Training.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Michael Conrady – End of Training.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Communications Officer Jeff Wilson – Classification Change.

Mayor Armstrong presented a Letter from Supreme Court of Kansas Justice Robert E. Davis Re: Court Clerk Toni Rogers – 2005 Municipal Court Clerks' Orientation.

Under Other Business Mayor Armstrong presented for approval a Consideration of Consent for Annexation.

Mayor Armstrong explained the tract of land was described as the South Half of the Southeast Quarter of Section 36, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; the East 450 feet of the South Half of the Southeast Quarter of Section 36, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the south 660 feet and except the north 360 feet thereof. Mayor Armstrong stated the applicant was R.A.M. Properties, LLC. and was located behind the corner lot on Meridian and Grand. Councilperson Crum advised it appeared the annexation was for two separate locations and asked for clarification. Planning/Community Relations Coordinator Angela Millspaugh advised the property with the zone change was the one annexed a couple of months previous. Councilperson Lindsay asked why this had not been done at the same time. Mayor Armstrong advised he did not know why Ron Meyer had decided to do it that way. Lindsay asked if the ordinance would have to be published. Millspaugh advised it would be published at the cost of the City and she believed it was done separately because of the process of the zoning. Crum asked if there would be a fee charged for this process. Millspaugh advised there was no fee to request annexation.

Motion by Crum – Second by Pierce

Mr. Mayor, I'd make a motion that we grant annexation to the tract of land known as the South Half of the Southeast Quarter of Section 36, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, or the East 450 feet of the South Half of the Southeast Quarter of Section 36, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the south 660 feet and except the north 360 feet thereof.

Councilperson Holub asked how the City would be supplying utilities to that area. Public Works Director Randy Dorner explained sewer and water were both available with a sewer line running along Grand and sewer stubbed to both locations across the street. Dorner further advised there was a twelve inch and sixteen inch water main along the area and could be run with short extensions depending on what was built in the area. Holub asked how deep the sewer was in that

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area. Dorner advised it was thirteen feet at St. Cecilia and thirteen to fourteen feet in the easements in that area.

Holub nay, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay nay, Crum yea, Hampton yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Memorandum from Haysville Planning Commission Re: General Revision to the Zoning Ordinance.

Mayor Armstrong advised the property was brought into the City as "AA" and the application was to change it to "D." Millspaugh advised the request was in conformance with the land use plan adopted by the City for light commercial property and was published in the paper more than twenty days prior to the public hearing that was held on March 10, 2005. Councilperson Pierce asked if there had been any public input. Millspaugh advised there was not. Councilperson Youngers asked what the property annexed was zoned at that time. Millspaugh advised all property annexed into the City was annexed in as single family. Councilperson Hampton asked if restrictions could be placed on the property for radio and microwave towers. Millspaugh advised the Planning Commission had wanted to do the same thing, however, since it was a general revision process that could not be done at the same time. Millspaugh further advised Ron Meyer wanted both pieces of land to have the same protective overlay and an application had already been submitted for a protective overlay on the entire two piece section to be done at the same time the zoning was to be done on the additional piece. Mayor Armstrong advised at that point the Planning Commission could place a protective overlay on the properties and take the towers out as well as any other items.

Motion by Hampton – Second by Crum

I'd like to make a motion to accept the ordinance changing the zoning classification from "AA" to "D" on certain properties located within the corporate City limits of the City of Haysville, Kansas, the legal being the North Half of the Northeast Quarter of the Southeast Quarter and the South Half of the Northeast Quarter of the Southeast Quarter of Section 5, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Request to Place a Sign on Public Property – Masonic Lodge.

Jack Elgin, member of the Haysville Masonic Lodge, advised the lodge was requesting permission to place a portable sign each month advertising their monthly breakfast on public property on Grand on Thursday evening through the end of the breakfast on Saturday morning. Elgin advised it had been done in the past to advertise the breakfast served at the lodge. Mayor Armstrong read 16-1004(a)(9) of the code pertaining to temporary sign placement. Councilperson Pierce asked if permission were granted if it would be for the year so they would

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not have to come back each month. Mayor Armstrong asked Mr. Elgin if he would like the permission to extend for the rest of 2005. Elgin advised that was correct. Councilperson Crum asked if it was City easement where the sign would be located. Planning/Community Relations Coordinator Angela Millspaugh explained it was not an easement, however, it was City owned property. Mayor Armstrong stated it would eventually be the area of the planned farmers market.

Motion by Crum – Second by Ewert

Mr. Mayor, if there is no more discussion I make a motion that we allow the Masonic Lodge to place their sign on a Thursday evening to a Saturday evening as requested for the rest of the year, once a month.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

Mayor Armstrong presented a date and time to Establish Council Workshop – May 9, 2005 at 6:00 p.m. to 7:00 p.m. for Council Training.

Mayor Armstrong explained that the workshop would be held prior to the start of the Council Meeting and additional training on open meetings would be conducted by the City Attorney.

Motion by Pierce – Second by Streets

Mr. Mayor, I'd make a motion that we establish a Council Workshop regarding Council training on May 9, 2005, beginning at 6:00 p.m. and ending at 7:00 p.m.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

Mayor Armstrong presented a date and time to Establish Council Workshop – May 17, 2005 at 6:00 p.m. Re: Economic Development Report.

Mayor Armstrong advised this was the report prepared and completed that previous spring and input was needed from Council as to whether they wanted any of the items listed in the report to be done.

Motion by Pierce – Second by Lindsay

Mr. Mayor, I make the motion that we establish the Council Workshop for the purpose of going over the economic development report on May 17, 2005, at 6:00 p.m.

Mayor Armstrong explained it was set on a Tuesday since Haysville Forward members would be attending and some of those individuals had Monday night meetings.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

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There was nothing under Old Business.

Mayor Armstrong asked for Department Head Reports.

City Clerk Carol McBeath was absent and Assistant City Clerk/Finance Director Beverly Rodgers had nothing to report.

Director of Governmental Services Carol Neugent had nothing to report. Councilperson Lindsay asked why the purchasing policy was not on the agenda. Neugent advised it would be brought to the next meeting.

Police Chief Mike McElroy introduced M.P.O. Aaron Tabing. McElroy advised the Police Department had attended the Tulip Time Car Show in Belle Plaine where the City had won 1st Place in the People's Choice category. Councilperson Lindsay asked if there was a replacement for the Code Enforcement Officer that had resigned. Public Works Director Randy Dornier explained they were in the process and a person had been selected. Lindsay asked if those duties could be placed under the Animal Control Officer. McElroy advised the Animal Control Officer's duties at that time involved weeds on public property and the Code Enforcement Officer handled the issues falling under the building codes and public works code sections on real property. Mayor Armstrong asked if the workload could be handled by one person. McElroy advised he did not anticipate that being possible since the spring and summer months were busy with weed and animal issues. Lindsay stated it did not make much sense to him since high grass issues were reviewed by both employees. McElroy explained further that if the issue had both code enforcement and weed issues then the Code Enforcement Officer would handle it totally and if the issue involved only weeds that would be handled by the Animal Control Officer.

Public Works Director Randy Dornier distributed a map of the proposed Ward's Fourth street replacement plan. Dornier advised he had met with the contractor that day to discuss the gas lines in that area since they were fairly shallow, the school bus routes, mailbox bank locations and the contractor was given a list of the licensed trash haulers for the area for notification purposes of the street closings. Dornier stated there were many issues being addressed such as fire and ambulance service and getting citizens in and out during street replacement. Dornier advised there would be one more phase, phase five, that was not listed on the map and that it would be Ranger Street from Second to Fourth. Dornier advised there would be two weeks per phase and the completion time would be sometime in July and that was weather permitting. Dornier stated the contractor had begun the preliminary work and the construction would start the middle of May 2005. Dornier advised he had a Council Action Request Form for Hays Street and staff had been working with them and the time had not expired. Dornier advised the other form was for the Riggs Park area where the pond was slightly dry. Dornier stated they had reworked the pump and well system in order for it to pump to maximum efficiency. Dornier advised the band shelter had been painted, however, more graffiti was put on it and it was removed and would be re-painted again once the rain stopped. Dornier advised the spillway had rusted and needed replaced and they were deciding on the best way to do that. Dornier stated the Council Requests Forms for Ward Parkway and Trout were in the notification process. Dornier advised the screening wall on

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the north side of Grand had been completed and the sidewalks on the north would be completed sometime that week. Dorner further advised the dirt work was being done on Turkle and it would be another 6-8 weeks to complete the screening walls. Councilperson Crum asked for a breakdown of the bond received for the street to show what had been completed and what was left. Dorner advised he would have that report for the next meeting. Crum asked about Pleasant Street. Dorner advised Pleasant would not be done with that project since it was in pretty good shape. Dorner advised they would be looking at the valley gutters as they were removing the streets since the contract did not require them to be replaced. Dorner said if they removed the streets and the gutters were not in good condition they may have to be added. Councilperson Pierce asked about Clinton Street. Dorner advised there were issues regarding the gas lines on Clinton that would have to be addressed. Pierce asked about the notification process for the street replacements. Dorner explained the City would send notices to all residents in the Ward's Fourth area regarding the schedule and then approximately one week before the street was to be removed the contractor would send a notification as to where they could park and any other issues to be addressed. Councilperson Lindsay asked if the weeds had been treated in the area of the ball fields on 63rd Street. Dorner advised they had been. Councilperson Youngers asked about the Skate Park. Dorner advised the ribbon cutting would be May 2, 2005, at 7:00 p.m. and all the concrete had been poured and the backfill done. Youngers asked if there had been any progress on the BMX portion of the park. Dorner stated it had been laid out and construction would begin after the Skate Park ribbon cutting. Councilperson Hampton asked about the \$870,000 bond the City had received. Dorner stated all the streets on the map outlined in color would be completed with that money and would include Ranger from Second to Fourth.

Recreation Director Wendy Wilkinson advised she had distributed the new Activity Center Recreation Guide and stated they would be going to all of the grade schools, some of the business, and the City Building as well as the Activity Center. Wilkinson advised pool passes would be going on sale May 1st along with swimming lesson registration and pool rentals. Wilkinson said they had a Frosty Freeze Softball Tournament that included seventeen teams to kick-off the spring season. Wilkinson said they had received many compliments on the facility. Wilkinson distributed an invoice she had received at 4:30 p.m. that day and advised it should be added to the Bills to be Paid. Wilkinson explained it was the last invoice for the skate park that had already been approved according to the contract.

Under Appointments Mayor Armstrong presented an Appointment of Councilperson Bill Youngers, Chairperson, Haysville Park Board.

Motion by Lindsay – Second by Hampton

I'll make a motion to appoint Bill Youngers to chairperson of the Haysville Park Board.

Holub yea, Youngers abstain, Ewert yea, Streets 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.

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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 April.

Councilperson Hampton asked about the DARE celebration costs that had been held in Derby and why it was not held in Haysville. Police Chief Mike McElroy advised it had been numerous years that the celebration was held jointly at Derby at the old high school. Councilperson Youngers asked about the skate park invoice since it was not done and being required to pay for installation prior to completion. Wilkinson advised the contract stated the equipment must be paid for in full prior to unloading it and the installation and freight to be paid for at the time of completion. Wilkinson advised there was a balance of \$31,302.87 of the equipment charge that was required to be paid before unloading the equipment. Wilkinson asked that both invoices be approved in order to pay them at the time of equipment unloading and then at the time of completion to the City's satisfaction.

Motion by Pierce – Second by Crum

Mr. Mayor, if there's no further questions I make the motion that we pay the scheduled bills for the last half of April as well as invoice #8657 and invoice #8660 presented by Wendy for the Skate Park.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

Mayor Armstrong presented for approval the Consent Agenda.

Motion by Lindsay – Second by Pierce

Mr. Mayor, I'll make the motion to approve the Consent Agenda.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

Mayor Armstrong asked for Council Concerns.

Councilperson Hampton advised he had spoken with Police Chief Mike McElroy regarding the graffiti on the stage and had noticed several kids using the stage for their skateboards. Hampton requested staff put together an ordinance banning skateboards in parks other than the Skate Board Park and have it at the next Council Meeting. Hampton addressed the misleading flyers sent by the trash companies in regard to franchising and explained the City had only sent for bids for franchising and nothing binding had taken place.

Councilperson Crum advised he had met with Public Works Director Randy Dorner and Police Chief Mike McElroy regarding certain issues and they were being taken care of. Crum stated the trash flyers were misleading and Council would not move further on the issue without sending it to a vote by the citizens. Crum further advised the non-binding referendum had shown the

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majority of the voters had wanted the City to look into the possibility of franchising the trash services. Crum advised he had tried to contact the number listed on the flyer but had not reached anyone and encouraged people to call Peggy Mesinus at 1-800-679-6269 and request she not mail anything with false information. Crum advised further the Council was not looking to force this issue on people and that Council was only looking to see if it would be advantageous for the City and it would then be put on a ballot to let the citizens decide if they wanted it based on the City's findings.

Councilperson Lindsay advised he did not support the trash franchising and therefore did not appreciate the flyer implicating that he had.

Councilperson Pierce asked Director of Governmental Services Carol Neugent if Mr. Bishop had contacted her Friday. Neugent advised she had not heard from him but she would make follow-up calls.

Mayor Armstrong asked for a motion to adjourn.

Motion by Pierce – Second by Crum

Mr. Mayor, if everyone's willing, I'd like to make a motion that we adjourn tonight's meeting.

Holub yea, Youngers yea, Ewert yea, Streets yea, Pierce yea, Lindsay yea, Crum yea, Hampton yea.

Motion declared carried.

The Regular Council Meeting adjourned at 8:06 p.m.

Asst. City Clerk Beverly Rodgers

The Regular Council Meeting was called to order by Mayor Bruce Armstrong at 7:00 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Pam Robbins: Hampton here, Crum here, Lindsay here, Pierce here, Streets here, Ewert here, Youngers here, and Holub here.

Father Andrew Kuykendall was not present; Reverend Tim Leaf gave the invocation in his absence.

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

Under Special Order of Business Mayor Bruce Armstrong presented the Proclamation for Peace Officers' Memorial Day & National Police Week.

Mayor Bruce Armstrong read the Proclamation and declared May 15, 2005 through May 21, 2005 as National Police Week, and May 15, 2005 as Peace Officers' Memorial Day.

Mayor Bruce Armstrong presented for approval the Minutes of April 25, 2005.

Motion by Hampton – Second by Crum

If there is no discussion, I make a motion that we approve the Minutes of April 25, 2005.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Under Citizens to be heard Mayor Bruce Armstrong presented Katie Elsen, 332 Maynard Re: Waive Shelter Fee for Benefit.

Katie Elsen, 332 Maynard, addressed the Council and stated she was there to ask the Council to waive the fees for the use of the Band Shelter in Riggs Park for May 20, 2005. Elsen explained that her brother would like to put on a memorial concert for her younger brother who had passed away in April. Councilperson Steven Crum asked Elsen what hours the band shelter would be used. Elsen advised the band would need time to set up so it would be from about noon to 5:00 p.m. Councilperson Bill Youngers informed Council that Elsen had come before the Park Board and presented the proposal for the benefit. Youngers advised the money that would be made from the benefit would go towards a bench at the Skate Park and a bench in Riggs Park. Youngers said he thought it would be an appropriate use for the band shelter and the family had said they would clean up the area afterwards. Mayor Bruce Armstrong advised he would need a motion to waive the fee for the use of the band shelter.

Motion by Youngers – Second by Crum

I make that motion that we waive the shelter fee for the 20th of May.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

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Mayor Bruce Armstrong presented Clem Dickerson Re: PRIDE – City Wide Clean Up.

Clem Dickerson, 8815 S. Hydraulic, addressed the Council and advised the Haysville PRIDE Committee would be doing the City Wide Clean Up again this year and Lies Trash Service would provide the trash trucks. Dickerson stated the west side clean up day would be on Saturday, June 4, 2005 and the east side clean up would be Saturday, June 11, 2005. Dickerson informed everyone they could pick up a permit for the City Wide Clean Up at the Library for a fee of \$10.00. Dickerson asked for volunteers to help work with the clean up. Mayor Bruce Armstrong asked Dickerson what time the clean up started. Dickerson said the plans were to meet at Faye's Café between 6:30 a.m. and 7:00 a.m. on June 4th and start the clean up by 9:00 a.m. Dickerson advised they would meet at "the Lodge" for breakfast on June 11th and start the clean up at 9:00 a.m. also on that day. Armstrong advised, in the past, the City had paid the tipping fees and the Council would need to agree to pay those fees. Councilperson Steven Crum asked Dickerson if there would be an information sheet that would have on it what could be picked up. Dickerson advised the information would be provided when a permit was paid for and it would list what would be picked up and what would not be picked up. Armstrong advised he needed a motion from Council for the City to pay the tipping fees.

Motion by Lindsay – Second by Pierce

Mr. Mayor, I make a motion that we pay the tipping fees on June 4th and June 11th for the City Wide Clean Up.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Mayor Bruce Armstrong presented Chuck Tilson, 6940 S. Broadway Re: Annexation Petition.

Chuck Tilson, 6940 S. Broadway, addressed Council and stated he was there on behalf of the families that were annexed back in October of 2003 as a result of Resolution 03-25. Tilson said he had been there previously and that evening he was back to submit a petition for vacation. Tilson said he wanted to submit the petition and ask that the petition be accepted and a vote be taken that evening. Tilson said the reason for that, before he submitted the petition, he would like to very briefly re-cap the chain of events over the last year and a half. Tilson stated that on October 14, 2003 the families had been notified from the City that they were interested in annexing their particular area and there would be a Public Hearing held. Tilson advised that at that Public Hearing, 100% of the people that had voiced their adamant opposition to being annexed that night but yet the vote had been taken to go ahead and annex them. Tilson said the second thing was that the families had been sent certified letters, which was required by law to do, but the City had not sent out all the certified letters that they were supposed to. Tilson said, having said that, they did have the Public Hearing and 100% of the people voiced their opposition and they were annexed anyway. Tilson stated that after that, they as a group filed an appeal regarding the annexation upon some litigation, to which they did loose the appeal because Kansas was one to two States remaining out of all the States in the United States that allowed local Governments to unilaterally annex. Tilson said they knew they were "ducking" the odds then and there was no way else they felt it was right because basically being annexed there were

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numerous reasons given the night of the Public Hearing, but the main reason was they were being charged 43% extra taxes with no services. Tilson said that at the Public Hearing there was a service plan, again required by law, which was provided however, the service plan had some problems with it. Tilson said the service plan was to have a full and complete understanding with the land owners affected but they did not have a complete understanding and they had "raised" some questions with Council at that time and they were not given any responses to them. Tilson said they were asked to submit their questions in writing and they did and they still received nothing back as far as the service plan plus the fact that the service plan, they were told, was made perfectly clear that the affected land owners would have to pay for the service plan, which at that time was 2.4 million dollars. Tilson advised if you would divide that by twenty families, you could see that was not an option. Tilson said, a long story made short, they were forced to be annexed and at that time they said they had no rights, no representation, and no recourse. Tilson said they did not have an opportunity to vote for the Council that had voted to annex them and they had no recourse at that time. Tilson stated that since that time over the last year and a half things had changed a little bit but they still did not have any rights even though there was a legislative bill to prohibit in the State of Kansas local Governments to unilaterally annex. Tilson stated that in the mean time their only recourse they had was to petition. Tilson said they did have some representation now because they had an opportunity to vote in the last couple of elections. Tilson stated he had hoped their representation would support their petition because of the campaign promises that were made as a result of their opinions on forced annexation. Tilson said, in addition to that, since the Public Hearing they had filed a petition earlier because that was the only recourse they had, and the only recourse they still had. Tilson said that at that time the City chose to send them a return stated that the City Attorney had stated they did not have a valid petition in that they did not have the lot descriptions next to the names. Tilson asked at that time what they needed to do to get a valid petition before the Council. Tilson said they had told them that for every signature they had, they needed a legal lot description attached to that name and that was exactly what he had with him that evening. Tilson said he was making a basic assumption that this time it was a valid petition and it did not need to be reviewed. Tilson stated the previous petition had been sent to the Attorney General and the Attorney General had sent it back with more ruling that it was an invalid petition so he was back again that evening. Tilson said as he had mentioned earlier that the reason was that the "group" had been accused as not wanting to be part of Haysville and they could assure them that was not the case and that was what they had said that night and that still stands true. Tilson said they had chosen Haysville and the majority of the people affected by the annexation had been in the Haysville area for over thirty years and even had businesses in Haysville. Tilson stated they had supported Haysville for many, many years other than the numerous reasons they did not want to be annexed. Tilson said he would not get into those reasons that evening unless the Council wanted to know some of those reasons and he would be glad to respond to any questions or concerns they may have, but the fact was that they were paying a lot of extra taxes with no services and if they wanted services, it would cost a couple of hundred thousand bucks apiece. Tilson said if the tide was turned, he would simply ask them if it came into their face and forced them to be annexed and charged them a couple hundred thousand dollars to put in their stuff, as they had already put in their well systems, their septic systems, and their water systems. Tilson said their main "beef" was that the City had an opportunity for years to annex that area and they felt that annexation should be made before people built or buy and not after. Tilson said that was

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why he was back there that evening with again, a valid petition per the directions of the City Council and their legal team. Tilson stated the only difference was that the petitions had been reviewed and sent to the Attorney General and so on and so forth, and there had been nothing found invalid and he was requesting that a vote be taken that evening. Tilson stated that prior to submitting the petition he would be glad to answer any questions or respond to any comments or concerns the Council may have. Mayor Bruce Armstrong asked City Attorney Lee Parker to review the statutes so the Council would know what had to be done on vacation procedures. Parker stated that K.S.A. 12-504 was the procedure the City would have to go through to deal with a petition for vacation. Parker explained that whenever the owners of townsite or part of a townsite, or any addition to any city, desires to exclude any of the boundaries of the city wherein situated, the governing body of such city or the city planning commission shall give public notice of the same by a publication in a newspaper of general circulation of the city of such place sought to be vacated or excluded and such notice shall be published at least one time at least 20 days prior to the date of the hearing. Parker stated that such notice shall state that a petition has been filed in the office of the city clerk praying for such vacation and then for a hearing basically. Parker advised that when the hearing had been done by the planning commission, their recommendation would come to Council. Armstrong advised the City Council could see they were held by State Statute and by Ordinance what had to be done for a vacation. Armstrong stated the petition could not come up for a vote that evening because if it did, the petition would be invalid because of the statutes stating it had to be published to allow other people to come up and make their opinion known on the petition for vacation. Chuck Tilson asked that when they submitted their first petition in June, how that would relate to submitting a petition one year ago. Armstrong said they had dealt with that petition and it was behind them, and now they were dealing with this petition. Tilson said "Okay". Armstrong advised the Council would accept the petition and make sure it was a valid petition. Tilson told the Mayor he already made sure it was a valid petition. Armstrong advised that the petition was a new document that had been presented to Council and if it was a valid petition, it would go to the Planning Commission for the Public Hearing, and the Planning Commission would make the recommendation to come back to the City Council to make action. Tilson asked if it would come back to Council within twenty days. Armstrong advised what ever the statute states. Tilson asked Parker if that was what was just read. Parker stated there would have to be a notice to be published at least twenty days prior to the Public Hearing, then the Planning Commission would have the hearing and make a recommendation, and then the Council would make action based upon the recommendation. Tilson asked for a clarification on the hearing and wanted to know the definition of a hearing. Tilson wanted to know if it was a Public Hearing even though there had been a Public Hearing, they would have to do it again. Armstrong advised there had been no Public Hearing on that vacation petition. Tilson stated there had been a Public Hearing on the annexation. Tilson said he was trying to understand that there needed to be a special Public Hearing on "that" petition. Armstrong advised there needed to be a hearing on the petition for a vacation of property from the City. Tilson asked if it was correct that there would be a minimum of twenty days until when ever the Council decided. Armstrong explained again that the petition would go the Planning Commission and then come back to the Council. Armstrong stated the Planning Commission met twice a month and they would have to check their Agenda. Armstrong advised the petition would be forwarded to Planning once the City Attorney said the petition was a valid petition. Tilson asked that at the time of the Public Hearing, was that when

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everyone came in and “got their three minutes worth” and so on and so forth. Tilson asked if that was how it worked. Armstrong stated that was how the Planning Commission would conduct their hearing and it would be a Public Hearing. Tilson repeated the hearing would be with the Planning Commission. Armstrong explained again the City’s procedure on vacation was to go to the Planning Commission first. Tilson said that was interesting and he was trying to understand that because “they” had done that a year and a half ago and went before the Planning Commission and the Planning Commission recommended that they not be annexed and they were annexed anyway. Tilson said he guessed they would do that all over again. Armstrong advised the Council would accept his petition and would do the procedure that was required. Tilson said it was the same procedure as before. Parker said he did not think it was the same procedure because the decision process was something different and it was that no private rights would be injured or endangered by such vacation, the public would suffer no loss or inconvenience thereby and that injustice to the petitioner or petitioners, the prayer of the petitioner ought to be granted. Parker advised it was the same procedure steps but different criteria. Tilson said he was just trying to understand it because he had been through it once before so he had guessed he would go through it again. Councilperson Mitch Lindsay said Mr. Tilson deserved an answer as far as a true time frame that they were going to have. Lindsay asked how long would the review take. Armstrong stated that the petition would be sent to the City Attorneys for review, and depending on how long it took the City Attorneys to review it, and then the petition would be sent to the Planning Commission, which met twice a month by their schedule. Director of Governmental Services Carol Neugent wanted to clarify something. Neugent said the statute stated that either the Planning Commission or City Council could hold a Public Hearing. Neugent advised that in the past on a vacation, the City Council had actually held a Public Hearing subsequent to the Planning Commission preparing a recommendation. Parker repeated to Neugent that the Council had held a hearing subsequent to the Planning Commission. Neugent advised that any vacation would go to the Planning Commission first for a recommendation and then would go Council for a hearing and that was for a vacation of an easement which would be the same kind of process but a different issue. Parker advised if that was the way the City had their procedures, then that was the procedure they needed to go through. Parker stated that generally the reason for a Public Hearing was to allow for a background to make a recommendation and that was why it is sent to the Planning Commission. Parker said that was why things were sent to the Planning Commission, because they looked at “it” and take the input but “it” was different than a zone change. Armstrong advised the same procedure needed to be followed. Armstrong advised the petition would go to the second meeting of month for Planning Commission due to the time frame. Tilson asked if he had to send the petition to the Planning Commission or if the Council would do that. Armstrong stated the Council would do that. Neugent advised that once the Council received what they consider vacation application then it would go through the process. Armstrong stated it could be heard as early as the Planning Commission’s second meeting of the month. Armstrong asked Neugent when the Planning Commission would meet again. Neugent informed everyone the Planning Commission meet again on May 12, 2005 and May 26, 2005. Armstrong asked if the Planning Commission Agenda had already been set. Neugent advised the Agenda had been set for the 12th already for the Planning Commission. Armstrong stated the petition for vacation would go on the Planning Commission Agenda for May 26, 2005 and if they acted on it, it could come back to Council on the first meeting in June. Armstrong asked Neugent if there would be enough time.

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Neugent advised if there was enough time for publication, it could be on the Council Agenda for the first meeting in June. Armstrong stated that if everything was correct on the petition, the earliest it could be back to Council would be on the 13th of June and the latest would be the 27th of June. Tilson said for clarification that if everything was correct on the petition, they had put it back in the form that they were told to by the commission previously. Armstrong advised again that the petition would go to the City Attorney and the Mayor or the Council did not make the determination on it. Armstrong said the petition would go to the City Attorneys and they would make the recommendation back to the Council. Tilson stated it was just like the last time and that was what he needed to find out. Armstrong said they needed to make sure they followed the same procedures. Tilson said, "Here we go again, okay, are there any questions or comments that anybody would like to direct at this time?" There were none and Armstrong thanked Tilson.

Mayor Bruce Armstrong presented for approval Licenses and Bonds.

There were none.

Mayor Bruce Armstrong presented for approval AN ORDINANCE ANNEXING AND INCORPORATING CERTAIN, LAND WITHIN THE BOUNDARIES OF THE CITY OF HAYSVILLE, KANSAS.

Mayor Bruce Armstrong advised this was the land that was presented last time that the City Council had agreed to annex. Armstrong stated this was the Ordinance that went along with the Resolution approval. Armstrong stated the land set to the north of 71st Street and Meridian.

Motion by Crum – Second by Lindsay

Mr. Mayor, if there is no further discussion; I would make a motion that we annex the southeast quarter of Section 36, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the South 660 feet and except the North 360 feet thereof.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Under Notices and Communications Mayor Bruce Armstrong presented the Sedgwick County Fire Department, Station #34 Activity Report for April – Captain Alan Disney.

Councilperson Mitch Lindsay asked staff if they could give the Council a better description next time because there was no map with the annexation. Director of Governmental Services Carol Neugent stated there had been a map that had accompanied the request the last time and that was why it was not on the Agenda this time.

Mayor Bruce Armstrong stated he did not see any of the Sedgwick County Fire Department present so he would accept their report.

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

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Councilperson Mitch Lindsay asked about the water that had been pumped on Baughman that day. Public Works Director Randal Dorner reported the drainage ditch was not there and all the water had run down to a collecting place and the Public Works Department had to pump it out until a drainage ditch could be built along the back side. Lindsay asked if the City was planning on putting in a drainage ditch. Dorner explained the drainage ditch would be put in when the River Forest Addition was developed. Lindsay wanted to know when that would be. Dorner advised that depended on the developers for River Forest. Councilperson Steven Crum wanted to know how the interviews were going for the Lab Technician for the Wastewater Treatment Plant. Dorner stated he had selected a person for the Lab Technician position that met all of the qualifications for the job.

Mayor Bruce Armstrong presented the Recreation Activity Report for April.

Mayor Bruce Armstrong asked if there were any questions for Recreation Director Wendy Wilkinson from the Council. There were none.

Mayor Bruce Armstrong asked for Governing Body Announcements.

Councilperson Keith Pierce handed out a draft of the revisions to the Fencing Ordinance for swimming pools. Pierce advised the issue would be discussed at the next Council meeting and wanted Council to look over the draft.

Councilperson Steven Crum informed everyone that Haysville had been named Tree City U.S.A. again for the fifth year in a row by the National Arbor Day Association. Crum told everyone the Tree Board had planted a tree at Plagens/Carpenter on one side of the sidewalk and the plan was to plant another tree on the other side of the sidewalk next year so the ticket booth would have shade. Crum informed everyone there were some positions open on the Tree Board if anyone was interested in being on the board. Crum also wanted to mention the ribbon cutting at the Skateboard/BMX Park. Crum stated he was very happy the City was able to provide something like that for the kids of the community. Crum said he was disappointed that the local newspaper did not have anyone there to cover the event. Crum stated the Expo/Spring Show went well and he was glad there were representatives from the Senior Center at the City's booth.

Councilperson Ken Hampton reminded everyone of the Hazardous Waste Collection on May 21, 2005 at the Public Works Department. Hampton stated that if anyone had any questions they could call Public Works Director Randal Dorner.

Mayor Bruce Armstrong presented the Memorandum from Public Works Director Randal Dorner Re: Animal Control Office Cale Topinka – Transfer to Code Enforcement Officer.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Recruit Communications Officer Brady Simmons – Transfer to Animal Control Officer.

Mayor Bruce Armstrong presented the Memorandum from Assistant City Clerk/Finance Director Beverly Rodgers Re: Senior Center Director Cynthia L. Taylor – End of Training.

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Mayor Bruce Armstrong presented a Letter from Cox Communications Public Affairs Sarah Kauffman Re: Transaction Fees for Assistance from Customer Service Representatives.

Mayor Bruce Armstrong presented a Letter from Cox Communications Public Affairs Sarah Kauffman Re: Additions to Digital Channel Lineup.

Under Other Business Mayor Bruce Armstrong presented for approval the Consideration of Amendment to Real Estate Purchase Contract.

Mayor Bruce Armstrong explained the buyers of the land wanted the contract amended so it would only be sold to one entity, K&M Building Company. Armstrong stated the funds were still the same but there would be three different buildings and K&M wanted to be the purchaser of all the land and they would turn around and do the selling and building.

Motion by Hampton – Second by Pierce

I make a motion that we accept the amendment to the real estate purchase contract between the City of Haysville and K&M Building Company, Inc. as amended.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consideration of Bids for the North Main Commercial Area Re: Sanitary Sewer & Waterline Improvements.

Assistant City Clerk/Finance Director Beverly Rodgers handed out the completed bid sheets from P.E.C. to the Council. City Engineer Eric Broce with Professional Engineering Consultants told Council he was there in place of Rod Young, who had been unable to attend. Broce stated the bids were received and the lowest bid was Mies Construction. Broce said P.E.C. would recommend that Mies Construction be awarded the contract based on being the low bidder and their qualifications. Public Works Director Randal Dorner showed on a map where the waterline and sewer would run.

Motion by Crum – Second by Hampton

If there is no further discussion, I make a motion that we accept the bid for Mies Construction for \$85,997.00 for the North Main Commercial area Sanitary Sewer and Waterline Improvements.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Public Works Director Randal Dorner advised there was a problem with drainage on Karla Street and the existing drainage pipe needed to be extended. Dorner said the materials needed would cost \$4,800.00 and there was a supplier in Wichita they could buy the supplies from. Mayor Bruce Armstrong stated the project was originally in the Resolution for the extension of Karla Street and he wanted the Council to be aware of that. Lindsay stated he would vote to approve the drainage project but wanted to know why this had been missed. Armstrong stated that had been done after talking to Caro for their back exit. Armstrong advised the City said they were

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not going to pay to allow the water to go through so they could have a graveled exit going through the back. Armstrong said he wanted to make sure the Council knew what was being done and there needed to be a motion to approve it. Lindsay wanted to know the exact amount needed to extend the drainage on Karla. Dorner reported it would be \$4,800.00.

Motion by Lindsay – Second by Pierce

Mr. Mayor, I make motion to approve \$4,800.00 to extend the drainage on Karla Street.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consideration of Farm Lease Agreement Re: Albert Vanderhoff.

Mayor Bruce Armstrong explained this agreement was for the land south of Country Lakes. Public Works Director Randal Dorner reported the main thing the land was used for was to haul sludge there, but in the past the City had applied for water rights. Councilperson Keith Pierce asked how long the City had been leasing the land. Dorner reported the City had been leasing the land for thirteen years since 1992.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion that we approve the Farm Lease Agreement with Albert Vanderhoff.

Councilperson Mitch Lindsay asked if the City had checked to see if they could lease the land for more. Public Works Director Randal Dorner reported he had asked several farmers in the area what land would lease for. Dorner stated the land would run for about \$35.00 an acre, which was what it was now. Dorner said if the land had been irrigated with good drainage, it would go for about \$40.00 an acre.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consideration of Purchasing Policy.

Mayor Bruce Armstrong reminded Council that previously they had been asked to have the Purchasing Policy reviewed and that had been done and brought back to Council for discussion. Councilperson Ken Hampton advised he would like to make a few recommendations on the policy. Hampton said on the first page, he had no problem with deleting item 6 and he agreed it should be done. Hampton said on item 2, “for services or products that are required more than once a year a specific vendor can be established for each calendar year,” he had a problem with that. Hampton said he did not think, that once they had a bid, the City should continue to use them just because they were the low bidder at the first of the year. Hampton said the City should continue to get bids for vendors. Hampton said he was glad that on step 3 the Department Heads

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did review the Purchasing Policy to insure they did not make mistakes and not abide by the policy. Hampton said that he did not think that just reviewing it went far enough in his opinion. Hampton said the employees under Department Heads had certain guidelines on their job descriptions and if they did not do those job descriptions, there would be disciplinary action and consequences to their actions. Hampton said there should be some type of consequences for those who did not follow the purchasing policy since it was a very important matter in running the City. Hampton said that matter would be up for discussion. Hampton said that he had no problem on the other purchasing policies over \$5,000.00 for budgeted items, and unbudgeted items over \$2,500.00. Hampton said he thought those were adequate numbers and they were something they all could live with. Hampton said he did have a problem with the purchasing procedures on page 5 for projects and expenses costing less than \$15,000.00. Hampton said he thought that whole section should be deleted. Hampton stated anything over \$5,000.00 budgeted items and anything over \$2,500.00 not budgeted items should come before Council for their approval. Hampton said that any project should fall under those two categories and he did not think the third category was needed. Hampton said those were the recommendations he had and he did not think the purchasing should be accepted that evening without those changes. Councilperson Steven Crum asked Public Works Director Randal Dorner about doing bids once a year and how often did he have to buy water meters. Dorner advised that depended on the housing growth and the City tried to update about two hundred meters a year. Dorner said he ordered meters "out of sequence" so there would be a few in stock. Mayor Bruce Armstrong asked if Dorner had still been receiving price bids. Dorner said he was receiving bids at that time. Dorner explained there were only two sources in the United States to buy the type of meters that Haysville used with the electronics to read with touch pads. Dorner reported the State of Kansas recommended changing out water meters every ten years and Haysville had some meters that were over twenty years old. Crum asked if Hampton wanted items bid every month or six months. Crum wanted to know if that would be cost effective. Hampton said he would like to see things bid every month and eliminate vendors. Hampton said the meters could be voted on by the Governing Body. Crum asked why that was included when the purchasing policy had been put together. Director of Governmental Services Carol Neugent gave an example of the Haysville Activity Center ordering T-shirts and being given a better price up front if more T-shirts would be ordered during that year. Neugent said prices could be negotiated that way. Neugent reported another issue that had been discussed was the purchase of fuel. Neugent advised that every time the City ordered more fuel, they checked prices first. Hampton said he had no problem with combining quantity to save money. Hampton said emergencies would come up but he could not imagine buying T-shirts as an emergency. Councilperson Bill Youngers asked if there were other items that would fit in that category they had purchased throughout the year. Hampton stated that Neugent had put together a worksheet for him for items purchased from January to the present, which had been two and a half pages. Hampton said he had found out, of all the items listed, only three items should come before Council. Hampton said there were over 2,500 items on the list, but only the items over \$5,000.00 would need to come before Council. Youngers wanted to know if it was possible to set up a policy where the City would continue to accept lower bids from vendors. Neugent advised that was what they were attempting to accomplish, but it had not been worded that way. Armstrong asked if someone could submit a bid to the City without a request. Neugent stated that was what they were attempting to accomplish. Neugent said they would set something up

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front, so even though there were multiple orders, they could use them without going back the second time for re-pricing. Crum asked if Neugent meant that if a vendor could give the City a good deal, then that was the vendor the City would use for the year. Neugent said that was correct. Councilperson Mitch Lindsay said he understood the concept but the wording was not appropriate and it needed to be change because the way it stood now, the Council would be allowing one vendor to be used over and over again. Lindsay said the spending and cost would not be controlled that way. Neugent said that was not the intent. Lindsay said he understood that but it needed to be tied up. Hampton asked if the purchasing policy needed to be tabled. Youngers asked if a vendor gave the City a good price, would it be okay if a vendor to come along six months later with a better price. Lindsay said that if one vendor gave a set price for one year, that vendor would know they had to give the “rock bottom” price if they wanted the City’s business throughout the year. Councilperson Keith Pierce stated that he could see there could be contractual obligation for the first year for a vendor. Youngers asked if that was what was meant, to give a full year contract for providing. Neugent said in concept that was what was meant. Armstrong stated that if that was to be done, they truly needed it amended to contract liabilities. Crum stated that in the long run, the City could get lower prices if other companies knew the City was doing that. Lindsay said this matter came up because two Department Heads did not follow procedures and in reviewing this purchasing policy, he wanted to see something that said this was not going to happen again, and if it did, he wanted to know what steps they were going to take to make sure it did not reoccur. Lindsay said there was “something” that had been done that had been caught once, but he did not know how many times it had been done in the last five years that had not been caught. Lindsay said he wanted to make sure that if “it” happened again that it was dealt with appropriately and they did not have to deal with it ever again. Lindsay said he would like to see that added to the purchasing policy. Armstrong asked what the Council wanted to do with the purchasing policy at that point. Armstrong said they needed to make sure that Council had their total input on the purchasing policy. Armstrong advised that staff could come back with the changes.

Motion by Youngers – Hampton second

I would like to make a motion to table this just to give the new members more time to review it closer.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Mayor Bruce Armstrong advised the purchasing policy would go back to staff and if the Council had any language changes to get with the staff and let them know. Councilperson Ken Hampton asked if there was a date set when the purchasing policy had been tabled. Armstrong stated the purchasing policy would come back to Council at the next meeting. Armstrong asked Council to let the staff know what their feelings were about the purchasing policy.

There was nothing under Old Business.

Mayor Bruce Armstrong asked for the Department Head Reports.

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City Clerk Carol McBeath was absent and Assistant City Clerk/Finance Director Beverly Rodgers had nothing to report.

Director of Governmental Services Carol Neugent had nothing to report.

Police Chief Mike McElroy had nothing to report and introduced the visiting officer MPO Randy Nowak.

Public Works Director Randal Dorner gave an update on the progress of the street repairs. Councilperson Steven Crum requested some street sign replacements in Ward's IV Addition. Crum asked citizens to be aware of vandalism to signs and report it. Councilperson Ken Hampton asked about Ranger being included in the street repairs. Dorner stated Ranger had been included in the street repairs. Hampton asked if the repairs would start this year. Dorner reported that Ranger would be worked in with the Ward's IV Addition and would probably start in June. Councilperson Mitch Lindsay asked if a map was on the website. Dorner said he would get something on the website. There was a discussion about the parking in the areas of the street repairs and the trash service pick-up. Crum asked about the painting of the new railroad overpass. Dorner explained the problem with the painting of the bridge and gave an update on the railroad project. Dorner reported on the Council Action Forms for potholes on Ranger, cars on Trout, and a washer and dryer on Turkle. Dorner told everyone the new Code Enforcement Officer had started to work that day and he was out working in full force. Dorner stated the hazardous waste disposal would be held at Public Works on May 21, 2005 and flyers were available at the City Building or if anyone had questions, they could call Public Works or City Hall. Councilperson Patricia Ewert advised there was a stop sign at the corner of Freeman at N. Delos. Ewert stated the stop sign was very faded and you could not see the letters on the sign. Dorner said he would take a look at the sign. Councilperson Keith Pierce asked if Dorner had received his request on the speed limit sign he had turned in. Dorner advised that after the sign had been measured, it had been decided to move it to the other side of the drive rather than trim the trees. Lindsay asked Dorner to check an easement on 1508 Winesap in the Suncrest Addition. Lindsay said the culvert needed to be cleaned out because there was a water problem. Lindsay advised there was an area on Osage in Sunset Fields between the railroad easement and homeowner's property that he wanted to know if it was the City's property. Dorner stated he would have to look at a map to make sure but he thought there was an 8 foot wide area that was the City's. Lindsay advised the area needed to be mowed because last year it got overlooked. Lindsay stated that area would be a good place for the new City Code Enforcement Office to start working on because there were several cars parked in yards in that area. Dorner stated the Code Enforcement Officer had already started working the area. Councilperson Steven Crum stated he wanted to mention that during the PRIDE trash pickup they could not pick up any hazardous waste so it was a good time to get those things picked up. Dorner advised they were doing this in several communities to see how it would go and see if they would do it on a yearly basis.

Recreation Director Wendy Wilkinson reported on the Haysville Junior Baseball League's Tournament last weekend. Wilkinson stated there were twenty three teams in the tournament. Councilperson Steven Crum asked how many summer program "spots" were left. Wilkinson

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stated there were taking up to fifty and they had thirty signed up as of that afternoon. Crum wanted to know why they could not take any more than fifty. Wilkinson said they were only staffed for that many and licensed for fifty.

Under Appointments Mayor Bruce Armstrong advised, at the next Council meeting, he would be appointing Department Heads. Armstrong said he wanted to do them in an orderly manner and not do them all in one meeting because he wanted to make sure everyone had the ability to make themselves known and have time to speak to the Council. Armstrong told the Council that if they had any comments he would appreciate hearing those. Armstrong advised he would be appointing the same Department Heads.

Mayor Bruce Armstrong presented the Standing Committees.

Mayor Bruce Armstrong stated he had received forms back from the Councilmembers and the results were that everyone wanted to be on the Finance Committee or the Utility Committee. Armstrong asked what the Council wanted to do because he wanted to make sure that everyone served on the committee of their choice. Armstrong stated it was not a must that there were standing committees so he would propose that if there were any finance or utility concerns that they be brought to the bench and he would ask for volunteers to work on those items as they came up. Armstrong advised he would not appoint members to any board or committee except those that are stated in the By-Laws. Armstrong stated he would be doing something different this year with the finance reports. Armstrong informed the Council that all of the members would receive a full set of financial reports. Councilperson Keith Pierce asked how many groups were in Haysville. Pierce said he thought that a lot of clubs were out there that were not getting the attention they needed. Pierce stated that serving on the Historic District Committee had been interesting. Armstrong advised that if anyone had an interest in attending any committee, they could vote on that, but he did not want to shut anyone out from attending. Councilperson Steven Crum stated he had a problem with just doing things from the bench and he would like to see Council involved and be assigned to committees. Crum said he thought it was important for volunteer committees to see that the City was paying attention to what they were doing. Armstrong asked Council to think about what they would like to do and let him know what they wanted to be involved in.

Mayor Bruce Armstrong presented Vacancies.

Mayor Bruce Armstrong passed out a list of vacancies and if Council knew of anyone who would like to serve on those committees to let him know. Armstrong stated there were vacancies on the Tree Board, Planning Commission – Ward IV, BZA – Ward II, Park Board – Ward II, and the Senior Center Advisory Board. Councilperson Steven Crum asked that the vacancies be listed on Channel 7 and the City's website.

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

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April Martin, 210 W. Collier, Mulvane, KS Re: Special use of Community Building for fund raiser for a Haysville Resident. Ms. Martin asked if her Aunt could speak on her behalf since her child was asleep. Mayor Bruce Armstrong stated that would be alright.

Rebecca Lowmiller, 6116 34th Drive, Udall, KS, addressed Council and requested that fees to the Community Building be waived for their use on June 10th, 11th, 12th, and 13th 2005 for a fund raiser for a family member suffering from kidney failure. Lowmiller explained that they would be taking pictures like “Glamour Shots” and they would receive 50% of everything. Councilperson Ken Hampton asked if the Community Building was available on those dates. Director of Governmental Services Carol Neugent advised the Community Building was available on those dates. Councilperson Patricia Ewert wanted to know what the charges were to use the Community Building for all day. Neugent stated there was a refundable deposit of \$50.00 and \$100.00 a day for rental for non-residents. Neugent said if they knew someone who was a resident of Haysville, the fee would be half. Councilperson Mitch Lindsay asked if something like this had been done in the past. Mayor Bruce Armstrong stated that in the past the City had let non profit organizations use the Community Building and not charge them if the dates were available that they needed. Neugent advised that the Chamber of Commerce and the School District were two groups that were not charged. Armstrong said he did not know of any individual that the fees had been waived for. Neugent stated that generally people wanted to use the band shelter for fund raisers. Lowmiller stated they would need to use restrooms for changing purposes so that was why they would need the Community Building instead of the band shelter. Councilperson Bill Youngers stated that would defeat the purpose of a fund raiser if someone had to pay fees. Younger stated it seemed like a worthy cause.

Motion by Youngers – Second by Holub

I would make the motion that we go ahead and waive those fees as long as the building was available.

Councilperson Ken Hampton stated he agreed to waive the fees but wanted to know about the returnable deposit. Hampton wanted to know if it should be required.

Councilperson Bill Youngers stated he would make that a motion that we should include the deposit.

Mayor Bruce Armstrong stated that Councilperson Ken Hampton would need to amend Councilperson Bill Youngers motion to include the deposit.

Motion by Hampton

I will amend your motion to include the returnable deposit.

Councilperson Steven Crum asked how much the deposit would be for all those dates needed. Councilperson Ken Hampton advised the guidelines were for \$50.00. Director of Governmental Services Carol Neugent stated the returnable deposit would be \$50.00 per event.

Motion by Hampton – Second by Holub

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Hampton said that his motion was to have a \$50.00 refundable deposit put up, and the four days of June 10th, 11th, 12th, and 13th fees waived for those four days.

City Attorney Lee Parker advised there were two actions on the floor. Parker stated the first vote would be for the amendment concerning the deposit and the second vote would be on the primary motion.

Mayor Bruce Armstrong advised the Council needed to vote on the amendment to not waive the deposit.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Mayor Bruce Armstrong said the second motion was to waive the fees for the use of the Community Building if available on those dates.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Mayor Bruce Armstrong stated there was no Executive Session scheduled.

Mayor Bruce Armstrong presented for approval the Bills to be Paid.

Motion by Hampton – Second by Lindsay

If there is no discussion, I make a motion that we pay the bills for the first half of May 2005.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consent Agenda.

Motion by Lindsay – Second by Pierce

Mr. Mayor, I make a motion that we approve the Consent Agenda.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

Mayor Bruce Armstrong asked for Council Concerns.

Councilperson Keith Pierce asked Public Works Director Randal Dorner to talk with Professional Engineering Consultants about the street standards. Dorner reported that about 80% was complete with the first standards for the City of Haysville water, sewer, and streets and drainage.

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Councilperson Mitch Lindsay asked the citizens in Ward's IV to let Council know their concerns and they will do the best they can to accommodate them during the street work. Lindsay asked Police Chief Mike McElroy about the speeders in the construction zone. McElroy advised they had tried to monitor the area and work with the people.

Councilperson Steven Crum asked about looking at the sewer and water rates as discussed before. Mayor Bruce Armstrong advised it would be on the next Council Agenda. Crum asked that everyone do their best to keep the City of Haysville clean and put trash in the trash bins where it belonged. Crum wanted to keep the image of Haysville improving. Crum stated he again wanted to mention the skate park and asked the kids to understand that park had different rules than other parks and to please follow the rules. Crum said the park was built for kids of all ages and he did not want to see anyone making the younger children uncomfortable and getting "bullied." Crum asked Public Works Director Randal Dorner if he could make sure there were a couple of trash receptacles at the skate park. Dorner stated they had two at the site right now and there were two bolt-down trash containers coming. Mayor Bruce Armstrong stated that Councilperson Ken Hampton had asked for an ordinance on restrictive skateboarding and that will be on the next Council Agenda.

Councilperson Ken Hampton asked if Mr. Bishop could be put back on the Agenda also. Hampton advised they might want to change and go a different route because the City was overdue almost a year of the promises that had been made. Mayor Bruce Armstrong stated that if the last company did not come through, then they would need to put it back on the Agenda and do what they needed to do. Councilperson Mitch Lindsay asked Hampton to explain who Mr. Bishop was to everyone. Hampton stated Mr. Bishop was the manager of the senior housing project that was supposed to have been started in August.

Councilperson Keith Pierce wanted to know if the construction company did not come through, what would be the time frame for the project. Mayor Bruce Armstrong explained that he was talking about the company that would buy the tax credits for the project. Armstrong advised if the project came back to Council for the I.R.B.'s then they would know that Mr. Bishop had been successful in his financing package. Armstrong stated if Bishop was not successful then it would come back to Council so the City could move forward with someone else. Councilperson Mitch Lindsay asked if there had been an actual time frame that Bishop had to work in when the original contract had been signed. Armstrong explained that the State had issued tax credits and Bishop was under a time frame and the State would pull those tax credits if he did not comply.

Mayor Bruce Armstrong asked for adjournment.

Motion by Lindsay – Second by Pierce

Mr. Mayor, I make the motion that we adjourn.

Hampton yea, Crum yea, Lindsay yea, Pierce yea, Streets yea, Ewert yea, Youngers yea, and Holub yea.

Motion declared carried.

The Regular Council meeting adjourned at 8:56 p.m.

Assistant City Clerk Beverly Rodgers

The Regular Council Meeting was called to order by Mayor Bruce Armstrong at 7:00 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Pam Robbins: Hampton here, Crum here, Holub here, Youngers here, Ewert here, and Streets here. Councilmembers Lindsay and Pierce were absent.

Dr. George Lespagnard, First Christian Church gave the invocation.

Mayor Bruce Armstrong led everyone in the Pledge of Allegiance.

Mayor Bruce Armstrong presented for approval the Minutes of May 9, 2005.

Motion by Crum – Second by Hampton

Mr. Mayor, if there is no discussion, I would like to make a motion to approve the Minutes from the May 9, 2005 meeting.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

There were no Licenses and Bonds to be approved on the Agenda.

Mayor Bruce Armstrong presented for approval AN ORDINANCE AMENDING 872, CHAPTER 14, ARTICLE 2, OF THE CITY OF HAYSVILLE, KANSAS, IN CONNECTION WITH RESTRICTED USE OF SKATEBOARDS, ROLLER SKATES, INLINE SKATES, AND OTHER NON-MOTORIZED TRANSPORTATION WITHIN THE CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS.

Mayor Bruce Armstrong advised the Council had been given a new amended Ordinance at the bench with the change of Section (a) striking the words NON-MOTORIZED TRANSPORTATION. Armstrong stated that everything else in the Ordinance was exactly the same. Councilperson Ken Hampton stated he thought the Ordinance had been written very well and the only thing the City was trying to do was to keep vandalism off the stage in Riggs Park and this Ordinance would not keep the kids from using the hike/bike path. Councilperson Steven Crum advised the regular parks would still have the same activities going on, such as basketball, but this Ordinance was to keep the kids off of equipment that they could damage by using skateboards on them. City Attorney Allison McKinney Brown explained the City's email system had been down and that was why the Council received the amended Ordinance that evening. Brown stated her concern was that if the NON-MOTORIZED TRANSPORTATION had been left in the Ordinance, that citizens might think it meant baby buggies, tricycles, and those types of things and they did not want to expand on what was really necessary.

Motion by Hampton – Second by Crum

Mr. Mayor, I make a motion that we approve AN ORDINANCE AMENDING ORDINANCE 872, CHAPTER 14, ARTICLE 2, OF THE CITY CODE OF HAYSVILLE, KANSAS, IN CONNECTION WITH RESTRICTED USE OF SKATEBOARDS, ROLLER SKATES,

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INLINE SKATES, AND OTHER NON-MOTORIZED TRANSPORTATION WITHIN THE CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval AN ORDINANCE PROVIDING FOR THE ENCLOSURE OF PRIVATE SWIMMING POOLS WITHIN THE CORPORATE LIMITS OF THE CITY OF THE CITY OF HAYSVILLE, KANSAS BY AMENDING SECTION 4-1017 OF THE CODE OF THE CITY OF HAYSVILLE, KANSAS.

Councilperson Steven Crum asked what the definition of a pool was. Public Works Director Randal Dorner stated the definition of a pool was any body of water 2 feet deep for the purpose of swimming or bathing. Crum asked if the Ordinance would change people from using plastic or "blow up" pools that were only about sixteen inches deep. Dorner advised those types of pools were for a one time use only because people drained them that day after they used them. Councilperson Bill Youngers asked about landscape ponds that were over 2 feet deep. Dorner reported landscape ponds were not used for the purpose of bathing or swimming. Dorner advised the Utility Committee had discussed that issue in depth and had reviewed policies from all over Kansas and there was nothing about landscaped ponds because the policies did not pertain to swimming or bathing. Youngers stated there would be just as much danger of a child getting into those types of ponds as there would be a pool and said it would be wise to have those fenced as well, or have restricted access to them. Dorner stated he could not find anything that could address that matter, unless the Counsel had something. City Attorney Alison McKinney Brown stated that was a valid point but they limited the Ordinance to swimming pools but if that was something the Council would like Counsel to look at, it would be done. Brown advised the Ordinance would not cover that situation. Mayor Bruce Armstrong stated if they added the landscape ponds to the Ordinance, it would take away from the landscaping by putting up a 4 foot fence. Councilperson Ken Hampton advised the original Ordinance had the enclosure of pools as 6 feet and now it was only 4 feet. Hampton stated the thought behind the fencing was to protect children. Hampton said he also noticed that the original Ordinance had said chain linked fences had to have slats. Hampton said a 4 foot chain link fence would be easier for a child to climb and he felt the slats should be on a chain link fence if it was lowered from 6 foot. Councilperson Joe Holub asked about Section 4-1017 and the opening for a 4 inch sphere. Dorner explained that was a standard unit of safety measure so a small child could not get through. Youngers said he agreed with Hampton about the 4 foot fences having slats on them. Youngers advised that if a swimming pool area was not supervised by an adult, access should be limited to the pool and ladders should be put up. Dorner advised the manufacturers recommendation was to remove a free standing ladder when it was not in use. Dorner stated that 4 foot fences were standard around pools now. Dorner stated that the "older" areas of the City had 4 foot fences and if they bought a pool that was 36 inches deep, they would have to change their fencing by the old Ordinance. Dorner stated new pools were easy to put up and take down. Dorner said the new Ordinance would meet the requirements of surrounding areas. Councilperson Steven Crum asked if people were allowed to fence in their yards in the trailer parks. Dorner said he could think of a couple of examples where a small portion had been fenced off between trailers and they had a pool. Crum wanted to know if there were any

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regulations or stipulations for pools and fences in trailer parks. Dorner explained the current Ordinance would allow citizens in trailer parks to have a fence up. Councilperson Patricia Ewert said she did not have a problem with the 4 foot fence but she wanted to know how the City would go about enforcing the ladder issue. Ewert wanted to know if a new Ordinance would have to be written to be enforced. Dorner reported it was not a requirement, but a recommendation from the manufacturer to have a ladder removed when a pool was not in use. Armstrong advised it would be hard to enforce that type of an Ordinance because the City would have to go door to door to find the violations. Dorner stated the Utility Committee had been back and forth on the issue for some time. Brown stated that one of the goals for the Ordinance was to create the safest environment as possible. Brown advised the Ordinance was to try to encourage people to be safe. Brown advised pool owners needed to follow the manufacturer's recommendations on how they maintained their property and what liability they would be willing to accept on how they carried that out. Hampton asked if other cities had slat recommendations for their chain link fences when the Ordinances had been compared. Hampton advised the Ordinance was less restrictive than before.

Motion by Crum – Second by Youngers

Mr. Mayor, I make a motion that we accept the Ordinance presented to us tonight PROVIDING FOR THE ENCLOSURE OF PRIVATE SWIMMING POOLS WITHIN THE CORPORATE LIMITS OF THE CITY OF HAYSVILLE, KANSAS BY AMENDING SECTION 4-1017 OF THE CODE OF THE CITY OF HAYSVILLE, KANSAS.

Councilperson Steven Crum advised that people were putting blow up pools up in their driveways and if this Ordinance passed, it would be easier to enforce. Crum said it was the responsibility of the pool owner to put up a barrier.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

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

Councilperson Steven Crum asked if someone could rent the new skate park for parties. Mayor Bruce Armstrong advised he did not think that had been discussed. Recreation Director Wendy Wilkinson stated that could be brought up at the next Park Board Meeting. Councilperson Bill Youngers reported that had been talked about at the last Park Board Meeting and advised the new skate park was heavily used at this time and he did not think it should be restricted. Youngers said if the use of the skate park dropped, then it could be considered. Youngers advised they wanted to wait until a shelter was built and the park was more developed before they could think about renting it.

Mayor Bruce Armstrong presented the Governmental Services Activity Report for April.

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Councilperson Steven Crum told the citizens that the City was having some computer problems and the email system had been down. Crum advised that citizens would need to call the City offices if they needed something until the problem had been fixed.

Mayor Bruce Armstrong presented the Police Department Activity Report for April.

Councilperson Steven Crum asked if the Police Department was keeping track of high weed calls in order to catch second offenses. Police Chief Mike McElroy advised there was a log book and all documentation of every case. Councilperson Joe Holub asked for an explanation of calls made to assist with a case. McElroy explained those calls were made from the dispatchers to help out the officers.

Mayor Bruce Armstrong asked for Governing Body Announcements.

Councilperson Steven Crum reported there were still openings on some of the committees, which were posted on the City's website and Channel 7. Crum commented on the positive workshop held with the City Council, Haysville PRIDE, and Haysville Forward. Crum advised it would be re-broadcasted on Channel 7 and encouraged the citizens to watch it.

Councilperson Bill Youngers reported the Haysville Garden Tour would be held Saturday, June 25, 2005 from 10:00 a.m. until 4:00 p.m., which would feature eight gardens. Youngers advised the citizens to watch the Haysville Times for locations and map of how to get to the gardens.

Councilperson Patricia Ewert thanked the citizens for their cooperation with the no parking restriction on the east side of Nelson Street.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Lieutenant Jeff Whitfield – End of Training.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Lieutenant Keith Luongo – End of Training.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Sergeant Kevin Sexton – End of Training.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Sergeant Bob Crites – End of Training.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Full Time Master Communications Officer Misti Elliott – Rehire.

Under Other Business Mayor Bruce Armstrong presented the Bid for Repair of Vickers Building.

Mayor Bruce Armstrong explained they did not have any bids for the Vickers Building. Armstrong stated Councilperson Ken Hampton had requested the item be put on the Agenda for

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discussion. Hampton advised that it was evident in the workshop that the image of Haysville needed improvement. Hampton stated, to help beautify the City, the Vickers Building needed to be fixed. Hampton advised the building could be used for the Chamber of Commerce and the Economic Development Director in the future. Hampton said he would like the Council to authorize the Mayor to get bids for the Vickers Building and the parking lot. Councilperson Bill Youngers said he would like to see a comprehensive plan on what the finished product would look like rather than a "quick fix" to spruce it up. Hampton asked if Youngers wanted an in-house plan and have someone from staff draw up a plan. Youngers stated that would be adequate because he would not want to bring in an architectural firm and spend thousands of dollars for a plan. Armstrong advised they could look at old pictures of the building, see how it was painted, see where the windows were and that would give them somewhere to start. Crum stated he would like to see the building opened all the time so citizens could pick up flyers or whatever else was in there they might need. Crum advised there should be a locked conference room in the building if the Economic Development Director's office was put there. Crum suggested getting with the Tree Board to help design landscaping around the building. Hampton asked Public Works Director Randal Dorner if he could draw up a few designs that would meet the standards for the Chamber or the Economic Development Director. Dorner said the restrooms would have to comply with ADA requirements and the heating and air would be another issue. Dorner stated he had a couple of different layouts he had been working on. Hampton stated if Dorner could do the designs "in-house", they would not need a motion for that. Councilperson Joe Holub wanted to know how many people the building would house. Armstrong advised there would be space for two to four people in the building. Armstrong said there would be a large conference room that would hold about twenty-five people for Chamber of Commerce and Haysville Forward, Inc. meetings.

Motion by Hampton – Second by Crum

Mr. Mayor, I will make the motion that we authorize you to go out and get bids for the repair of the Vickers Building according to the appropriate way we will fix it up according to Mr. Dorner, and landscaping also.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Authority to Hire Grant Writer for Senior Center.

Mayor Bruce Armstrong explained that last year the City had started a Grant to build a new Senior Center because there were funds for that. Armstrong stated the City had not met the requirements for the Grant at that time. Councilperson Ken Hampton advised there was an image problem with the City of Haysville and part of that was the Senior Center was too small and old. Hampton said there had been talk of building a new Senior Center but funds were tight and the one that had been proposed would cost over \$400,000.00. Hampton explained there had been grant money that had been available to the City for the center, and probably still would be available. Hampton said the Grant Writer would not be hired for a full time job. Hampton said this would be to contract a Grant Writer for their services in trying to get the City money for particular projects starting with the Senior Center and Activity Center. Hampton said he was not

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sure what the expense would be and that could be left up to the Mayor's discretion. Armstrong advised if Council passed this, the City would check with different companies to get the best use of the money.

Motion by Hampton – Second by Ewert

If there is no more discussion, I make a motion that we authorize the Mayor to hire a Grant Writer for the Senior Center.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consideration of Memorandum from Haysville Planning Commission Re: Final Plat of Hiser Addition Sedgwick County, Kansas.

Planning and Community Relations Coordinator Angela Millspaugh advised she did not have anything in writing from the Sedgwick County Fire Department approving the street but she did have a verbal agreement that it would be alright. Millspaugh stated the options for the Council that evening would be to not approve, to approve upon approval from the Fire Department, or to table the item until they received feed back from the County. Millspaugh advised the map showed where the property was located and at that time, they did not have a letter in hand stating that the street had been approved. Mayor Bruce Armstrong advised the property was located outside of the City limits and was within the three mile area of influence. Councilperson Steven Crum asked when things could be started on the land if the City had a letter from the Fire Department. The process of the plat was explained and it was stated the item would need to go back to the Planning Commission and the County. Councilperson Steven Crum asked what the area would be platted for. Millspaugh said the property would be for a residential area. Hampton said he could not find the piece of property when he drove in the area. Millspaugh reported it was a narrow piece of property and the trees blocked it. Hampton said he noticed on the plat there was a utility easement and wanted to know if they should be concerned about the drainage since it was not in the City. Millspaugh advised a drainage plan had to be submitted and reviewed by Sedgwick County.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we accept the Final Plat of the Hiser Addition Sedgwick County, Kansas contingent on written approval by the Fire Department.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Request for Reimbursement, UPPR/Grand Avenue Grade Separation Project.

Councilperson Ken Hampton advised the reimbursement would actually be \$18,045.00 because there was a misprint on the memorandum.

Motion by Hampton – Second by Crum

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If there is no other discussion, I make a motion that we approve the Consideration for Request for Reimbursement for number 11 and 12 in the total amount of \$18,045.00.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Disposal of Police Vehicle.

Police Chief Mike McElroy explained the Police Department was ready to dispose of a 1998 Ford, Crown Victoria with approximately 118,000 miles on it. McElroy stated the car had a mechanical problem. McElroy reported the City Of Bentley was in the process of forming a Police Department, had expressed an interest in the vehicle and had made an offer of \$2,500.00. Councilperson Bill Youngers wanted to know how much it cost the City to equip a car with cages, bars, and sirens. McElroy advised the newer vehicles were updated because the cages were from Chevrolets and they did not fit the Fords. McElroy stated the Police Department had purchased some cages for a good price from a company that was going out of business in Kansas City. Councilperson Holub asked McElroy if the City of Bentley was aware of the mechanical problem on the vehicle. McElroy stated the Chief of Bentley was aware there was a problem with the vehicle and they would fix it.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we approve disposal of a 1998 Ford Crown Victoria with approximately 118,257 miles on it to the City of Bentley, Kansas for \$2,500.00; and this includes the car and also the cage, light bar, the sirens and controls.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Sewer Fee Analysis.

Mayor Bruce Armstrong explained that May was the month the City looked at the fees that are charged for sewer. Armstrong advised the fee had been lowered two years ago from \$16.80 to \$16.00 and it was being reviewed again to see if Council wanted to lower the fees. Armstrong discussed the spreadsheets that had been given to the Council and explained the debt service and surplus fund. Councilperson Ken Hampton suggested reducing the fee down to \$15.00 and Armstrong said he agreed with that amount.

Motion by Hampton – Second by Streets

If there is no other discussion, I make the motion that we reduce the sewer rates from \$16.00 per household to \$15.00 per household starting immediately or in July, which ever would be a better time.

Assistant City Clerk/Finance Director Beverly Rodgers advised the bills were already calculated to go out for the first of June. Mayor Bruce Armstrong advised the City ran about 60 days behind and asked when a good time would be to start the reduced rates. Rodgers reported that July would be a good time due to the billing. Rodgers advised the reduced rate would be for the sewer fee and not the sewer rate.

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Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.
Motion declared carried.

Under Old Business Mayor Bruce Armstrong presented for approval the Consideration of Purchasing Policy (Tabled 05-09-05).

Mayor Bruce Armstrong explained there had been a recommendation to get rid of Section C-6 and a recommendation about purchases under \$15,000.00. Councilperson Ken Hampton advised that Director of Governmental Services Carol Neugent had not put the wording together about establishing a vender at the beginning of the year to get a better price throughout the year. Hampton said he did not see the wording in the paperwork they had before them concerning that, the purchasing procedure for things less than \$15,000.00 was still in there and the Section 6-C was still in the policy also. Mayor Bruce Armstrong explained the item had been tabled and there had not been a motion made to remove any sections of the Purchasing Policy. Armstrong advised the policy was still up for discussion as to what the Council wanted. Armstrong said he agreed with taking Section 6-C out and he did not have a problem with reducing the \$15,000.00 but he did have a problem with the Council making the policy more restrictive. Armstrong explained they already had a policy where the Mayor, Department Heads and immediate Supervisors shall have the authority to discipline personnel based on the facts and circumstances surrounding a particular case. Armstrong stated they truly had in the personnel policy the ability to deal with that issue and he felt that making the policy that restrictive could cause some problems down the line. Armstrong asked Councilperson Bill Youngers about the wording for the venders. Youngers said the policy seemed vague he did not want to see the City having to carry an inventory on an item just to get a good price for it. Armstrong stated he thought the City should continue to get bids from venders.

Motion by Hampton – Second by Streets

If there is no further discussion, I will make a motion that we amend the policy by deleting Item C-6 under general overseer bidder list and also deleting the purchasing procedure project expenses costing less than \$15,000.00, deleting that whole section and other than that, leave it the way it is, other than those two items.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.
Motion declared carried.

Mayor Bruce Armstrong asked for Department Head Reports.

Assistant City Clerk/Finance Director Beverly Rodgers had nothing to report.

There was nothing to report for Governmental Services.

Police Chief Mike McElroy introduced the visiting Officer Malcolm Young, stating he was the Resource Officer for Campus High School and he had also been the D.A.R.E. instructor for the last season. McElroy had Multimedia Specialist Sean Conley show pictures on Channel 7 of the joint D.A.R.E. celebration in Derby. McElroy reported on a Council Request Action Form on Spring and Stewart for high weeds. McElroy said the Police Department had solicited bids to

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have some mowing done on those properties. Mayor Bruce Armstrong advised that when those nuisances had been mowed by the City, the cost would be assessed back to the tax roll so the City would get their money back. McElroy reported on the "Click It Or Ticket" campaign where law enforcement agencies across the nation would gear up to do checks for violations. McElroy stated Haysville would be participating in the campaign. A thirty second spot commercial was shown on Channel 7 about the "Click It Or Ticket" campaign and McElroy said the commercial would air during the campaign. Councilperson Ken Hampton asked what the cost would be for citizens if they got a ticket for not wearing a seatbelt. It was stated the fine would be \$10.00 along with \$50.00 court cost.

Public Works Director Randal Dorner reported on the action forms on Lamar and 6450 Ward Parkway. Dorner advised that Code Enforcement Officer Cale Topinka would be working on Loring, Karla, Trout, and Turkle Streets. Dorner reported the culvert pipe at 71st and Hydraulic was in the process of being installed to lower the ditches for the Suncrest Addition. Pictures of the project were shown on Channel 7. Dorner reported on the progress of the Ward's IV street project and showed pictures of the work on Channel 7. Dorner stated the citizens were working well with the contractors on parking their cars during the construction. Dorner presented bids from Ferguson Paving and Helmers Construction for the valley gutters and removal and replacement of curb and gutter for the Ward's IV project. Mayor Bruce Armstrong advised Council the money for the project would come out of the \$800,000.00 that had been bonded for streets. Dorner said there was money available for the project. Dorner advised they needed to address Clinton Street. Councilperson Ken Hampton stated Ranger needed to be fixed also. Dorner reported Ranger had been included with the Ward's IV project. Armstrong stated there needed to be motion made to accept the low bids for the Ward's IV project.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we approve the contract with Helmers Construction for \$19,656.00 to fix the 14 valley gutters in Ward's IV Addition and to also approve \$6,250.00 to Helmers Construction for removal and replacement of curb and gutter in the same area.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Public Works Director Randal Dorner updated the Council on the railroad project. Councilperson Steven Crum asked if the Code Enforcement Officer could check rear side easements south of Grand Avenue, in the southwest part of town, because citizens were throwing things over their fence. Dorner stated they would be checking on that area along with grass clippings that had become a problem throughout the City. Dorner stated mosquitoes would be a problem in those areas. Crum asked about the speed zone in the railroad area. Dorner stated that as long as there was any construction being done around the railroad, it would continue to be a work zone and the speed limit would be in force. Dorner stated that was part of the work zone safety across Kansas. Councilperson Joe Holub thanked Dorner for the south bound turn lane at Timberlane and Sarah Lane. Dorner reported on the hazardous waste disposal held at the Public Works Department last weekend.

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Recreation Director Wendy Wilkinson reported on the Middle School Dance that would be held Tuesday, May 24, 2005 from 8:00 p.m. to 10:00 p.m. Wilkinson stated the dance would be open to the fifth grade students also. Wilkinson advised the fifth grade students would need their report cards to get into the dance and the Middle School students would need to bring their school I.D. to get into the dance. Wilkinson reported the pool would open on Saturday, May 28, 2005.

Councilperson Patricia Ewert left the Council Meeting at 8:13 p.m.

Mayor Bruce Armstrong presented for approval Appointments.

Mayor Bruce Armstrong presented Recreation Director Wendy Wilkinson to be re-appointed.

Motion by Crum – Second by Youngers

Mr. Mayor, I would like to make a motion if there is no discussion, to appoint Wendy Wilkinson as the Recreation Director.

Councilperson Ken Hampton asked if Wilkinson had a list of the 2005 goals available to see. Mayor Bruce Armstrong advised that because of the election, he chose not to do that yet.

Hampton yea, Crum yea, Holub yea, Youngers yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval Police Chief Mike McElroy.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we approve the appointment of the Police Chief to Mike McElroy.

Hampton yea, Crum yea, Holub yea, Youngers yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval Shawn McMahon, 180 Hungerford – Planning Commission.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion we appoint Shawn McMahon, 180 Hungerford to the Planning Commission to represent Ward IV.

Hampton yea, Crum yea, Holub yea, Youngers yea, and Streets yea.

Motion declared carried.

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

There were none.

Mayor Bruce Armstrong stated there was no Executive Session on the Agenda.

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Mayor Bruce Armstrong presented for approval the Bills to be Paid for the Last Half of May.

Motion by Hampton – Second by Streets

If there is no discussion Mr. Mayor, I make a motion that we pay the bills for the last half of May 2005.

Hampton yea, Crum yea, Holub yea, Youngers yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consent Agenda.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we approve the Consent Agenda as given to us.

Hampton yea, Crum yea, Holub yea, Youngers yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong asked for Council Concerns.

Councilperson Bill Youngers asked about the shrubbery on the City easement on the southeast corner of Kay and Karla Streets. Youngers advised it was a hazard. Public Works Director Randal Dorner stated that concern had already been turned in and they were working on that.

Councilperson Bill Youngers advised there was a drainage problem on Jane and Hemphill. Public Works Director Randal Dorner stated the Hike/Bike project would have a drain put in and they were looking at some off street parking in the area to relieve some of the parking congestion.

Councilperson Bill Youngers had a concern with the grass and trees overhanging on the Hike/Bike Path in the Pear Tree Addition. Youngers advised it was the resident's responsibility to keep it clean but they did not do that. Public Works Director Randal Dorner said he would take a look at the area. Dorner stated that most of the homeowners took care of the grass up to the Hike/Bike Path and the Public Works Department took care of the rest.

Councilperson Steven Crum reminded everyone that school would be out Tuesday afternoon and wanted everyone to be alert of the children.

Councilperson Steven Crum wanted to encourage the kids this year to do their best to cut down on vandalism in the parks and around the City. Crum asked if somebody saw something going on to report it to the Police Department so they could go over and get that stopped. Crum asked the kids to follow the rules at the Skateboard Park and to help make it a fun place for kids of all ages to enjoy.

Councilperson Steven Crum asked what the curfew was in Haysville. Police Chief Mike McElroy reported for ages 15 and under the curfew was between the hours 11:00 p.m. to 6:00 a.m., except Fridays and Saturdays when the hours were be 12:00 midnight to 6:00 a.m.

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McElroy advised for minors ages 16 and 17, the hours were 12:00 midnight and 6:00 a.m., except for Fridays and Saturdays when the hours were 1:00 a.m. to 6:00 a.m.

Councilperson Steven Crum thanked Officer Malcolm Young for instructing all the D.A.R.E. Classes. Crum advised those classes involved six schools.

Councilperson Ken Hampton asked about Mr. Bishop's situation on the Main Street Place Project. Mayor Bruce Armstrong stated he had not heard from Bishop and he would be contacting him.

Councilperson Ken Hampton asked about the Pizza Hut Contract and if anything had been paid on the contract. Hampton said he had not seen any request for payment. Mayor Bruce Armstrong advised he had received a call from Pizza Hut and they were in the process of deciding how large of a building to build and had asked the City to work with them on a time frame. Armstrong stated it was still a "done deal" but they were trying to build as big of a building as possible.

Mayor Bruce Armstrong asked Council to think about a date for a Council Workshop for direction because it was getting close to budget time. Armstrong suggested having the Workshop on Monday, June 20, 2005.

Mayor Bruce Armstrong asked for adjournment.

Motion by Hampton – Second by Youngers

Mr. Mayor, I make a motion that we adjourn.

Hampton yea, Crum yea, Holub yea, Youngers yea, and Streets yea.

Motion declared carried.

The Regular Council Meeting adjourned at 8:25 p.m.

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Armstrong at 7:02 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Carla Mann: Hampton here, Crum here, Pierce here, Holub here, Youngers here, Ewert here, Streets here. Councilperson Lindsay was absent.

Invocation was given by Dr. George Lespagnard, First Christian Church.

Mayor Armstrong led everyone in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented Sedgwick County Commissioner Tim Norton Re: Sedgwick County Update.

County Commissioner Tim Norton, 200 Timberlane Drive, advised the county had been involved with budget hearings for 2006 and it appeared there would be more revenue cuts from the state at that time. Norton advised there may be funding cuts for senior centers and he would keep Mayor Armstrong advised of the situation.

Norton stated the arena proposals were before the bid committee and the county commissioners would be receiving recommendation from the county staff as to which group they would select to build the Sedgwick County Arena in downtown Wichita.

Norton advised the county was in the process of relocating fire districts, especially fire district #1, however, fire district #34 would probably not be relocated. Norton stated he had hoped to add more space and personnel to station #34 due to the increase in population serviced by that district.

Norton said a new juvenile detention facility that would house 108 youth was in the process of being built and it was set to open in the fall of 2005. Norton said the county had asked for bids and would be completing a new 911 Emergency Operations Center. Norton advised it would be a state of the art 911 center to be constructed on Main Street.

Norton said he had made it possible to widen Meridian from 47th Street to 71st Street to four lanes. Norton stated the studies had shown the traffic patterns indicated the need for the wider street. Norton said that project would be completed in 2007 and he had been working with the City of Wichita to complete the section of Meridian from the interstate to 47th Street during that same time frame. Norton advised 63rd Street from Hydraulic to Broadway was scheduled in 2008.

Norton stated the County Commission would be meeting with Mayor Armstrong that week to discuss the county's participation in trying to solve drainage issues ahead of time from Haysville south to 79th Street. Norton advised he felt drainage was almost as important as bridges and roads and not fixing the infrastructure ahead of time would create lack of development, bad development and major problems just as it had in the area of Hydraulic and 79th Street. Norton advised the Suncrest drainage problem had been mostly taken care of and if Council had heard otherwise he would like to know as he had not received one complaint from citizens in the area.

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Norton stated he had worked with the county planning department to make sure the area from Campus High School south along Meridian be included in the plan to go to Haysville's jurisdiction. Norton said Wichita could override that decision but it was in the plan to have that area be annexed by Haysville.

Norton advised the casino issue was being dealt with and stated there would eventually be a casino which would bring dollars and jobs to the area.

Norton stated the county was in the process of working on technical training since the Wichita Area Technical College went out from under U.S.D. 259 and lost their funding from the state and other resources.

Norton advised Sedgwick County was in need of a larger jail since the current jail had a capacity of 1,041 but housed 1,400 inmates. Norton further advised some were transported to other jails around the state and the work release and other adult programs were overloaded as well. Councilperson Pierce asked if it would be too soon to question the proposed area for the new jail. Norton stated they believed a pod to house 400 inmates could be constructed just north of the current jail but adding 400 beds would create the need for more administration, intake and check in, and more medical and food facilities. Norton advised the project was anticipated to cost \$31,000,000.

Councilperson Holub asked if the Suncrest area would be seeded in the future. Norton advised it would possibly be done in the Fall once the elevations were completed. Councilperson Crum asked what would be done with the old juvenile facility once the new facility was completed. Norton advised some of it would be converted to other things or they might use it for court facilities. Crum asked if it was his recommendation that the City of Haysville work with the county during the widening of Meridian to take it further south from 71st Street. Norton explained there was a new law that said if a city annexed an area they annexed half of the road and if they annexed both sides of the road they also annexed the road. Norton further explained the county's standards were ribbon asphalt, however, if the City wanted curb and gutter, according to City standards, they would have to be pay to upgrade to curb and gutter and that would be cheaper for the City to do that.

Norton stated he would like to see Council continue to be progressive in Haysville as 63% of the citizens said they wanted new school facilities. Norton said everyone worries about spending money and taxes and Council had taken no tax pledges but Haysville was at the apex of something really good and schools, facilities and infrastructure were important and the citizens had said if it was for kids and families they would spend the money to accomplish it. Norton asked that Council continue to be progressive and explained the City could be proud of the railroad as painful as it was but it was done and the center of the City looked good. Norton stated the City of Wichita and the railroad would have to spend an additional 6-7 million dollars to do five of the nine railroad projects since the state did not have the money to contribute to nine. Norton advised two of the railroad projects on the south side would not be completed even though the land had been purchased unless those entities found additional funding. Norton further advised the money spent by Council at that time would come back in spades with the

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development and growth in the community. Norton stated it was not that many years ago that there were no houses being built in Haysville and this year it was approximately one-hundred. Norton stated he applauded the downtown redevelopment and asked that Council not give up on that plan. Norton said he felt the City needed a new senior center, recreation center and something done with the library.

Mayor Armstrong presented a Public Hearing to Consider a Street Vacation Request Re: 1st Street.

Mayor Armstrong advised Council would work from a public hearing script. Mayor Armstrong asked for a motion to open the public hearing.

Motion by Pierce – Second by Crum

Mr. Mayor, I would make a motion we open the public hearing.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked if any Councilmembers had had any outside contact regarding the case. Councilperson Pierce advised he sat on the Historic District Committee as an advisor and he had prior knowledge of the subject. Mayor Armstrong asked if any members of the Council had a conflict of interest in the case. There were none. Mayor Armstrong asked if the City had received any written or electronic communication regarding this matter. Director of Governmental Services Carol Neugent advised she did not have record of any. Mayor Armstrong advised the City would be considered the applicant/agent in this case. Mayor Armstrong asked if there were any questions of the applicant. There were none. Mayor Armstrong asked for any member of the public who wished to speak regarding the matter of vacating 1st Street in the Historic District. There were none. Mayor Armstrong asked for Council comments regarding the matter.

Motion by Pierce – Second by Ewert

If there are no questions or comments I make a motion that we approve the request to vacate 1st Street between Main Street and Hays.

Hampton, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked for a motion to close the public hearing.

Motion by Pierce – Second by Crum

Mr. Mayor, I make the motion that we close this public hearing.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong advised he had seen the gazebo that would be constructed where the street was and it looked like it would big enough to have a band in it.

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Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of May 23, 2005.

Councilperson Crum asked that the question regarding the mechanical problems on the vehicle sold to the City of Bentley be changed to Holub asking the question rather than himself. Crum also asked that page 9 reflect that he had asked the rear-side easements in the area south "of" Grand be checked rather than south "on" Grand.

Motion by Crum – Second by Hampton

I would make the motion, if there are no other changes, that we approve the minutes with those changes.

Hampton yea, Crum yea, Pierce abstain, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

There were no Licenses or Bonds.

Mayor Armstrong presented for approval AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF WASTEWATER RATE FOR THE CITY OF HAYSVILLE, KANSAS BY AMENDING SECTION 17-383 OF THE CODE OF THE CITY OF HAYSVILLE, KANSAS. **(Ord. 878)**

Councilperson Pierce asked if this ordinance was a result of the motion at the last meeting. Mayor Armstrong advised it was.

Motion by Hampton – Second by Pierce

If there's no discussion I'll make a motion that we approve AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF WASTEWATER RATE FOR THE CITY OF HAYSVILLE, KANSAS, BY AMENDING SECTION 17-383 OF THE CODE OF THE CITY OF HAYSVILLE, KANSAS.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval AN ORDINANCE REGARDING THE AUTHORIZATION OF THE CITY OF HAYSVILLE, KANSAS TAXABLE MULTIFAMILY HOUSING REVENUE BONDS, SERIES A, 2005 AND SERIES B, 2005 (MAIN STREET PLACE SENIOR RESIDENCES, L.L.C.) IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$4,340,000 PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 853 OF THE CITY OF HAYSVILLE, KANSAS. **(Ord. 879)**

Mayor Armstrong advised Mr. Bishop was present to answer questions from Council. Mr. Bishop advised everything was set for a closing on the 27th of June, 2005, and the federal home loan bank funds of \$300,000 had been funded to the bank that was providing for the loan. Bishop further advised the documents had been signed with the State, the project had been bid and bonded and an updated building permit had been received. Bishop stated they should begin

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construction by the end of the month. Bishop stated the ordinance was basically a restatement of the previous ordinance, however, the dollar figure had increased due to building price increases. Bishop advised the permanent mortgage would be the \$875,000 originally projected. Councilperson Holub asked about plans for the building. Mayor Armstrong advised the City had those plans and he would make them available for him to look at. Councilperson Pierce asked what the next step would be. Bishop explained the ordinance that was presented would be published and then all parties would be notified and the land would be transferred. Councilperson Crum asked about the difference in the monies stated in the ordinance. City Attorney Lee Parker stated it was a typo and should be noted in the motion. Councilperson Hampton advised he had heard several dates over the last few months and asked if anything could be done if this did not close on June 27th or construction did not begin by the end of the month. Mayor Armstrong stated if the purchaser of the tax credits did not sign construction would not take place and the bonds would not be issued. Mayor Armstrong further advised if this did not close it would be brought back at the first Council Meeting in July for action from Council. Hampton asked if Bishop would be present at the first meeting in July. Mayor Armstrong explained if the deal closed there would be no need for Mr. Bishop to attend the meeting. Bishop stated the other people involved in the funding were following a pre-described time table and construction must begin by the time stated and to be completed within 290 days. Bishop said there were penalties if they were not able to get the building constructed by the deadline. Hampton stated he would like to see verification of the actual cost increase previously mentioned. Bishop explained there were two change orders prior to the start and one of them was for \$70,000 and the other was \$44,000. Bishop further explained one of the changes was due to an interpretation of the new regulations by the state from the fair housing, ADA regulations. Bishop told of the changes to the interior of the units in regard to those regulations. Mayor Armstrong explained the City had no obligation to repay the bonds as they would go back to the bondholder. Mayor Armstrong stated the bonds would be purchased 100% by the bank in Great Bend and they would not purchase them if the funding was not in place. Mayor Armstrong stated the payback on the bonds would come from income of the project and not income from the City. Bishop advised the state had increased some of their allocations to help cover the additional costs. Holub stated he agreed with Hampton in that he would like to see why it had increased and whether there would be more increases after the approval. Bishop stated he did not anticipate any increases and the funders had required \$100,000 in contingency in the construction budget. Mayor Armstrong stated the typo Crum had brought up was not a typo but rather an amendment to the first proposal and there would be no need for a correction in the motion.

Motion by Crum – Second by Pierce

If there is no other discussion I make a motion that we approve the ordinance REGARDING THE AUTHORIZATIONS OF THE CITY OF HAYSVILLE, KANSAS TAXABLE MULTIFAMILY HOUSING REVENUE BONDS, SERIES A, 2005, AND SERIES B, 2005 (MAIN STREET PLACE SENIOR RESIDENCES, L.L.C) IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$4,340,000 PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 853 OF THE CITY OF HAYSVILLE, KANSAS.

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Councilperson Hampton asked if the land would be deeded to the new owners on the 27th. Mayor Armstrong explained the transfer would only take place if the closing actually happened.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.
Motion declared carried.

Mr. Bishop advised there were 41 families on the list of the possible 59 units and they expected to be fully leased by the time construction is complete.

Under Notices and Communications Mayor Armstrong presented Lieutenant Steve Rudd, Sedgwick County Fire Department, Station #34, Activity Report for May.

Lieutenant Steve Rudd advised Council there were a total of 58 alarms for May. Rudd stated there were 44 medical responses, two fires and miscellaneous service calls or special assignments.

Mayor Armstrong presented the Public Works Activity Report for May.

Councilperson Hampton asked if the electric motors that had failed had been replaced. Public Works Director Randy Dorner explained they were evaluating them and found that one needed replaced and the other one was barely working. Dorner stated it would take 4-10 weeks for the delivery of a pump of that size. Dorner said they were monitoring them and it was not a major problem at that time.

Mayor Armstrong presented the Recreation Activity Report for May.

Recreation Director Wendy Wilkinson advised the report received by Council was in the old style since the Activity Center was struck by lightening and there were computer and printer problems. Wilkinson advised there were no daily activity numbers on this report due to that problem.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Youngers reminded everyone on June 25, 2005, the Haysville Times and the PRIDE Committee would meet for the 1st Annual Haysville Garden Tours where there were eight gardens in the tour. Youngers advised they had tried to group all the activities for the 4th of July Celebration on the one day.

Councilperson Crum advised the flags on the street lights looked good. Crum said there were some committees with openings and those were published on the website. Crum stated there were two positions and possibly a third on the Tree Board and anyone interested should contact Mayor Armstrong. Crum said the Haysville Times had published a few editorials regarding skateboards where the information was incorrect. Crum clarified skateboards could be ridden on Hike and Bike Path sidewalks, on City's basketball courts and cement slabs but could not be ridden on the Band Shelter and other park equipment not made for skateboards.

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Mayor Armstrong presented a Letter from Commodity Programs Consultant Doug Ferrell Re: SRS.

Mayor Armstrong presented a Letter from Sarah Kauffman, Cox Communications Re: Cease Operations of VH1 Mega Hits Channel 230.

Mayor Armstrong presented a Memorandum from Public Works Director Randy Dorner Re: Heavy Equipment Operator James Brooks – End of Training.

Mayor Armstrong presented a Memorandum from Public Works Director Randy Dorner Re: Full-Time Temporary Worker Keith Hill – New Hire.

Mayor Armstrong presented a Memorandum from Public Works Director Randy Dorner Re: Wastewater Trainee Sarah Smith – New Hire.

Mayor Armstrong presented a Memorandum from Assistant City Clerk/Finance Director Beverly Rodgers Re: Assistant Court Clerk Stacy Hammann – End of Training.

Mayor Armstrong presented a Memorandum from Planning/Community Relations Coordinator Angela Millspaugh Re: Resignation from Haysville Planning Commission – Mike Bradshaw.

Mayor Armstrong advised that resignation would leave an opening in Ward IV on the Planning Commission.

Under Other Business Mayor Armstrong presented for approval a Consideration of Contract with HJBL.

Councilperson Youngers asked if there were any changes to the yearly contracts. Recreation Director Wendy Wilkinson advised it was the standard contract. Mayor Armstrong asked if they had met all the requirements of the previous years contracts, including the number of players and the financial statements. Recreation Director Wendy Wilkinson stated they had not met the number of players and financial statements. Mayor Armstrong advised item 7 and 8 of the contract had been direct questions from the public in the past and he would like to see all items met in regard to the contract. Wilkinson advised she would request that information. Mayor Armstrong recommended Council approve the contract subject to those missing items being submitted.

Motion by Pierce – Second by Crum

I make a motion that we go ahead and approve this contract with Haysville Junior Baseball League contingent upon them providing us last year's information for items 7 and 8.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Contract with the Adult Baseball League.

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Recreation Director Wendy Wilkinson advised this was the same contract and the breakdown of the financials were not provided.

Motion by Crum – Second by Hampton

If there is no more discussion I would just like to make a motion that we approve the contract with the Adult Baseball League contingent on the fact that they give us the information stated in #7 and #8.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval to Establish a Workshop on June 20, 2005, Re: Budget and City Direction.

Mayor Armstrong advised the Department Heads would need direction from Council in regard to the budget and a workshop should be held for that. Mayor Armstrong suggested the meeting begin at 6:00 p.m.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we establish a workshop on June 20th, here in the council chambers to begin at 6:30 p.m. to discuss budget and City direction.

Councilperson Hampton asked if a representative from the Library could be invited for their input. Mayor Armstrong advised that could be done.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There was nothing under Old Business.

Mayor Armstrong asked for Department Head Reports.

City Clerk Carol McBeath had nothing to report.

Director of Governmental Services Carol Neugent showed a presentation from School's Cool. Neugent advised it was a cooperative summer program.

Police Chief Mike McElroy introduced the attending officer Sergeant Bob Crites. McElroy advised there were 103 citations issued during the Click It or Ticket campaign. McElroy further advised there were 58 citations written during the increased enforcement patrol and a driver's license check lane was conducted on South Jane where there were 133 contacts, 17 seat belt violations and two no D.L. violations were issued. McElroy stated they had requested reimbursement from the state for \$783.98 for overtime expenses.

Public Works Director Randy Dorner advised he had received numerous Council action requests and they consisted of "No Parking" signs at Timberlane Drive and Hungerford and they would

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be installed the following day. Dorner further advised the “No Parking” signs would cover the area from Sarah Lane to the second drive of the park. Dorner advised there were cases on Trout being worked and another on Spencer. Dorner stated there had been some water plant problems due to storms where the old computer systems were shut down. Dorner advised the pumps were run manually over the weekend to keep the water and fire protection levels up. Dorner said they were tracking down parts for the 20-year old system and that was slowing them down. Dorner updated Council on the Ward’s Fourth Addition street replacements and displayed pictures of that progress. Dorner said because of the rain they were pumping out water in order to get the pavement in. Dorner stated Hollywood had been completed except for the 2” lift. Dorner stated there was a lot of trash from the City during the cleanup and there were a total of 360-380 permits purchased. Mayor Armstrong stated he was updated on the numbers and the total had reached over 500.

Recreation Director Wendy Wilkinson had nothing to report.

Under Appointments Mayor Armstrong presented for approval the Appointment of Director of Governmental Services Carol Neugent.

Mayor Armstrong advised Council had received her goals and accomplishments. Councilperson Pierce advised he would like to see her add financial commitments and staying within the budget to her list of goals as well as controlling overtime compared to past year’s numbers. Pierce went on to say that goal should be at the top of the list for each department.

Motion by Crum – Second by Ewert

If there is no other discussion I would like to make a motion that we allow you to appoint Director of Governmental Services Carol Neugent.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval the Appointment of Public Works Director Randy Dorner.

Motion by Crum – Second by Youngers

Mr. Mayor, I’d like to make a motion that we allow you to appoint Public Works Director Randy Dorner.

Councilperson Pierce thanked Public Works Director Randy Dorner for safety training and moving employees up and added he would like to see faster response time on citizen and Council action requests.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

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There were none.

There was no Executive Session.

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

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we approve the bills to be paid for the first half of June.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval the Consent Agenda.

Motion by Pierce – Second by Streets

Mr. Mayor, I make the motion to approve the Consent Agenda.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked for Council Concerns.

Councilperson Hampton asked about the FEMA money from the ice storm. Director of Governmental Services Carol Neugent advised two checks were received and Assistant City Clerk/Finance Director Beverly Rodgers advised the checks totaled approximately \$4,400. Hampton asked about the trash service on 71st and Meridian. Police Chief Mike McElroy advised they were still in the process of attempting to make contact.

Councilperson Crum advised there was a pothole on Grand and Meridian. Crum advised the signs from the U.S.D. 261 bond issue should be removed. Crum advised he had received a complaint on the way trash trucks drove on the streets of the City and asked the citizens to report these drivers when they see it happen to the Police Department. Crum suggested Council begin thinking about working with the County on street improvements, specifically widening Meridian from 71st Street to 79th Street, to save the City money in the future.

Councilperson Pierce asked about the speed limit sign. Public Works Director Randy Dorner advised it would be taken care of the same day as the “No Parking sign.”

Councilperson Holub advised there was a pothole on Fager.

Councilperson Youngers advised there were people riding four-wheelers and motorcycles in the area of the Pear Tree Addition. Youngers asked Public Works Director Randy Dorner to fix the potholes on the streets in Ward’s Fourth where the streets weren’t being replaced.

Councilperson Pierce asked about the grant writer for the Senior Center. Mayor Armstrong advised he had spoken with three different companies/individuals and would be meeting with another one the following day.

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Mayor Armstrong advised Councilperson Lindsay was unable to attend the meeting but had dropped off a petition that he was presented by the citizens who lived on Sunnyside and Sandy. Mayor Armstrong said the petition was asking the City to replace their streets also. Mayor Armstrong explained it was not the City's intention to not fix the streets but to spread the money throughout the City while the majority of the money went to the Ward's Fourth Addition. Mayor Armstrong also explained the City would be replacing those streets in another phase, however, the petition requested they be done at that same time as the other streets in their addition.

Mayor Armstrong asked for a motion to adjourn.

Motion by Pierce – Second by Streets

Mr. Mayor, I make a motion that we adjourn tonight's meeting.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

The Regular Council Meeting adjourned at 8:34 p.m.

Carol McBeath, City Clerk

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

Roll was called by Recording Secretary Carla Mann: Hampton here, Crum here, Lindsay here, Pierce here, Holub here, Youngers here, Ewert here, Streets here.

Invocation was given by Reverend Paul Greene, First Assembly of God Church.

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Councilperson Lindsay advised of his resignation due to moving from his Ward and vacated his seat at that time.

Under Special Order of Business Mayor Armstrong presented a Presentation of Park Board's 1st Quarter Volunteer Award to Haysville PRIDE Committee.

Councilperson Youngers presented the 1st Quarter Volunteer Award to the PRIDE Committee. Tom Gibson and DeAnn Konkel accepted the award on behalf of the PRIDE Committee.

Mayor Armstrong presented a Kansas PRIDE Program Entry Government Resolution Year 2005.

Mayor Armstrong advised each year cities and councils were asked to approve a resolution supporting the PRIDE Program of the City. **(Res. #05-01)**

Motion by Pierce – Second by Crum

Mr. Mayor and Council, I make the motion that we pass this resolution as it relates to the Kansas PRIDE Program entry government resolution for the year 2005.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Nuisance Abatement Violation, 159 S. Lamar, Carolyn J. Gentry.

Code Enforcement Officer Cale Topinka advised he had received a complaint on May 9, 2005, regarding the property located at 159 S. Lamar. Topinka advised the complaint was found to be valid and a courtesy door hanger was left giving the property owner ten days to comply. Topinka advised he had reinspected on May 21, 2005, where he found progress had been made, however, violations continued to exist. Topinka further advised a certified letter was mailed on the 26th and it was signed for on the 27th. Topinka stated he had reinspected the property several times and then on June 22nd pictures were taken and photos were taken again on that day showing what progress had been made and the work to be completed to bring the property in compliance. Councilperson Pierce asked what Ms. Gentry had said in regard to the property. Topinka stated Ms. Gentry had advised she lived alone, had no family and had arthritis and it had been a slow process. Topinka stated she had advised she could possibly have it completed by that following day. Mayor Armstrong advised if the resolution were passed she would have ten days to complete the work. Councilperson Crum asked what would happen if Council were to

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table the matter until the next Council meeting. City Attorney Alison McKenney Brown advised it could be tabled, however, the process would start over.

Motion by Crum – Second by Pierce

Mr. Mayor, I'd like to make a motion that we table the nuisance abatement for 159 S. Lamar for the next Council Meeting.

Hampton nay, Crum yea, Pierce nay, Holub nay, Youngers nay, Ewert nay, Streets nay.

Motion denied.

Motion by Hampton – Second by Ewert

I'd like to make a motion that we pass the resolution concerning the nuisance abatement on certain property located within the City of Haysville, KS, and providing for certain assessments related thereto in regards to Lot 16, Pat Raleigh Matlock Addition in Haysville, KS., commonly known as 159 South Lamar, Haysville, KS. **(Res. #05-02)**

Hampton yea, Crum nay, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Public Hearing to Consider Request to Vacate Land from City Boundaries.

Mayor Armstrong advised Council had previously received a packet regarding the issue and a public hearing script would be followed once the public hearing began. Mayor Armstrong asked if the City Attorney had any comments to make prior to the start of the public hearing. City Attorney Alison McKenney Brown advised she did not. Mayor Armstrong asked for a motion to open the public hearing. Councilperson Hampton asked if the list of items for vacating the property should be included in the motion. McKenney Brown advised they did not have to mention each item individually, however, the motion should state all fourteen items were considered and based upon that consideration the decision was made.

Motion by Pierce – Second by Hampton

If there is no additional questions before we start I make a motion that we go ahead and open, begin this open hearing considering the vacation of land request.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong advised the public hearing script was to protect the rights of all parties involved in order to create an opportunity for everyone to speak their opinions and to present information; Council follows specific procedure in reaching a decision and copies were made available at the door. Mayor Armstrong asked if Council members had any outside contact regarding the case and if so, with whom, the nature of the conversation and what items from the conversation might affect their decision. Councilperson Hampton advised prior to being elected to office he had conversations with Chuck Tilson where Mr. Tilson had explained the group's situation but not to sway one way or another. Hampton stated it was more of a fact finding conversation and did not feel it would prejudice his judgment. Hampton advised there were several people at the meeting from the group and he did not recall who all was there since it had

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been a year and a half ago. Hampton stated he had also spoken with Councilperson Pierce where he had basically asked questions about the procedure and items he had questions about but nothing to sway one person or the other on the decision. Councilperson Pierce advised he was also at the Exit 39 meeting where there was information and background. Pierce stated he had visited with Councilperson Hampton, Director of Governmental Services Carol Neugent, Planning/Community Relations Coordinator Angela Millspaugh and Mayor Armstrong regarding specific questions and technical points he had but nothing to make him feel one way or the other in regard to his position on the matter. Councilperson Youngers advised during his campaign for the position he had spoken with Mr. Tilson, Mr. Benner and Tom Mosteller where they had indicated their position and also inquired of his position on unilateral annexation. Youngers stated he had received anonymous phone calls where he assumed it was from that annexation area and they wanted to know what his vote would be if it were brought to a question. Youngers advised after he was elected he had spoken with Mr. Tilson and Tom Mosteller once each on the same topic so they could reiterate their position and neither one asked what his vote would be but he got the impression that he was expected to vote a certain way. Youngers stated none of the conversations had affected his vote. Mayor Armstrong stated he had not received anymore notices from Council to speak and that would reflect there were no other Council members having conversations with anyone that would affect that part of the public hearing. Mayor Armstrong asked if any members of the Council had a conflict of interest in the case and if so to disqualify themselves from any action on the matter but could choose to speak as members of the public on the case. There was no one. Mayor Armstrong asked if the City had received any written or electronic communication regarding the matter. Planning/Community Relations Coordinator Angela Millspaugh advised she had received questions from Council and comments from the Planning Commission that were in the Minutes. Millspaugh read the recommendation from the Planning Commission saying the action was taken on June 23, 2005, with a Motion by Schnieter, Second by Parton, "looking at all the criteria we are supposed to look at, I move to recommend Council deny this request to vacate the land from the boundaries of Haysville," followed by some discussion and the vote was seven yeas and two nays. Millspaugh advised the applicants were Loibl, Norton, Mosteller, Hudson, Mosteller, Swenson, Byers, Hying, Clark, Tilson, Knight, Knight, Benner, Glidden, Benner, Grieving, Whiteman, Valesquez, Czajkowski and Meadows who were requesting vacation of land from the City boundaries. Millspaugh advised the properties were located east of Broadway, south of the Wichita-Valley Center Floodway, west of the Kansas Turnpike and north of 79th Street South and further advised those areas were highlighted on the Staff Report. Millspaugh advised the applicants were requesting their properties be vacated from the boundaries of the City of Haysville where the properties and two additional properties were annexed by the City on October 14, 2003. Millspaugh said on January 13, 2000, the Haysville Planning Commission received notice that the City of Wichita was considering the annexation of certain properties south of 55th Street South from west of Seneca to east of Hillside and the Planning Commission requested Council consider annexing south of 59th Street and east of Broadway to the Arkansas River. Millspaugh stated at the January 24, 2000 meeting the City Council had decided to discuss the matter further at a workshop and that workshop was held on February 5, 2000, where the City Council had decided not to fight the annexation of the properties by the City of Wichita since most of the properties had consented to be annexed when Wichita agreed to serve the area with water. Millspaugh said Council had considered the properties of other areas to be annexed to protect Haysville's

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boundaries. Millspaugh advised on February 25, 2000, the Planning Commission had recommended the annexation of certain properties and at the February 28, 2000, City Council meeting Council had directed the Planning Commission to conduct the annexation study of certain properties. Millspaugh further advised during the course of conducting the study it was found that the annexation areas being considered would not conform to City Code and the Planning Commission had recommended certain changes be made to the zoning ordinance to ease the transition of the properties from Sedgwick County to Haysville. Millspaugh said on January 28, 2002, Council adopted an ordinance making those changes and on February 25, 2002, the City Council had adopted the annexation study. Millspaugh advised on March 11, 2002, City Council had adopted a resolution declaring an interest in annexing certain properties. Millspaugh said at the March 14, 2002, meeting of the Haysville Planning Commission members had found the area was not compatible with the adopted land use plan and it was stated the land could be zoned according to the Land Use Plan at the time of annexation. Millspaugh said on May 16, 2002, Council had held a public hearing on the matter and at the May 28, 2002 Council meeting more comments were received from members of the public prior to Council deciding not to annex the properties presented. Millspaugh stated on April 28, 2003, Councilperson Harris advised he would like the annexation topic be placed back on the agenda for Council consideration. Millspaugh advised on May 12, 2003, Council had decided to initiate the process to annex certain properties and the area chosen included properties on the west side of the KTA. Millspaugh further advised on June 23, 2003, Council had approved a service extension plan for the area and Council had adopted a resolution declaring an interest in annexing certain properties on August 11, 2003. Millspaugh stated on October 14, 2003, Council conducted a public hearing on the matter and decided to annex the properties and the annexation became effective on October 17, 2003. Millspaugh said Edward and Anna Loibl of 6746 S. Broadway had signed a consent for annexation during the process of the properties being annexed by the City of Haysville. Millspaugh said the reason they had signed the consent was they had wanted to build an addition onto a structure of their property and were unable to do so according to Sedgwick County regulations and they wanted to make sure they were annexed by Haysville so they could do their project. Millspaugh advised a building permit was issued to them on March 11, 2004. Millspaugh stated Haysville's adopted Land Use Plan indicated the future growth of Haysville extended north, east and south of these properties and 38.38 acres of the area was devoted to agricultural use. Millspaugh said the total acreage of the area requesting vacation was 94.8 acres, more or less, and forty percent was devoted to agricultural use. Millspaugh explained five of the properties were dedicated to agriculture with four having residential improvements, two commercial properties zoned Light Industrial, two vacant properties and the remaining properties were residential. Millspaugh stated nine of the tracts of land proposed to be vacated were unplatted and of the remaining properties one tract was platted as Glidden 1st Addition, the remaining tracts were included in the Mosteller 3rd Addition. Millspaugh advised there were seventeen residences located in the area requesting vacation ranging in age from eighty-three years to two years and one of the residences was a mobile home and the age was unknown. Millspaugh stated the breakdown of the age of the homes was as follows: eight were under five years; 1 was between the age of 5-10; 2 were 10-25 years; 2 were 25-50 years and 3 were 50-80 years old. Millspaugh advised the estimated population of the area was 44 persons and the area was not projected to have significant growth in population in the next five years. Millspaugh stated the topography of the area was relatively flat, similar to the City and the area shared the

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natural boundaries of the Wichita-Valley Center Floodway and the Kansas Turnpike. Millspaugh stated during periods of excessive rain storm water may drain into the City's storm water system and the properties were located in Drainage Areas 3, 7 and 9 of the Haysville Drainage Basin. Millspaugh advised Highway U.S. 81 was a common transportation link for these properties and the City. Millspaugh further advised these properties were larger lots than typically found in Haysville and the area was not served by the City's sewer system. Millspaugh said the tract located at the intersection of Shaman and Shahin Street was different in that it did drain to the City's storm water system and was served by streets maintained by the City of Haysville. Millspaugh said if the properties were vacated they would no longer be levied City taxes, however, they would be levied township taxes. Millspaugh stated Council had in their packets the 2004 Mill Levy Comparison and based on 2004 tax information the City would lose \$322,042 of assessed valuation and approximately \$13,473 in tax revenue if the properties were vacated. Millspaugh added that these figures had increased from what was published in the Service Extension Plan due to a significant increase in property valuation of those properties. Millspaugh advised Council had been given a breakdown of the valuation of each of the properties and the taxes that were paid to the City for 2004 taxes. Millspaugh advised the services that were provided to the area by Haysville included police protection, code enforcement, access to the City's recycling center, yearly City-wide clean-up, parks systems, recreational opportunities and the Haysville Community Library. Millspaugh stated there were two tracts of land that were served by City water and another tract of land was served by City maintained local streets. Millspaugh stated since being annexed by the City six calls were made to the Haysville Police Department from citizens or property owners and patrol officers were trained to patrol each street during their shift if their call volume permitted. Millspaugh further advised the private street in the Mosteller Addition was patrolled by the Haysville Police Department similar to the private streets in the Peachwood Manor Mobile Home Park and traffic violations would not be enforced on those streets but certain infractions might have been. The streets in the Country Plaza Villas Addition and Broadway were patrolled and all infractions enforced. Millspaugh stated two building permits had been issued in that area since being annexed and the Public Works Department had conducted all necessary inspections related to those permits. Millspaugh stated one business license had been applied for and the Haysville Public Works Department had conducted all necessary inspections in relation to that license. Millspaugh informed Council Haysville crews had made three passes to pick up debris from the ice storms in those areas and the debris was removed from Broadway. Millspaugh advised the two properties served by Haysville water, the Norton's at 6862 S. Broadway and Tom Mosteller's at 6900 S. Broadway, had access to the City water prior to any regulations that would require them to sign an agreement stating they would petition for annexation upon request by the City. Millspaugh explained how their water rates had decreased since annexation due to the difference in City rates and rural rates. Millspaugh advised the nearest public parks were the Orchard Acres Park, South Brooke Park, Pear Tree Park and Whisler Park and they were located in Haysville within one mile west of those properties and the nearest community sized parks were the Riggs/Timberlane Park and Fred Cohlmlia Memorial Park located one and a half miles west in Haysville. Millspaugh advised the nearest community library was located a little over a mile west in Haysville. Millspaugh stated some of the residents were employed or owned businesses in Haysville. Millspaugh advised at the public hearing on October 14, 2003, and at meetings since that time, several property owners from that area had stated they had chosen to

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live and do business in Haysville. Millspaugh further advised those properties, if vacated, would revert back to Salem or Riverside Townships and would once again be provided law enforcement by the Sedgwick County Sheriff's Department. Millspaugh said one of the effects of the vacation on adjacent properties would be that these properties would no longer fall under the City's nuisance codes which are more stringent than those of Sedgwick County. Millspaugh explained an economic development assessment was conducted October 4, 2004, through October 14, 2004, where one of the weaknesses listed in the report was "The community shows poorly in several areas, especially along Broadway, which is a primary artery." Millspaugh stated vacating those properties would have a negative impact on Haysville in its pursuit of economic development in that the City would lose the ability to regulate those properties. Millspaugh advised Council there were no known petitions for incorporation of the area as a new city or for the creation of a special district. Millspaugh stated the likelihood of significant growth in that area during the next five years was minimal and vacating those properties would have no effect upon the utilities providing services or the ability of the utilities to provide services to those properties. Millspaugh advised there were several items attached to the staff report which included Planning Commission minutes of June 9, 2005, and June 23, 2005, as well as a breakdown of the 2.4 million dollars that had been mentioned throughout the June 9th Planning Commission meeting with maps detailing those projects, City codes that were discussed on June 9th pertaining to the water and sewer services and ordinances that were adopted with input from the area and areas of possible future annexation, information regarding burn permits, information on what percentage of the City's budget went to park, police, library, inspection, code enforcement, utilities, etc. There were no questions from Council for Millspaugh.

Mayor Armstrong asked if the applicants or their agents were present and asked that they step forward, state their name, address and explain to Council why they felt the vacation should be granted. Mayor Armstrong explained each speaker would have five minutes to speak, however, if more than five minutes were needed it may be extended by Council vote if there was good, factual information being presented.

Chuck Tilson, 6940 S. Broadway, advised Council had heard their points of contention and stated they were present for the second time to attend a public hearing for the purpose of getting a vote. Tilson advised one-hundred percent of the property owners involved had signed the petition requesting the vacation for the second time and nothing had changed in the past one year and eight months. Tilson stated they were not opposed to annexation at all, were not opposed to Haysville growing but their point of contention was the forced annexation. Tilson said they had property owners that had been part of Haysville for thirty to forty years where some even owned businesses. Tilson stated their point of contention was that cities needed to annex prior to people building or buying their homes and asked that Council put themselves in their position of buying or building a home based on a budget on what could be afforded. Tilson added their taxes had increased forty percent and there were no services for the extra taxes other than police service. Tilson stated according to the Service Plan and State statute 12-512 and 12-520, the City was required to provide services equal to or greater than what was already provided by themselves. Tilson added that was not able to be done without an additional costs of 2.4 million dollars to the twenty families and that was not an option. Tilson stated the bottom line was they were forced to

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be annexed and Kansas was only one of two states remaining that allowed local governments to unilaterally annex against property owners' consent. Tilson stated they had no rights, no representation and no recourse during the annexation process. Tilson said they had no additional services upon annexation that they had not already paid for as it pertained to water and sewer, etc. Tilson added there were families in the area on limited and fixed incomes and forty percent on the average was added in additional taxes and the state statute said the City must provide a full and complete understanding of the service plan and to provide services equal to or greater than what they had. Tilson advised the service plan did not provide a full and complete understanding and even the City official that was responsible for the service plan could not provide a full and complete understanding. Tilson stated basically the bottom line was they were forced to be annexed and they had asked that they not be and 100% of the property owners had signed the petition and that was the only recourse they had. Tilson asked Council to support their petition to vacate even though they were a part of Haysville, they had chosen Haysville, still chose Haysville, some had businesses in Haysville, they want to be a part of Haysville but did not feel it was fair to be taxed with no services. Tilson advised he would like to have an opportunity to respond to any questions or comments made by Council. Councilperson Holub asked Mr. Tilson how long he believed they could maintain the properties as they were without annexation. Tilson answered it could be done indefinitely for as long as it took. Holub advised he had driven down his private drive and noticed that the drive needed attention and asked if he was prepared to repair or replace the drive. Tilson stated he was prepared and they had built their homes with that intent and purpose in mind. Councilperson Pierce asked if their issues were any different at that time than what they were when this was done. Tilson advised they were no different.

Mayor Armstrong asked if any of the other applicants would like to speak.

LaVonna Benner, 6962 S. Broadway, stated she had lived at that address since she was married in 1947, her husband was raised there, they had raised their family there and they had gone back a long way and would be found in the Haysville book. Benner stated her family has had a lot to do with Haysville as they had been here all their lives and her husband's father was a big watermelon grower and his pictures could be found in the book. Benner said they would like to stay the way they were. Benner advised there were two houses on her acreage that belonged to her children who lived there and they had no intention of starting new housing additions as the balance of the property was being farmed at that time and had been for years. Benner advised her family had farmed it until her husband was gone and they had to have someone else do it. Benner stated her taxes had raised more than the 35% that they were told in one year upon annexation. Benner said it took another social security check to pay it and she was 76 years old and was still working and would continue to work since she had to. Benner asked Council to put themselves or their mother in her place and she did not want to give up something she had always had because she could not pay taxes on something she owned. Benner asked Council to return them back to the County the way they had always lived and the way they always were. Benner advised she had lived there many years and had always maintained their septic and water systems without any problems and they could maintain their own driveway.

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Delta Meadows, 908 E. 71st Street South, advised she was one of the six people that had called the Haysville Police Department and was told by the officer that he did not know they were annexed and wasn't going to do anything and that they would have to call the Sheriff. Meadows stated she advised the officer that Haysville had annexed them and he said no one had told them. Meadows stated the infraction had occurred in the street which had been annexed for a long time. Meadows advised the officer then proceeded to go ahead and do what she had asked.

Jackie Benner, 6966 South Broadway, advised she was married in 1971 and had lived in Haysville since that time and stated she loved Haysville, her kids were raised here, they participate in the baseball leagues, and they did come into the City and participate. Benner added her taxes went up \$1000 and that was a lot of money for nothing and she did not mind being in Haysville because she liked it but when you don't get anything for your money, she wanted her money's worth. Benner stated there were supposed to be laws on the height of the grass in the Industrial Park and the company's debris blew into their yard and they constantly had to remove it. Benner advised they had contacted this business to pick up their stuff off their yard and it was not done so there was no reason to be considered in Haysville when they received nothing for their money. Benner stated they expected to get their value from their dollar and it would be different if they had received that. Benner advised they could not afford two and one half million dollars for water since they had a perfectly good well and if they needed to put down another one they would but it would not cost that much money. Benner said she had come to the City Building to rent the Community Building and was told she was not in the City and it had not been annexed. Benner stated she would like it to be worth their time to be in the City and asked that the City give them something.

Dan Benner, 6966 South Broadway, advised they were being taxed and getting nothing in return and having the privilege to buy a library card was nothing as he could get one any where without being a resident. Benner stated the services he had been given were nothing and he believed if the City had offered to provide sewer or water or both or some kind of tangible part of a service like those they probably would not be having the meeting. Benner advised the sewer line ran 400 feet from his front door and it would cost in the neighborhood of \$200,000 for him to hook up to the sewer system. Benner stated it was his concern about what would happen when his septic system or water well went bad and had to be replaced. Benner advised he would have to come to the City for a permit and there were no permits for septic systems in Haysville or potable water wells. Director of Governmental Services Carol Neugent advised it was correct that a permit would have to be applied for but there were permits available as some residences were on septic systems and water wells. Benner stated he was not aware there were allowances within the City for people to have their own sewer systems. Benner asked if they would be required to hook up to City sewer and water if they were to sell their property and advised he could not afford to do that. Benner said he felt it was ridiculous for anyone to tell them their water or sewer system was worth \$200,000 per property since his property was not worth that much money. Benner advised he did not understand how those figures were arrived at and they were not explained. Benner stated he did estimating at work and knew that cost estimates were done by going off what had already been done or by asking the company that would do the work to come in and give a rough estimate of the cost. Benner said it should have been easy to document and it didn't happen. Benner stated those questions were asked but they did not

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receive answers so he did not understand where the figures had come from. Benner advised he wanted to reiterate what his neighbors had said and asked that the right thing be done and vacate the properties.

Councilperson Pierce asked Mr. Benner if he felt he already lived in town since he had to drive into town to go some where or through town to get home. Benner advised he did not understand the question. Pierce asked him if he could get to his neighborhood from the county without driving through the City. Benner advised he could since he lived on Broadway and all he had to do was go north. Pierce stated the City limits ended at the Wichita-Valley Center Floodway. Benner advised it was a U.S. Highway and he did not understand the question. Pierce stated that area was truly an island inside the City sharing natural boundaries and it seemed to him that if he pulled out on Broadway and went north Mr. Benner would be in Haysville City limits. Benner advised he was and if he went far enough he would be in the Wichita city limits and going south he would be in another city's limits. Pierce advised he was trying to get a feel for whether it seemed it was county property or City property. Benner advised he had lived there all his life, his children grew up there and it was always county, it was county when he was a child and his father had farmed the place. Benner said in his mind he would feel like it was county as long as there was wheat in the fields. Benner advised he did not want to come across as if he had any animosity with Haysville or any other City but the problem was the City stepping out and dragging him into their limits against his will and charging him thirty to forty percent in taxes with nothing in return.

Melvin Whiteman, advised he had been associated with Haysville because he bought a piece of agricultural property on South Broadway. Whiteman stated when he went up and down South Broadway he was on state property and the City may patrol it but they did not mow it and the highway was not in Haysville because the state maintained it. Whiteman said the Mayor may have told Council that and it would be hard to remember what a City's limits were and felt most of the people on Council were basically honest and hoped they were because they would hear from a lot of people if they don't come out in the honest and moral way. Whiteman advised he was 73 years old at that time and he guaranteed they would not forget him whichever way they voted. Whiteman stated they would find out how moral, how smart and how long some people were going to last with what they were doing. Whiteman said some people die because they were crooked and some people died because they were honest and didn't have any other sense and he did not think anyone should die because they voted wrong and didn't even want to propose that. Whiteman advised Council should vote the way that is honest and true and know eventually they would some day have to meet their maker and would like Council to be guided in the right way.

Fred Mosteller, advised he agreed with his neighbors and still felt the same way and was in agreement with them 100%.

Mayor Armstrong advised they would move to the next section of the public hearing and asked for questions from the applicant for Council. There were none.

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Mayor Armstrong asked for members of the public to speak who would also have five minutes to speak unless more time was needed with good, factual information.

Mitch Lindsay, 219 Timberlane Drive, advised he may not get to vote but still represented the petitioners until someone took the vacated seat. Lindsay stated Planning/Community Relations Coordinator Angela Millspaugh and staff had done a great job presenting a report at that meeting but the problem was the City would not have ever driven down the private drive and 95% of the citizens did not know where the area was. Lindsay stated the Planning Commission's report would come up in discussions where it was ignored last time. Lindsay said the Planning Commission did not consist of elected officials, however, Council was elected and they reported to the public where they were voted in. Lindsay advised each one had been stated in the Haysville Times on their position of annexation and he asked Council to hold true to what they campaigned on. Lindsay said this was not a question of annexation but rather a question of what kind of government the City of Haysville would have. Lindsay added that during the time that this area was annexed the City had received a lot of free public publicity but it was not good. Lindsay asked if the City would be the government that forces and comes in with a baseball bat and it was seen in the Supreme Court over the previous week allowing governments to take over houses to put whatever they wanted there as long as it was good for public interest but surveys showed that was not the government people wanted. Lindsay advised there was a debate all the way up as to what kind of government we would have and that was the question that night and starts at a small City.

Lucy Sherman, 258 North James, advised they had purchased their home 22-years ago on James since they wanted to live in Haysville and they bought theirs in the county because they did not want to live in Haysville. Sherman further advised it did not seem fair to her they be forced to live in Haysville and Council spoke of great benefits and she had received a \$67.00 water bill and would rather have a well. Sherman said since the citizens were paying more money they should be allowed to choose where they live.

Mayor Armstrong asked for any questions from the Council for the public.

There were none.

Mayor Armstrong asked if the applicant wished to rebut any public comments.

There were none.

Mayor Armstrong asked if any member of the public wished to rebut any public comments.

There were none.

Mayor Armstrong closed the public comment portion of the public hearing for Council action.

Mayor Armstrong asked for a motion to close the public hearing.

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Motion by Pierce – Second by Hampton

Mr. Mayor, I make the motion that we close this portion of the public hearing.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked for Council discussion regarding the vacation request. Councilperson Holub asked how the figures for water and sewer costs were arrived at. Professional Engineering Consultant Rod Young advised they came from P.E.C. and were based on similar projects without surveying. Young further advised what had driven the cost up higher than normal was because the sewer was fairly deep and ground water, the private drives, roads, twelve inch water lines and a lift station. Young said the 2.4 million dollars included project costs and contingencies and actual construction estimates were 1.6 million with a concept estimate without survey and design. Councilperson Crum asked which properties were included in the \$322,042 assessed valuation and the \$13,473 tax revenue. Planning/Community Relations Coordinator Angela Millsbaugh advised it was all properties requesting vacation. Crum advised one problem was that area would become an island within the City and there were others and asked at what point this would become detrimental to public safety when there were spots Sedgwick County Sheriff's Department would have to try to keep track of. Crum asked at what point could the City bring in a housing development off of Hydraulic that requested annexation and the county would not grant the right to the City. Crum advised whenever the City annexed land that did not butt up against the boundaries of the City limits permission must be obtained from Sedgwick County. Crum stated he had voted against it the first time it had come up, voted for it the second time and the main reason he did was because shortly prior another City had requested to annex some land and the county did not allow it since Wichita wanted to annex it. Crum stated if the City allowed small areas to be open for annexation there would be a chance that the City could lose the ability to annex developments that were coming in within the growth area being looked at. Crum stated Council would have to look at the way the City would progress and advised it was a hard job being an elected official. Crum advised he had known the Clarks for a long time and he understood but he knew he had to look at everyone in the City and unfortunately Council would do things that did not seem right or were hard but they are decisions that had to be made by Council. Crum advised it was his feeling the City had to continue to grow without islands here and there and must be able to progress and continue to grow. Crum advised he felt it would be best if the City could get to the natural boundaries and let those determine where growth stopped. Crum advised the City had looked at what was done and it was legal and nothing was done legally wrong as a City. Councilperson Hampton advised he did not feel just because something was legal did not make it right and asked if the 2.4 million dollars from a year and a half ago would be a current estimate at that time. Young stated even though petroleum prices had gone up they had not seen that reflected in construction bids and the contingency factor was included for that sort of thing. Hampton asked if Haysville would be restricted from growing in any direction if these properties were vacated and asked if there were other island type annexations in the City. Millsbaugh explained there were some parts south where there was land with property on it still in the county. Hampton stated he had read the Planning Commission notes and felt it was definitely an emotional topic and a tough decision but felt some of the comments such as the City would lose control of the property conditions in regard to code did not pertain since the properties off the private drive were maintained better than some of the

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other areas of the City. Holub advised he had known Mr. Clark all his life and it was a personal issue for everyone, it was unusual and once in awhile in life things were unfair but as far as an island he failed to see that the city of Wichita would ever annex this particular property. Holub stated he did see that some day it would become a part of Haysville and felt that as they owned the land and it was passed on, the annexation was bound to happen and it would become part of Haysville since geographically that is where it was located. Holub stated he did doubt the fairness of it and the annexation happened much too fast. Councilperson Youngers asked if the area would be forced to complete the improvements costing 2.4 million dollars. Mayor Armstrong explained it would be at the request of 51% of the residents requesting the improvements. Youngers advised the taxes those citizens would be paying would be the same as any other taxes where streets were paid for in the City. Youngers asked if he could go before Council as part of the Pear Tree Addition and request to be vacated if he did not want to pay City taxes any longer. Youngers advised services were different than utilities. Councilperson Pierce asked if there were any risks on the City's part if this were reversed and the vacation granted. City Attorney Alison McKenney Brown advised the City was not required by law to de-annex anything as long as the City was not arbitrary or capricious, meaning the decision was made for lawful reasons, therefore, if Council decided to de-annex this group there may be a moral precedence to de-annex but no legal precedent. McKenney Brown stated it was unknown whether another city would annex if the City of Haysville de-annexed, however, if that did happen the City would have no lawful right to protest another city taking it. Holub stated he agreed with the geographic boundaries and there would be an issue if another city attempted annexation. McKenney Brown stated by looking at the boundaries there was the possibility another city could abut and they would have the same right to annex as Haysville had. Holub asked how another city could abut to that land. Mayor Armstrong explained the Wichita-Valley Center Floodway was not something that prevented annexation and anyone who abuts the big ditch would then abut the property. Mayor Armstrong explained the city of Wichita was already up to the big ditch on Hydraulic. Hampton asked if it were Youngers' concern that other citizens were going to ask to be de-annexed. Youngers advised that was not his concern but wanted people to understand the difference of taxation being within the City limits as opposed to bordering areas and felt it would not happen but wondered if they would get that idea. Hampton stated since most were hooked up to sewer and water it was different. Youngers said they had paid for those utilities.

Mayor Armstrong advised the fourteen legal steps did not have to be discussed but rather they were considerations to be made by Council for the vacation of the area being requested.

Motion by Youngers – Second by Ewert

I would make the motion based on those fourteen areas of criteria that we do approve the vacation of that area.

Councilperson Hampton asked if voting yes meant that they were approving the de-annexation. Mayor Armstrong advised that was correct. Councilperson Crum asked if vacating the areas would mean the City's assessed valuations would drop \$322,000. Mayor Armstrong advised that was correct.

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Hampton yea, Crum nay, Pierce nay, Holub yea, Youngers yea, Ewert yea, Streets yea.
Motion declared carried.

Mayor Armstrong advised the motion passed, the properties would be vacated from the City following the procedure that the law has set out in the statutes.

Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of June 13, 2005.

Mayor Armstrong advised the minutes should be dated June 1, 2005 and not the 13th.

Motion by Crum – Second by Hampton

Mr. Mayor, I'd like to make a motion to accept the minutes from the last meeting to include the correction mentioned.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

(Council voted to correct the date of the minutes and this correction was not made since the date was correct.)

Under Citizens to be Heard Mayor Armstrong presented Brad Burns, 1506 South Brooke, Haysville, KS Re: Team Haysville Wrestling Club – Request to Waive Fees for Use of Haysville Activity Center and Parking Lot for Car Show/Fund Raiser August 6, 2005.

Brad Burns, 1506 South Brooke, advised he was speaking on behalf of Team Haysville Wrestling Club that had been around for nearly twenty years. Burns advised they were trying to raise money to help offset the cost to the parents that would have to pay for fundraisers, sign-up fees, etc. Burns advised they held a car wash and were planning on having a car show. Burns asked for permission to use the back portion of the Haysville Activity Center possibly for a concession if they had the funds to purchase the food for resale. Burns advised they did want to use the parking lot for the vehicles. Burns asked Council to waive the rental fee of the parking lot and Activity Center. Councilperson Youngers asked if there would be any conflict with the Activity Center. Recreation Director Wendy Wilkinson advised it was only opened until noon and there would be staff on duty until the event was over.

Motion by Youngers – Second by Crum

If there are no other questions I would just like to make the motion that we do waive those fees so that they can have their car show on August 6th.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There were no Licenses or Bonds.

There were no Ordinances or Resolutions.

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

City Clerk Carol McBeath advised there were five new programs going on at the Senior Center since that same time the previous year and they were crafts, bingo, jam sessions, movie matinee and senior dances. McBeath advised the center usage had increased and there were 1,163 people through the doors in a month's time. McBeath advised she had copies of some of the bus trips that would be offered at the senior center to various destinations and costs were low enough to allow most anyone to afford the trip.

Mayor Armstrong presented the Governmental Services Activity Report for May.

Councilperson Holub asked about the number of water shut-offs being 455 for one month. McBeath advised that was the number of notices that were sent and the number of people actually shut off was only 41.

Mayor Armstrong presented the Police Department Activity Report for May.

Councilperson Pierce asked if the City-wide sweep for high weeds had been completed. Mayor Armstrong advised they were not doing a sweep but rather acting on complaints by neighbors.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Crum advised the Tree Board was looking for new members and hoped to do appointments at the next meeting.

Councilperson Pierce advised there was a new no parking area by Riggs Park.

Councilperson Youngers advised the Garden Tour was held that previous Saturday with a fairly good turn-out. Youngers thanked the Mayor for attending the event and asked that other Council members do the same for this and other City events. Youngers advised 4th of July activities were coming up where the Park Board and Park Department had put together several events and they would begin at 8:00 a.m. in Riggs Park. Youngers advised of the different activities going on during that day.

Mayor Armstrong advised he had hired a new Community Development Director who would begin work with the City on July 5, 2005, and his name was Rick Rekoske. Mayor Armstrong advised he had done a year of internship and was at that time in the County Appraiser's Office. Mayor Armstrong advised Mr. Rekoske had received an economic development certificate and a degree from Wichita State University.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Master Communications Officer Marcy Smalley – Completion of Promotion Training.

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Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Master Communications Officer Darla Woodruff – Completion of Promotion Training.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Master Communications Officer Guy Mitchell – Completion of Promotion Training.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Master Communications Officer Bryan Ellis – Completion of Promotion Training.

Mayor Armstrong presented Fireworks Safety Rules/Designated Times for Fireworks Detonation from Haysville Police Department.

Police Chief Mike McElroy advised beginning that day detonation of fireworks was legal along with the sale of fireworks in the City limits of Haysville. McElroy advised legal fireworks for Haysville were those that were legal in the State of Kansas.

Under Other Business Mayor Armstrong presented a Consideration of Memorandum from Recreation Director Wendy Wilkinson Re: Proposed Half Price Pool Passes.

Recreation Director Wendy Wilkinson advised in an attempt to bring up attendance to the pool she was requesting permission to place pool passes on sale for half-price.

Motion by Crum – Second by Hampton

I make a motion that we go ahead and allow Wendy to propose a half-price pool pass for the rest of this year and to look at it and perhaps just to include it in a packet for next year.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Pay Request No. 1 from Mies Construction Inc. Re: Sanitary Sewer and Water Improvements for North Main Commercial (P.E.C. Project No. 35-05080-000-1263 and 35-050800-001-1263).

Professional Engineering Consultant Rod Young advised they were essentially done and a final pay estimate would be presented at the next meeting. Young advised there were some minor change orders that must be presented before the final.

Motion by Hampton – Second by Pierce

I'll make a motion that we pay the request number one from Mies Construction, Inc. for sanitary sewer and water improvements for North Main Commercial project in the amount of \$80,547.15.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Discussion of Right-of-Way at North Main and West Grand Re: Central Star Credit Union.

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Mayor Armstrong advised the corner of Grand and Main would be the location for the new Central Star Credit Union and the City had maintained two turn bays if the City were to need them. Mayor Armstrong further advised that right-of-way ran through the parking lot both on the Grand side and on the Main side. Mayor Armstrong stated if the City were to widen Grand and therefore needed an additional turn bay the parking lot for that building would have no parking with the exception of the back section of the building on the north. Mayor Armstrong advised they were asking the City to pass a motion to allow them to use the property and give them ample notice if the City were to need to take the property for the expansion for the turn bay. Mayor Armstrong explained Professional Engineering Consultant Rod Young was asked to look into the situation and a time frame needed. Young distributed a map from the railroad project that showed the property and the right-of-way. Young said there did not appear to be a need at that time since it would be a right hand turn lane on Main, and Turkle was not a major street. Young advised it was not believed to be needed at that point or in the near future for improvements. Young stated if Turkle became an arterial connection to 79th Street or the street needed widened then an 18-24 month notice would be sufficient. Mayor Armstrong explained the new owners of the building had made indications that they might want to purchase the Pizza Hut building if the trade with them went through for their future expansion in parking if needed. Mayor Armstrong stated the only way the City would do that was if it were to stay leased and there be no more empty buildings on Main Street. Councilperson Crum asked if the only way this would come into play was if the City ever needed that area for the turn bays. Mayor Armstrong advised that was correct. Crum asked if there were provisions in place on setting a time frame in order to give ample notice. Mayor Armstrong stated the City would want to give notice but the question was how much notice would be given. Mayor Armstrong advised they could continue to park on the road right-of-way already there. Councilperson Youngers asked what needed to be done to ensure they were granted use of the parking lot. Mayor Armstrong explained some type of time frame should be agreed on so that the City did not take the property sometime the next month or even that next year. Mayor Armstrong cautioned Council to include options in the motion so if it did happen that the area was needed the City would still be able to take it. Councilperson Holub advised he felt five years was sufficient. Youngers asked how much time would be needed for notification purposes. Young advised it would be a minimum of 24 months. Mayor Armstrong suggested the City allow them to use the parking lot for a minimum of five years unless there was a need for the wider street and then at that time they would receive a minimum of 24 months notice.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we do not vacate but we assure the owners in writing that they will have the use of that right-of-way until 2011, unless improvements to Grand or improvements to Turkle warrant the need to put in a right turn lane there and if that does happen we will give them 18 to 24 months notice of that happening.

Councilperson Holub advised he felt Council should be specific and not use 18 to 24 months but rather 24. Mayor Armstrong advised the motion could be amended to make it 24 months. Crum advised he would amend his motion to be 24 months. Mayor Armstrong asked for a vote on the amendment.

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Vote on motion to approve the amendment.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Vote on amended motion to include 24 months.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Memorandum from Police Chief Mike McElroy Re: Disposal of Police Vehicle.

Police Chief Mike McElroy explained the police department was requesting permission to dispose of a 1986 Cadillac and a Kelly Blue Book search was done and those values were listed on the memo. McElroy advised the vehicle had 117,376 miles and was a forfeiture vehicle used by Investigations. Councilperson Crum asked if the City of Bentley was notified of that vehicle. McElroy advised they were not since they needed a marked vehicle.

Motion by Youngers – Second by Streets

I will make the motion that we allow Chief to put this car up for auction, the 1986 Cadillac, up for auction.

Police Chief Mike McElroy advised he would like for Council to set the minimum. Mayor Armstrong asked for an amendment to the motion to set the minimum at \$732.50. Councilperson Youngers advised he would amend his motion to include the minimum bid of \$732.50. Councilperson Pierce seconded the amendment.

Councilperson Streets advised he felt the minimum was too high. Mayor Armstrong asked for a vote on the amendment.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked for the vote on the motion to allow the Chief to put the car up for auction.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There was nothing under 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.

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Police Chief Mike McElroy introduced the visiting officer, Officer Eric Hunt.

Public Works Director Randy Dorner advised they had five vehicles they needed to dispose of. Dorner stated he needed permission to dispose of those vehicles for salvage prices.

Motion by Hampton – Second by Crum

If there's no other discussion I'll make a motion we grant Randy approval to dispose of these vehicles by turning in online bids and placing a minimum bid of \$400 per vehicle with the exception of the 1991 Chevy 2500, which would have a minimum bid of \$650.00, and I also in the motion would suggest the online bidding period run from July 1, 2005 to July 20, 2005, with the sales being approved at the July 25th Council Meeting.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Public Works Director Randy Dorner advised staff was working on a Council Action form on 344 Clinton Street, 629 Anita and 340 Hillcrest. Dorner stated 340 Hillcrest consisted of a tree that had fallen on the roof of the home, violation notices had been mailed and were expected to be back the first of July. Dorner said 344 Clinton had firewood on the ground and a door hanger was put on the property on June 24, 2005, and they had until the 5th of July to respond to the notice. Dorner stated 629 Anita had firewood on the ground and an inoperable car and a door hanger was hung and they also had until July 5th. Dorner advised potholes in the Wards Fourth areas had been patched and there was some work remaining and Fager, Grand and Meridian potholes had been repaired. Dorner stated the speed limit sign was moved away from the trees on Timberlane Drive by Riggs Park.

Recreation Director Wendy Wilkinson reported on June 18, 2005, the Recreation Department had hosted a Third Annual Men's Softball Tournament and that was the second largest softball tournament hosted in Haysville with a total of nineteen teams with three "D" teams and sixteen "E" teams. Wilkinson stated due to the number of teams the tournament was run as a men's "D" qualifier and they were able to give one "D" regional, five "E" regionals, two "E" states, one "E" national and one "E" world birth. Wilkinson stated they had received several compliments on the condition of the fields and the way the tournament was run. Wilkinson advised they were scheduled to host a Co-Ed Summer Heat tournament but it was rained out and may be rescheduled in August or September. Wilkinson advised there were a total of 39 teams in the summer softball tournament.

Under Appointments Mayor Armstrong presented for approval the Appointment of City Clerk Carol McBeath.

Motion by Hampton – Second by Pierce

If there's no discussion I'll make a motion that we do make Carol McBeath the City Clerk.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

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Mayor Armstrong presented for approval the Appointment of Pat Patnaude, 2045 E 84th Street – Planning Commission Re-Appointment (Area of Influence).

Motion by Pierce – Second by Crum

Mr. Mayor, I make the motion that we approve the appointment of Pat Patnaude, 2045 E. 84th Street, for the position of Planning Commissioner for the Area of Influence.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval the Appointment of Mike Kanaga, 1308 W. 4th Street – Planning Commission (Ward IV Unexpired Term).

Motion by Pierce – Second by Hampton

Mr. Mayor, I make a motion that we allow the Mayor to appoint Mike Kanaga, 1308 W. 4th Street to the Planning Commission representing Ward IV.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented the Utility Projects Committee Appointments.

Mayor Armstrong advised he would like to take volunteers to serve on a committee to review the street replacement and street maintenance programs. Councilmembers Pierce and Holub volunteered.

Motion by Crum – Second by Hampton

I make a motion that we allow the Mayor to appoint Mr. Pierce and Mr. Holub for Streets Utility Project Committee.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong advised there was discussion about upgrading the plant for water controls and it had been abbreviated for a little while but for long term he needed two Councilpersons to review any upgrades to the water control at the plant. Mayor Armstrong asked for volunteers to set on the Utility Committee for reviewing the water control plant. Councilmembers Hampton and Crum volunteered.

Motion by Pierce – Second by Holub

I make the motion that we allow you to appoint Mr. Hampton and Mr. Crum to the Utility Committee to investigate water control systems.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Councilperson Hampton left the meeting at 9:14 p.m.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

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There were none.

There was no Executive Session.

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

Motion by Crum – Second by Ewert

Mr. Mayor, if there's no discussion I make a motion that we approve the bills to be paid for the last half of June.

Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There was nothing on the Consent Agenda.

Mayor Armstrong asked for Council Concerns.

Councilperson Streets advised he already had people calling concerned about the enforcement of fireworks detonation times.

Councilperson Youngers advised 4-wheelers had been running between 7:00 p.m. and 9:00 p.m. in the Pear Tree Addition.

Councilperson Holub asked about grass growing between the asphalt pavement and the City's gutter lines. Mayor Armstrong advised that maintenance and upkeep went to the homeowner as part of the road right-of-way.

Councilperson Pierce advised the trash issue still needed to be addressed. Councilperson Crum advised they had not had a meeting in awhile. Mayor Armstrong asked staff to look into it. Director of Governmental Services Carol Neugent advised they would.

Councilperson Crum asked about the Senior Housing. Mayor Armstrong advised they were continuing to work on it and he had signed some additional papers that day and was told the money transfer should take place the following day. Mayor Armstrong stated they would know for sure by the next Council Meeting. Crum advised he had tried to e-mail state representatives in Topeka and the addresses were no longer available on the website. Crum asked that the 4th of July schedule be posted earlier in the following years and it should be placed on the website. Councilperson Youngers advised it had to do with the day the 4th fell on, however, the information was given to Planning/Community Relations Coordinator Angela Millspaugh and was handled from that point and not by the Park Board.

Mayor Armstrong advised the budget process was coming up and Council should consider holding a budget workshop before the Council Meeting on July 11, 2005, at 6:00 p.m., budget workshop July 18, 2005, at 6:30 and another budget workshop July 25, 2005, at 6:00 p.m. Mayor Armstrong asked for a motion to set those workshop dates.

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Motion by Crum – Second by Ewert

Mr. Mayor, I make a motion that we set the workshops that you just mentioned for the times you mentioned.

Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong advised Council was presented a petition from the citizens on Sandy and Sunnyside requesting their streets be done at the same time as the rest of the streets in Ward's Fourth. Mayor Armstrong advised it would cost an additional \$35,950.00 to add those streets. Mayor Armstrong advised the money would come from the street reserve that had a balance of \$155,000.00. Councilperson Youngers asked if it could be done with the current contractor. Public Works Director Randy Dorner advised it could be done at that time.

Motion by Streets – Second by Ewert

If there's no more discussion I make a motion that we approve \$35,950 additions to do those two extra streets while the contractor was still there.

Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked for Adjournment.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion that we adjourn.

Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

The Regular Council Meeting adjourned at 9:34 p.m.

Carol McBeath, City Clerk

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

Roll was called by Recording Secretary Pam Robbins: Hampton here, Crum here, Holub here, Youngers here, Ewert here, and Streets here. Councilperson Keith Pierce was absent and there was a vacant seat.

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

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

Under Special Order of Business Mayor Bruce Armstrong presented 6452 S. Ward Parkway, Peggy L. Miles Re: Nuisance Abatement Violation.

Code Enforcement Officer Cale Topinka addressed Council and stated he was there to present the Resolution to the Council for 6452 S. Ward Parkway property. Topinka gave a summary of the nuisance abatement violation and explained there had been no change to the property. Topinka recommended the Council pass the Resolution that evening. Councilperson Steven Crum stated he had noticed the owner of the property lived at a different address and wanted to know if the property was a rental that was empty or if it had an occupant. Topinka advised when he had served the violation notice, the house had been occupied but since then it had been vacated. Topinka stated there were several inoperable vehicles on the premises. Crum asked if Topinka had re-checked the property. Topinka said he had checked the property that day and there had been no change. Councilperson Ken Hampton asked about the brush pile that was on the premises. Topinka advised that the pictures had been taken before the brush pile was there.

Motion by Crum – Second by Hampton

Mr. Mayor, if there is no more discussion, I would like to make a motion that we go ahead with the nuisance abatement violation Resolution for Lot 21, Block 2, Ward's 4th Addition commonly known as 6452 S. Ward Parkway, Haysville, Kansas.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented 6536 S. Marion, Deborah Redenbaugh Re: Nuisance Abatement Violation.

Code Enforcement Officer Cale Topinka informed Council he had mailed a violation notice on June 15, 2005 to the owner of the property who lived in Missouri. Topinka advised a relative had signed for the certified letter since Ms. Deborah Redenbaugh was deceased. Topinka stated he had gone back to the property on the 6th of July and there had been no change in the property. Topinka said he had taken pictures that day at 5:00 p.m. and there had been quite a significant change since his last visit. Topinka advised the citizens cleaning the property thought they could have it done in ten days. Councilperson Steven Crum said they were working on the premises and asked if Topinka thought it could be cleaned up in ten days. Topinka advised the clean up had started Friday and they were expecting a dumpster to be delivered the next day. Crum asked if anyone was living in the house. Topinka informed Council the house was vacant.

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Councilperson Bill Youngers advised he had gone by the property at 5:30 that evening and there were several people working. Youngers stated the premises had been mowed and the people looked like they were making an effort to get the property cleaned up. Councilperson Joe Holub asked if the people cleaning up the property were relatives. Topinka stated the relatives lived in Pennsylvania and Missouri and advised the people who were cleaning the property are friends. Mayor Bruce Armstrong advised the person who owned the property had passed away and it was in probate so now it was a matter for the State. Topinka said that was correct. Crum asked how the Resolution would work since it was in probate. Crum wanted to know how the City would send the appropriate papers to the appropriate people. Armstrong stated the City would truly be within the law as far as the notification they had sent out. Armstrong stated the City would be covered by their actions. Armstrong advised that some properties would come to foreclosure and since a property was in foreclosure, nobody could do anything. Armstrong advised if the City had to clean up a property, it would be charged back to the property. Youngers asked if this were tabled, if the matter would have to start all over again or could it just be taken up again. City Attorney Lee Parker advised if the Council turned it down they would have to start the procedures over again but if the matter were tabled, the process just stopped until it was resumed at another Council Meeting. Youngers stated since there had been significant work done to the property, it could be tabled. Parker said that was correct.

Motion by Youngers – Second by Crum

I would like to make a motion that we table this until the next meeting and hopefully they will have completed the work by then.

Councilperson Ken Hampton asked if the motion would have an address on it.

Councilperson Bill Youngers added “Lot 18, Block 6, Ward’s 4th Addition, commonly known as 6536 S. Marion, Haysville, KS” to his motion.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.
Motion declared carried.

Mayor Bruce Armstrong presented 6450 S. Ward Parkway, Brenda Moncla Re: Nuisance Abatement Violation.

Code Enforcement Officer Cale Topinka gave a summary of the nuisance abatement for 6450 S. Ward Parkway and recommended that Council pass the Resolution before them. Councilperson Bill Youngers stated he had gone by the property that evening about 5:30 p.m. and the photos that Council had before them made the property look a lot better than it was. Youngers said the place looked like a dump and it had looked like somebody was living there. Youngers said he could not see an excuse for it to look that way. Councilperson Steven Crum asked if the owner had taken it seriously when she had been hand delivered the nuisance notification. Topinka stated she had taken it seriously and she had said she would attempt to make the situation complete within the ten days allowed. Topinka said the only difference he had seen was there was one less appliance on the property. Crum asked if the owner had spoken to him or tried to contact him. Topinka stated she had not.

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Motion by Hampton – Second by Crum

If there is no more discussion, I make a motion that we pass the Resolution concerning nuisance abatement on certain property located within the City of Haysville, Kansas and providing for certain assessments related thereto, commonly known as Lot 22, Block 2, Ward's 4th Addition Haysville, Kansas, commonly known as 6450 S. Ward Parkway, Haysville, Kansas.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Minutes of June 27, 2005.

City Clerk Carol McBeath told Council there were corrections before them at the bench. Mayor Bruce Armstrong advised the time was wrong on the corrections for the workshop that was held that evening. Armstrong stated it should be 6:00 p.m. instead of 6:30 p.m. Councilperson Steven Crum stated he had a correction on page 2 where he had asked the City Attorney a question about tabling an abatement. Crum advised the Minutes should state that if it were tabled, the process would *not* start over, rather than the process would start over.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion we accept the minutes of June 27, 2005 with the mentioned changes.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Under Citizens to be Heard Mayor Bruce Armstrong presented Lyn Worrell, 129 Moy Court Re: Request from Haysville Community Library Re: Friends of the Library Annual City Wide Garage Sale Permits.

Lyn Worrell, 129 Moy, addressed the Council and said she was there as the President of the Friends of the Library. Worrell said she was there to request permission to sell garage sale permits for the Annual City Wide Garage Sale to be held on August 13th and 14th, 2005. Worrell told everyone the permits would cost \$5.00 for Saturday, August 13, and would cost \$6.00 for Saturday, August 13th and Sunday, August 14th.

Motion by Crum – Second by Hampton

If there is no discussion Mr. Mayor, I would like to make a motion that for the week of August 13th and 14th, the City Wide Garage Sale funds raised will go to the Friends of the Library, the selling of permits at the City Building will be suspended and all the money from that weekend will go to the Library.

City Clerk Carol McBeath stated she wanted to clarify that Councilperson Steven Crum had stated the "week of" and normally the City did not sell permits for Thursday or Friday instead of the whole week. Crum wanted to know if he should specify when the City could sell. McBeath explained that in the past the City would not sell any garage sell permits for the Thursday and Friday before the Library had their Annual City Wide Garage Sale so the Library could raise money. McBeath wanted to know if Council would like to do the same as in the past.

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Councilperson Steven Crum amended the motion to state the City would not sell garage sale permits for the 13th and 14th.

City Clerk Carol McBeath asked if the Council wanted to have the City not sell permits for the 11th and 12th also like in the past.

Councilperson Steven Crum stated he would like to have the motion also state the City would not sell garage sale permits for the 11th and the 12th of that week.

Mayor Bruce Armstrong asked if Councilperson Steven Crum was amending his motion. Crum advised he was.

Councilperson Ken Hampton seconded the amended motion.

Mayor Bruce Armstrong asked for a vote on the amendment.

Councilperson Bill Youngers wanted to clarify that the City would not be selling garage sale permits on the 11th, 12th, 13th, and 14th. Mayor Bruce Armstrong stated that was correct. Mayor Bruce Armstrong called for the vote on the motion.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.
Motion declared carried.

Mayor Bruce Armstrong advised the Council they needed to vote on the amended motion that had been made.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.
Motion declared carried.

There were no Licenses and Bonds to be approved on the Agenda.

Under Introductions of Ordinances and Resolutions Mayor Bruce Armstrong presented for approval AN ORDINANCE VACATING, EXCLUDING AND DE-ANNEXING CERTAIN PROPERTY FROM WITHIN THE CORPORATE LIMITS OF THE CITY OF HAYSVILLE, KANSAS.

Mayor Bruce Armstrong explained the Ordinance went along with the petition on the Agenda at the last Council Meeting. Hampton asked if any addresses needed to be included in the motion. Armstrong advised the motion should read as stated in the Ordinance so they would not have to read them all because the properties were listed in the Ordinance.

Motion by Hampton – Second by Streets

I would like to make a motion then, if there is no discussion, that we pass an ORDINANCE VACATING, EXCLUDING AND DE-ANNEXING CERTAIN PROPERTY FROM WITHIN

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THE CORPORATE LIMITS OF THE CITY OF HAYSVILLE, KANSAS as presented in the Ordinance before us.

Hampton yea, Crum nay, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval AN ORDINANCE ADOPTING THE INTERNATIONAL BUILDING CODE, 2003 EDITION, WITH CHANGES AS SET FORTH HEREIN.

Mayor Bruce Armstrong advised the City had been in the process of updating their codes for quite some time and they were before Council. Councilperson Ken Hampton asked Public Works Director Randal Dorner about the new code books having any major differences or restrictions. Dorner advised that the new codes would be a lot simpler and would be designed for easier interpretation. Hampton asked if the Ordinances were passed, would Dorner send out letters to all the contractors to let them know. Dorner advised if the codes passed that evening, he would start sending letters out that week and would go into effect after they had been published in the newspaper. Dorner informed Council the contractors should receive their letters about the time the codes would go into effect. Councilperson Bill Youngers wanted to know if Wichita had adopted the Ordinances also. Dorner stated that a lot of cities had been using the 2000 code books and had some problems but that had been corrected in the 2003 code books. Dorner advised the 2003 code book had stiffer regulations and penalties for the fire codes. Councilperson Steven Crum asked if all the Ordinances took effect on August 1, 2005 to make sure everyone had time to be notified. City Attorney Lee Parker advised the Ordinance could take effect on August 1, 2005 after it had been published in the official newspaper.

Councilperson Joe Holub asked if each Ordinance had to be voted on separately. Mayor Bruce Armstrong advised each Ordinance on the Agenda would be voted on separately and they were just voting on the Ordinance for the building code.

Motion by Hampton – Second by Holub

If there is no other discussion, I make a motion that we pass AN ORDINANCE ADOPTING THE INTERNATIONAL BUILDING CODE, 2003 EDITION, WITH CHANGES AS SET FORTH HEREIN.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval AN ORDINANCE ADOPTING CONSTRUCTION STANDARDS FOR SEPTIC SYSTEMS ABSORPTION FIELDS AS SET FORTH BY SEDGWICK COUNTY, KANSAS.

Public Works Director Randal Dorner explained the new Ordinance would be simpler for the construction end of it. Councilperson Ken Hampton asked if the Ordinance would change anything for the people who already had septic systems. Dorner advised it would not affect anything that was presently in place. Dorner explained that if someone's system went out, the new system would have to be in compliance with the new Ordinance.

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Motion by Hampton – Second by Crum

If there is no further discussion I make a motion that we pass AN ORDINANCE ADOPTING CONSTRUCTION STANDARDS FOR SEPTIC SYSTEMS ABSORPTION FIELDS AS SET FORTH BY SEDGWICK COUNTY, KANSAS.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets nay.

Motion declared carried.

Mayor Bruce Armstrong presented for approval AN ORDINANCE ADOPTING THE INTERNATIONAL FIRE CODE, 2003 ED., WITH CHANGES AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS.

Mayor Bruce Armstrong advised that because of some of the internal problems the City had been having with the fire codes, that Ordinance would help bring things up to date. Division Chief Walter Rooney with the Sedgwick County Fire Department addressed Council and thanked Public Works Director Randal Dorner for bringing the updated version of the fire code to the Council's attention. Rooney advised it had been about a two year process to bring everyone up to date. Rooney informed Council that they currently had a 1991 uniform fire code on the books and there had been some conflicts with it in the past. Rooney advised he was there to answer any questions Council might have and to recommend the Council adopt the 2003 fire code as it was written and amended by the County Fire Department through the Board of County Commissioners. Rooney stated it would not conflict with the newly adopted 2003 building code. Rooney stated the City of Haysville was the first community in Sedgwick County to adopt the current code. Councilperson Steven Crum asked if the new code would tighten the regulations. Dorner advised some restrictions would be greater, and some would be less. Crum asked if businesses that were already there had to adhere to the new code. Dorner advised if a business had been built under the existing code, it would depend on what they wanted to do to a building. Dorner said if somebody wanted to expand a building, they would fall under the new regulations. Dorner stated the sprinkler systems would be less restrictive and would not have the same requirements that they had ten years ago. Crum wanted to know about the pallet company in town and if the new code would affect what they were doing. Rooney advised that under the current 1991 Uniform Fire Code, the storage of wood piles and wood processing had been poorly addressed. Rooney stated the 2003 Fire Code had regulations in place to clean up existing places and put more restrictions on any new ones. Rooney advised that existing conditions were allowed to remain providing there were no immediate life threatening problems or fire hazards as determined by code officials. Crum asked if there was a way to tie the company down with any violations. Rooney stated the Fire Code was primarily a maintenance code but the building code would dictate how things were built. Rooney stated it was the intent to decrease the likelihood of a major fire from happening and spreading in those types of occupancies. Crum asked if the City could use the fire safety and have a tighter rein on what was done. Rooney stated that was correct. Mayor Bruce Armstrong asked if that would affect the fireworks the City allowed. Rooney advised he was one of the primary writers of the code and one of the things he had done when he wrote the amendments was to look at what all cities were doing and the amendments would not change any existing fireworks Ordinances.

Motion by Crum – Second by Hampton

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Mr. Mayor, I would like to make a motion to pass AN ORDINANCE ADOPTING THE INTERNATIONAL FIRE CODE, 2003 ED., WITH CHANGES AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval AN ORDINANCE ADOPTING THE NATIONAL ELECTRICAL CODE, 2002 EDITION, WITH CHANGES AS SET FORTH HEREIN, AND REPEALING PREVIOUS ELECTRICAL CODE.

Motion by Hampton – Second by Crum

I would like to make a motion that we pass AN ORDINANCE ADOPTING THE NATIONAL ELECTRICAL CODE, 2002 EDITION, WITH CHANGES AS SET FORTH HEREIN, AND REPEALING PREVIOUS ELECTRICAL CODE.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval AN ORDINANCE ADOPTING THE UNIFORM MECHANICAL CODE, 2000 EDITION, AND AMENDMENTS AS SET FORTH HEREIN, AND REPEALING PREVIOUS MECHANICAL CODE.

Councilperson Joe Holub asked if the 2000 edition was the latest edition used. Public Works Director Randal Dorner stated that it was.

Motion by Crum – Second by Hampton

Mr. Mayor, if there is no other discussion; I make a motion that we accept AN ORDINANCE ADOPTING THE UNIFORM MECHANICAL CODE, 2000 EDITION, AND AMENDMENTS AS SET FORTH HEREIN, AND REPEALING PREVIOUS MECHANICAL CODE.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval AN ORDINANCE ADOPTING THE UNIFORM PLUMBING CODE, 2000 ED., AND AMENDMENTS AS SET FORTH HEREIN, AND REPEALING PREVIOUS PLUMBING CODE.

Motion by Hampton – Second by Crum

I make a motion that we pass AN ORINANCE ADOPTING THE UNIFORM PLUMBING CODE, 2000 ED., AND AMENDMENTS AS SET FORTH THEREIN, AND REPEALING PREVIOUS PLUMBING CODE.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval AN ORDINANCE ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2003 EDITION, WITH CHANGES AS SET FORTH HEREIN.

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Public Works Director Randal Dorner advised that the Residential Code would have the biggest changes. Dorner explained the code would address residential housing only. Councilperson Steven Crum asked about the difference between the Building Code and the Residential Code. Dorner advised the Building Code would cover commercial buildings, apartments, and high-rises. Dorner stated the Residential Code would be simpler for home-owners to read and would not have anything about commercial property. Councilperson Bill Youngers asked if the Code Enforcement Officer would be going to classes to get updated on the new codes. Dorner advised the City Inspector had been going to classes for the last two years and had sat on a board and helped prepare some of the amendments that went into the 2003 code book. Councilperson Ken Hampton asked if the new code had been run by the Planning Commission to see if they had any problems with it. Dorner advised there was a committee selected from Council, which started well over a year ago, that included Tom Gibson and Keith Pierce. Dorner stated the Contractor's Board was also on the committee. Councilperson Michael Streets wanted to know if the local builders understood what the new code would do to them. Dorner advised that a lot of the cities already had been using the 2000 code and the 2003 code would be an upgrade. Dorner stated the Contractor's Board knew the changes were coming and they all agreed with it.

Motion by Hampton – Second by Crum

If there is no other discussion, I will make a motion that we pass AN ORDINANCE ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2003 EDITION, WITH CHANGES AS SET FORTH HEREIN.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Under Notices and Communications Mayor Bruce Armstrong presented the Sedgwick County Fire Department, Station #34 Activity Report for June – Captain Alan Disney.

Mayor Bruce Armstrong stated the Fire Department was in training that evening and a representative could not be at the Council Meeting. Armstrong gave a summary of the report.

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

Councilperson Joe Holub asked Public Works Director Randal Dorner about the bridge over the drainage on Timberlane. Holub said it was wobbly and not secure. Holub stated he would like the bridge fixed before school started. Dorner advised he believed the bridge was owned by the school. Mayor Bruce Armstrong informed Council the bridge had not been built by the City. Armstrong stated the Lion's Club had built the bridge and they would find out if the school or the City was supposed to maintain it. Councilperson Steven Crum asked about the Westar problems and Dorner reported that some of the things had been corrected. Councilperson Bill Youngers stated the City looked cleaner after the fireworks and wanted to know if Public Works had to spend a lot of time cleaning the streets. Dorner advised they usually tried to sweep the entire City in July.

Mayor Bruce Armstrong presented the Recreation Activity Report for June.

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Councilperson Bill Youngers asked Recreation Director Wendy Wilkinson if there had been an increase in the half price pool passes. Wilkerson reported that five or six passes had been sold.

Mayor Bruce Armstrong asked for Governing Body Announcements.

Mayor Bruce Armstrong introduced the new Community Development Director Rick Rekoske. Rekoske thanked the Mayor, the City Council and the City of Haysville for giving him the opportunity to work for the City of Haysville. Rekoske advised he looked forward to future developments as they came in. Rekoske stated he also looked forward to working with the developers and the residents of Haysville to make their visions come true. Councilperson Steven Crum welcomed Rekoske and said he hoped he stayed busy. Armstrong stated there were several projects he would be working on. Councilperson Ken Hampton suggested that Rekoske give a regular report once a month at the Council Meetings.

Councilperson Steven Crum stated the 4th of July celebration was good but he would like to see more groups get involved, especially for the parade. Crum said he would like the crew that did the Fall Festival to work with the 4th of July events. Councilperson Bill Youngers thanked all the volunteers who had helped with the 4th of July events and commented on the fun at the dunk tank.

Mayor Bruce Armstrong presented the Memorandum from Recreation Director Wendy Wilkinson Re: Fitness/Wellness Supervisor April Knudson – End of Training Period.

Mayor Bruce Armstrong presented the Memorandum from City Clerk Carol McBeath Re: Employment Notification.

Mayor Bruce Armstrong presented the Memorandum from Haysville Activity Center Program Supervisor Jenny Sohm Re: Park Board Member Phil Harris – Resignation.

Mayor Bruce Armstrong presented a Letter from Cox Communications Sarah Kauffman Re: Price Decrease for Customer Service Assurance Plan (CSAP).

Mayor Bruce Armstrong presented the July 2005 Haysville Senior Center Monthly Planner & Menu.

Under Other Business Mayor Bruce Armstrong presented for approval the Consideration of Memorandum from Haysville Historic District Re: Authorization to Request Bids for Certain Projects.

Haysville Historic District Vice Chairperson Rolla Crum and Haysville Historic District Chairperson Patty Waters addressed the Council explaining they were there to request funds to help pay for lights in the Historic District. Crum thanked everyone for their participation with the dunk tank and reported they had made \$300.00 on the event. It was explained that the Historic District needed \$3,300.00 to pay for lights in the district and to complete renovations to the Wire House. Crum asked that the money be taken out of the Capital Improvements Fund.

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Crum advised the Wire House could be made into an antique shop or a small retail shop and stated they needed to go out and get bids for the work. Councilperson Ken Hampton asked if the restrooms would need to be remodeled for wheel chair accessibility if the building were rented out. Public Works Director Randal Dorner stated the restrooms would be fine because it was an historical structured house. Planning and Community Relations Coordinator Angela Millspaugh advised that the code had been checked out to make sure they would be able to do what they had wanted. Councilperson Steven Crum asked if the City would be leasing out the house or if it would be funds for the Historical District. Mayor Bruce Armstrong stated the City owned the house but Council had hoped that the City could lease the house with the funds going back into the Historic District. Councilperson Bill Youngers asked if the City made enough on permit sales to cover the skateboard park. It was reported the City had not made enough to cover the skateboard park. Youngers asked if the \$6,000.00 were still available. Millspaugh reported that would be something the Park Board would have to check out.

Motion by Crum – Second by Youngers

Mr. Mayor, if there is no more discussion, I would make a motion that we allow the Historic District to go out and get bids for lighting for approximately \$3,300.00 from Capital Improvement Funds and also to get bids on the Wire House to see what the renovations to get it to par would be.

Councilperson Michael Streets asked if the Council passed the motion, if the money would come out of Capital Improvement Funds as well as getting bids for the project also. Mayor Bruce Armstrong advised they were allowing them to go out and get bids but if the Council did not like the bids, they did not have to approve them.

Hampton nay, Crum yea, Holub nay, Youngers yea, Ewert yea, Streets nay.

There was a tie on the motion. Mayor Bruce Armstrong voted yea to break the tie

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consideration of Memorandum from Director of Governmental Services Carol Neugent Re: Request for Reimbursement, UPRR/Grand Avenue Grade Separation Project.

Motion by Crum – Second by Hampton

Mr. Mayor, if there is no discussion; I make a motion that we pay the request for reimbursement No. 13 for the railroad project \$9,161.00.

Hampton yea, Crum yea, Holub nay, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consideration of Change Order Request for North Main Commercial Area Re: Sanitary Sewer & Waterline Improvements (PEC Project No. 35-05080-002-1263).

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Professional Engineering Consultant Rod Young explained the summary for the change order and pointed out there was a typo. The actual amount for the new contract price should be \$88,820.00 instead of \$88,800.00.

Motion by Crum – Second by Youngers

Mr. Mayor, I make a motion that we approve the change order for North Main Commercial area regarding sanitary sewer and waterline improvements (PEC Project No.35-05080-002-1263).

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consideration of Pay Request No. 2 to Mies Construction, Inc. Re: Sanitary Sewer & Waterline Improvements for North Main Commercial Area (PEC Project No. 35-05080-000 & 001-1263).

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we pay Mies Construction \$8,272.85 for sanitary sewer and waterline improvements for North Main Commercial area (PEC Project No. 35-05080-000 & 001-1263).

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consideration of Contract for Engineering Services with Professional Engineering Consultants, P.A. Re: Street Improvements for South Main Street from Grand Avenue to the Cowskin Creek.

Mayor Bruce Armstrong explained this would be the first part of what Council had voted on previously for the grants that would be coming from the State to do the repairs on South Main. Armstrong stated it was the contract for the engineering design and it is not to exceed \$15,500.00. Professional Engineering Consultant Rod Young explained the contract and what would be done on the project. Director of Governmental Services Carol Neugent clarified that KDOT would not participate in the design cost and 100% would be for the City.

Motion by Crum – Second by Hampton

Mr. Mayor, I would like to make a motion that we enter into a contract with PEC regarding street improvements for South Main Street from Grand Avenue to the Cowskin Creek as presented in the contract.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried. .

There was nothing under Old Business on the Agenda.

Mayor Bruce Armstrong asked for Department Head Reports.

City Clerk Carol McBeath had nothing to report.

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Director of Governmental Services Carol Neugent reported that Multimedia Specialist Sean Conley had put together a video of the Governmental Services Department to let the public know what that department did. Neugent stated each department would have a segment. Conley played the video for everyone to watch. Neugent informed Council that each department would be filmed.

Police Chief Mike McElroy introduced the visiting officer, Officer Jeremy Vogel. McElroy reported on an Action Request Form from Council on Willow and Mimosa concerning weeds and grass.

Public Works Director Randal Dorner reported on Council Action Forms on 344 Clinton, 340 Hillcrest and Hillcrest Plaza. Dorner asked Multimedia Specialist Sean Conley to show a video of the progress of the senior housing project.

Recreation Director Wendy Wilkinson reported that 546 non perishable food items were received for the food drive. Wilkinson gave the times for the pool openings and reminded everyone that pool passes were on sale for half price. Wilkinson reported there would be a Middle School pool party on August 19th and there would be a 3rd annual Dog Days event on Saturday, August 27th from 1:00 p.m. to 2:30 p.m.

There were no Appointments on the Agenda.

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

Rebecca Lowmiller, 6116 34th Drive, Udall, KS 67146 addressed Council and explained she had done a fund raiser last month for her sister who needed a kidney transplant. She informed Council the photos that had been taken for the fund raiser would need to be picked up on July 23, 2005 at the Community Center between the hours of 2:00 p.m. and 5:00 p.m. Lowmiller stated she was before Council again to ask if the rental fee could be waived so the photos could be picked up and do a fund raiser that same day. Lowmiller stated the fund raiser would be a basket auction and bingo event. Lowmiller reminded Council at the last fund raiser, they were allowed to put a \$50 deposit on the building and if it were cleaned up when they were finished, they would be refunded the deposit. She explained she had not known about needing to use the community building again or she would have asked for the use of it at the same time. Mayor Bruce Armstrong asked if the additional fund raiser was for the same purpose as the last time. Lowmiller stated it would be for the same purpose and there would not be a charge for the event but they would take donations. She stated that all the items for bingo would be donated and said the date would be for July 23, 2005. Councilperson Steven Crum asked if the Community Building was available on that date. Lowmiller advised her niece had called to reserve the Community Building for that day. Lowmiller added that would be the last time they would be asking to use the Community Building for a fund raiser and she would make sure the building was cleaned afterwards. Mayor Bruce Armstrong asked if there was a motion from Council of if they would like to make a request.

Motion by Crum – Second by Hampton

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Mr. Mayor, I would like to make a request to allow the group with Rebecca Lowmiller to use the Community Building on July 23, 2005 from 9:30 a.m. and clean it up on the same day, as long as the fund raiser would not conflict with any Ordinance the City had and as long as the Community Building was not already rented out to another individual and return the deposit as long as the building was cleaned up.

Rebecca Lowmiller asked if they could change the fund raiser if the bingo would conflict with the City's Ordinance. Councilperson Steven Crum stated he just approved her having a fund raiser.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.
Motion declared carried.

There was no Executive Session on the Agenda.

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

Motion by Crum – Second by Streets

Mr. Mayor, if there is no discussion, I make a motion that we pay the bills for the first half of July.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, Streets yea.
Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consent Agenda.

Mayor Bruce Armstrong asked for Council Concerns.

Councilperson Joe Holub asked that the matter of repairs to the bridge over the drainage on Timberlane be researched and to find out who it belonged to.

Councilperson Steven Crum stated he would like to see some pressure put on the situation with the pallets and the new fire code. Crum asked if there was any news on the writing of the Senior Center grant. Mayor Bruce Armstrong advised that process was on-going. Crum asked if there had been any bids for the Vickers Building. Armstrong stated it was being worked on and they were trying to finish up so they could take bids.

Councilperson Ken Hampton said he was glad to see the Senior project had started. Hampton wanted to know how much the City had made for the fireworks permits. Hampton asked if the City had expected to make about \$50,000.00. Mayor Bruce Armstrong advised that last year had been exceptional, but this year they made \$27,500.00. Armstrong informed Council that \$7,500.00 would go to pay for the fireworks.

Mayor Bruce Armstrong asked for Adjournment.

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Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we adjourn.

Hampton yea, Crum yea, Holub yea, Youngers yea, Ewert yea, and Streets.

Motion declared carried.

The Regular Council Meeting adjourned at 8:35 p.m.

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Armstrong at 7:02 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Carla Mann: Hampton here, Crum here, Pierce here, Holub here, Youngers here, Ewert here, Streets here. There was one vacant seat.

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

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented the Seating of a New Council Member.

Mayor Armstrong advised Council of those individuals who had applied for the vacant seat. Mayor Armstrong explained the procedure for nominating applicants. Councilperson Hampton nominated Jeffrey L. Wilson for the seat and Councilperson Holub seconded the nomination. Councilperson Youngers nominated Rob Wilkerson and Councilperson Pierce seconded the nomination. There were no other nominations.

Motion by Hampton – Second by Pierce

I make a motion that we cease nominations for the seat to be filled in Ward II.

Hampton yea, Crum yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked if Council had any questions for the applicants. Councilperson Pierce asked Mr. Wilkerson what he believed he could bring to the bench. Wilkerson stated he had the free time to dedicate to Council and felt he could investigate and come up with reasonable answers to some of the issues and could add to the future of what Council was going through at that time. Councilperson Holub asked if Mr. Wilson would like to make any kind of statement. Wilson stated he would answer the same question asked of Mr. Wilkerson. Wilson advised his education and work experience would qualify him to help fill the seat and fairly represent the citizens of the Ward. Mayor Armstrong asked for all those in favor of Rob Wilkerson to raise their hands. There were five. Mayor Armstrong asked for all those in favor of Jeff Wilson to raise their hands. There were two. Mayor Armstrong advised Rob Wilkerson would be seated to the Council. City Clerk Carol McBeath administered the Oath of Office to Mr. Wilkerson and he took his seat at 7:08 p.m.

Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of July 11, 2005.

Motion by Hampton – Second by Crum

If there's no discussion on the Minutes of July the 11th, I make a motion that we approve them.

Hampton yea, Crum yea, Wilkerson yea, Pierce abstain, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked for Citizens to be Heard.

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Cindy and Marty Curry, 120 Trout Avenue, Haysville, KS Re: Request a Hearing with the Planning Commission, advised since April 2005, they had continual complaints regarding the appearance of their property located at 120 Trout. Curry stated she felt they were being picked on and singled out. Curry advised Code Enforcement Officer Cale Topinka had been very helpful and had come informally at first regarding branches from the ice storm that were left in the south side yard. Curry explained some of the branches were from Trout Street where the City had been cleaning them up. Curry stated the City trucks were full so she had offered to take care of the branches for the crews and advised them to put them in their south lot. Curry then advised there were complaints regarding those branches on the property and they had begun cleaning that day and had it completed within two to three days. Curry stated they had then received a written, formal letter stating they had to remove the inoperable vehicles south of the building as they were a nuisance and those were removed within a week. Curry then stated Topinka had stopped by informally and mentioned there had been a complaint regarding the trailers of her landlord's to the south and those were removed. Curry said they had received a formal letter that month from the City regarding the motor home to the east and other equipment being stored on the property that was involved with their business. Curry stated she felt they could have been notified at one time of all of the issues. Curry advised she had spoken with other business owners and some were in worse condition than hers and they were also parking vehicles that were helping their businesses on their lots. Curry stated they took the motor home to trade shows and they painted banners on it and the racing trailer and truck were used to sponsor a race team to promote their business. Curry said the ordinance was written in such a way that allowed them to take the truck, motor home and trailer to their home address of 438 Hillcrest and park them there in the driveway. Curry advised they had chosen not to take them home since their neighbors would not appreciate it and there would be no other parking for any other vehicles they owned. Curry further advised they had rented the commercial building because there was more space to park vehicles and to run a business. Curry said her company supported the community through the ice storm and allowed people to use their generator and did not charge for water from a vending machine and felt they should be treated fairly. Mayor Armstrong stated he understood they had a zoning issue and the way it was zoned it did not allow for outside storage. Mayor Armstrong advised the owner had been through this process before with previous tenants and had failed to let each of them know what was or was not allowed on that property. Mayor Armstrong explained it would probably be best if the owner would go before the Planning Commission to request a zone change. Councilperson Crum advised he felt the problem stemmed from the previous business where the City had to go to court over the matter to get it cleaned up and neighbors were fearful the same situation would happen with the new business. Mayor Armstrong explained if they were to go to the Board of Zoning Appeals and were turned down their only other option would be the district court. Mayor Armstrong said the owner getting the zone change would be a better option as a starting point rather than the BZA.

Rodney Baker, 920 E. 6th Avenue, Winfield, KS Re: Permission to Use Riggs Park for Concert to Raise Money for an Animal Shelter, was not present.

Bob Rardin, 118 S. Marlen, Haysville, KS Re: 2006 Proposed Budget, advised the matter in regards to cutting the mill levy and library funding was resolved in the budget workshop prior to the meeting.

There were no Licenses or Bonds.

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Under Introduction of Ordinances and Resolutions Mayor Armstrong presented a Veto of an Ordinance Vacating, Excluding and De-Annexing Certain Property from Within the Corporate Limits of the City of Haysville.

Councilperson Hampton advised he did not agree that Council had not considered the fourteen points for de-annexation and stated the Planning Commission was not 100% unanimous when they voted to annex the area. Hampton asked what the Mayor meant by the statement that Haysville's growth would be jeopardized. Mayor Armstrong explained if that area were de-annexed any future annexation may be a problem. Hampton asked if there were parcels of land to the north or to the east of the property. Mayor Armstrong advised they had to look at any parcels of land and that would set a precedence within the City in regards to annexation. Hampton advised in October 2003, the Planning Commission had voted not to bring the area into the City and a Councilmember had brought up the matter where it went to vote and then passed. Hampton advised the Mayor had veto powers at that time and asked why he did not veto their decision not to annex and go with the Planning Commission decision. Mayor Armstrong explained the discussion was the service plan and not a recommendation to not annex and all they did was make recommendation on the service plan. Councilperson Holub read from the Mayor's letter and asked about the state statute regarding utilities. Holub asked if the City did not provide utilities in five years if they would still be within the law. Mayor Armstrong advised that was correct. Holub stated he did not feel raising their taxes for protection, social interaction, economic opportunity and cultural and recreational facilities was justified. Mayor Armstrong stated there was more to the letter than that sentence and he felt the letter spoke for itself. Holub stated he would like to think that the City would provide more than those items for their extra cost in taxes since he had been complaining about grass growing in the cracks of the streets, fading street signs and speed limit signs and those were small items to pay taxes for that weren't being done. Councilperson Crum advised the Mayor did not veto before as the Council voted not to annex and they did not vote on an ordinance so there was nothing to veto. Crum stated he had built his home in the City limits of Haysville and all he received was protection, social interaction, economic opportunity and recreational facility use and services because he paid specials for his road, sewer and water and those services were the only items he paid taxes for. Crum stated the annexation area had citizens on either side of them that were paying taxes for the exact same items. Crum advised he had a citizen in his Ward that had mentioned they felt City taxes were taken away from the de-annexation area and then would raise the others in the City. Crum advised it devalued the City and took away those tax dollars that had to be made up somewhere. Councilperson Streets asked if Council would have an opportunity to vote on the veto. Mayor Armstrong explained Council had an opportunity to make a motion to vote on it. Councilperson Holub advised the Mayor did not sign the letter. Mayor Armstrong explained he had signed the original letter and he did not sign the original ordinance. Holub stated he would like to reply to Councilperson Crum by saying when you live in the City you expect certain services and that was why you lived in and paid taxes to the City. Holub said the most common services were expected when living inside a City and making people join a City that did not want to seemed to be against their basic right as a citizen of the United States and he realized having been annexed and paying taxes may help the City but did not feel it was all that much. Holub stated he did not feel it was worth annexing people that did not want to be annexed. Holub advised annexation was against his very core and he did not believe in it and did not think it was fair. Mayor Armstrong suggested Holub look back to see how the City of Haysville was started, where it went from a town to a city and it was done by annexation. Hampton asked if the Mayor would agree to annex approximately thirty properties outlying the City who received sewer and water if Council motioned to

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do so. Mayor Armstrong advised he would. Hampton stated he would like to point out that in order to override a veto there would have to be six votes.

Motion by Hampton – Second by Ewert

If there's no other discussion I'll make a motion that we override the veto that the Mayor has put on ordinance #880, an ordinance vacating, excluding and de-annexing certain property from within the corporate City limits of Haysville, Kansas.

Hampton yea, Crum nay, Wilkerson yea, Pierce nay, Holub yea, Youngers nay, Ewert nay, Streets yea.

Motion denied.

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

Councilperson Crum advised the number of complaints the City had received was zero and asked if that was normal. City Clerk Carol McBeath advised she felt it was due to citizens calling their Councilmembers and those members turning in Council Action Request forms. Councilperson Holub asked if the City was reimbursed for insufficient checks. McBeath advised the City was usually reimbursed if the person had not left the state as the City was able to collect money owed through the State Set-Off program where money was taken from individual's tax refunds.

Mayor Armstrong presented the Governmental Services Activity Report for June.

Director of Governmental Services Carol Neugent advised she had placed a corrected copy of the activity report at the Council bench. Neugent advised she had failed to take the City Talk portion of the report off from the previous month and the new report did not have that information.

Mayor Armstrong presented the Police Department Activity Report for June.

Councilperson Crum asked if the weed enforcement was taking too much time away from the Animal Control Officer's duties. Police Chief Mike McElroy advised the officer ran animal calls at a higher priority than weed calls. Councilperson Youngers asked how many of the high weed issues were second and third time offenders. McElroy advised he assumed at least one of them was a second time.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Crum advised one more member was needed on the Tree Board.

Councilperson Youngers advised one representative was needed for Park Board, Ward II.

Mayor Armstrong presented a Letter from Marty L. Gould Re: 2006 Proposed Budget.

Mayor Armstrong presented a Regional Long Range Transportation Plan (LRTP) Public Meeting.

Mayor Armstrong presented League of Kansas Municipalities Re: Municipal Leadership Academy (KOMA).

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Mayor Armstrong presented a Memorandum from Public Works Director Randal Dorner Re: Full Time Temporary Worker Huy P. Le – New Hire.

Mayor Armstrong presented a Memorandum from Public Works Director Randal Dorner Re: Full Time Temporary Worker Shane Dupree – New Hire.

Mayor Armstrong presented a Memorandum from Public Works Director Randal Dorner Re: Full Time Temporary Worker Jason Woodruff – New Hire.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Master Police Officer Randy Nowak – End of Training.

Under Other Business Mayor Armstrong presented for approval a Consideration of Approving Publication of Notice of Hearing – 2006 Budget and Approval of Public Hearing Date of August 8, 2005.

Mayor Armstrong explained the budget was at 45.458 mills and after publication that amount could be decreased but not increased. Mayor Armstrong stated the Public Hearing would be set at August 8, 2005, upon approval and publication. Councilperson Hampton asked if it would be proper if he felt he could reduce the overtime by 5% and take that money to put into the general fund without reducing the mill levy. Mayor Armstrong advised that would not have anything to do with the motion regarding publication but it could be done. Holub asked at what time the 5% deduction could be discussed. Mayor Armstrong advised that would be done at the Public Hearing on August 8th. Councilperson Crum advised that budget would show a .215 decrease in the mill levy.

Motion by Crum – Second by Hampton

Mr. Mayor, I'd make a motion that we go ahead and publish the 2006 Budget mill levy for 2006 as presented to us tonight in this packet for 45.458 mills and I would like to publish for the Public Hearing on August 8th.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.
Motion declared carried.

Mayor Armstrong presented for approval a Consideration for Annexation.

Mayor Armstrong explained that was for the property located on South Main that was purchased by Mr. Meyers and he had asked that the City annex that property into the City. Councilperson Crum asked if that property abutted City property. Mayor Armstrong explained that would be an island annexation and permission would be needed from Sedgwick County. Mayor Armstrong asked if there was anyone present representing Mr. Meyers. There was no one. Councilperson Pierce asked what the intent was for the property. Mayor Armstrong explained it would be single family housing units and if it were to come into the City streets, sewer and water would be required. Councilperson Hampton advised he thought the preliminary plat contained 79 homes and stated he had asked Director of Governmental Services Carol Neugent if utilities were close to that land so the City would not have to spend more money running service to the area and she had assured him that it would not be a problem. Public Works Director Randy Dorner displayed a map depicting the location of the proposed annexation

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property. Mayor Armstrong advised there was a potential for more than 79 properties and that was the first phase. Councilperson Holub asked if an eight inch force main would handle 79 homes. Professional Engineering Consultant Rod Young advised it would handle it but felt the line would be twelve inches and not eight. Crum asked if there were potential drainage problems with the area since it was located near the Cowskin Creek. Young explained the additional run-off would be run down the stream. Young explained the housing addition would be for homes similar to Timberlane North.

Motion by Crum – Second by Hampton

Mr. Mayor, I'd make a motion that we give consent for the annexation of the properties presented to us tonight from Meyer Developments.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval an Authorization for Bids for Ice Storm Tree Damage.

City Clerk Carol McBeath advised the bids received were from JoJac's Landscape and Mowing, Arbor Master Tree Service and the bid from CATS (Certified Arborist Tree Service) did not meet the specifications and should not be considered. Mayor Armstrong asked where the funding would come from. Public Works Director Randy Dorner stated it was 75% funded by FEMA. Councilperson Hampton asked where the other 25% would come from. Dorner stated they were not sure but hoped that some of the other costs received from FEMA would offset that amount and it would be determined after all the projects were completed and would then come back to Council at that time.. Councilperson Pierce asked why there was such a large difference in the bids. Dorner stated he did not know why there was a considerable difference.

Motion by Hampton – Second by Pierce

If there is no other discussion I'll make a motion that we accept the bid for clean-up from Arbor Master Tree Service in the amount of \$24,800.00.

Councilperson Crum asked if a contract would be written for their service to make sure they follow the FEMA regulations. Public Works Director Randy Dorner advised in order to meet the FEMA criteria there would have to be an on-site inspector and that would be Public Works employee Jeremy Cheney.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Bids for City Vehicles.

City Clerk Carol McBeath advised they had six vehicles advertised for sale but the only vehicle to receive a bid was for the Police Department Cadillac. McBeath asked for Council to approve the bid for \$800.00 to be sold to the person who bid online. McBeath also asked for permission to sell the vehicles that received no bids for salvage. There was a discussion regarding other options to sell the vehicles. Public Works Director Randy Dorner explained only four people actually looked at the vehicles and there was no indication that the vehicles were of interest to anyone. Crum asked how much they would go for salvage. Dorner advised it could be possibly \$50.00 each and the minimum bid placed on the

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vehicles were \$400.00 for four of them and \$600.00 for another. Crum stated he felt it would be better to possibly lower the bid to \$200.00. Councilperson Pierce advised he would rather be done with them and let them go for salvage. Crum asked if the vehicles were taking up vital space. Dorner advised they were in the parking lot of Public Works at that time. Crum asked if it would be possible to put them on the website for another month. Dorner stated citizens had been cited for parking inoperable vehicles too long at one place.

Motion by Hampton – Second by Pierce

If there's no other discussion I'd like to make a motion that we approve the \$800.00 bid from Vernon Hammond on the Cadillac and allow staff to dispose of the other five vehicles through salvage.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of First Amendment to Contract for Purchase of Real Estate.

Mayor Armstrong advised that was the contract for the Dollar General asking to extend the closing date to August 2, 2005. Mayor Armstrong advised the reason was the banker was out of town and had not completed the loan package.

Motion by Hampton – Second by Pierce

If there is no other discussion I'll make the motion that we extend the contract with Ozark Property and Management Company, LLC, to extend it to August 2nd, of this year.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Approval of Contract for Engineering Services with Professional Engineering Consultants, P.A. Re: Street Improvements for 71st Street South from US-81 to KTA Ramp.

Professional Engineering Consultant Rod Young advised Council had a copy of the contract and that was the second piece of the KDOT funding projects. Young advised one was for the resurfacing project of South Main and that would take Grand Avenue from Broadway to the turnpike to a four-lane turning lane, curb and gutter, storm sewer project. Young advised that contract was not for a lump sum amount but for 2.7 times direct cost with an upper limit. Councilperson Holub asked about the time frame for that project. Young advised it was tied to the KDOT time schedule and the City would have to have the plans completed by September of 2007 and the bids were set for January of 2008. Young stated KDOT then allowed five months for their review process with right-of-way to be acquired. Young advised the construction would be an 80/20 split on the cost.

Motion by Hampton – Second by Pierce

If there's no other discussion I'd like to make a motion that we approve the contract between the City and Professional Engineering Consultants as presented before us for street improvements for 71st Street South from US-81 to the Kansas Turnpike Ramp, hereinafter referred to as the "project."

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

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Motion declared carried.

Under Old Business Mayor Armstrong presented 6536 S. Marion, Deborah Redenbaugh Re: Nuisance Abatement Violation (Tabled July 11, 2005).

Code Enforcement Officer Cale Topinka advised that was tabled at the last Council Meeting and he had included photos of the property taken that day and the previous Wednesday. Topinka advised they had made quite a bit of progress and he had received a call that day from a citizen complaining about the weeds and the saplings between that house and their property. Topinka told Council he had included photos of that also. Councilperson Crum asked about one of the pictures Topinka had taken that day. Crum wanted to know if there was an alley-way in the picture. Topinka explained it was the side of the house along the fence line. Councilperson Youngers asked about the out building in the picture and wanted to know if it was also on the property. Topinka stated the building was on the property. Topinka stated the owners had made an effort to clean up the property and there was a full dumpster in the front yard of the property. Mayor Armstrong asked if Topinka had been in contact with the owner of the property. Topinka stated he had not spoken to the owner but had talked to the people doing the clean up. Topinka advised he did not think the owners had known the matter had been tabled at the Council meeting and said they were trying to clean up the property prior to a deadline. Armstrong asked if they had continued cleaning up the property. Topinka said he thought they were working on the inside of the house. Crum asked if Topinka had a chance to ask the owners about the weed complaint that day. Topinka said he had not spoken to them about that because there was nobody at the property that day. Crum asked if that was the property where the owner had passed away. Topinka advised the owner had passed away and the daughter lived in Pennsylvania and the mother lived in Missouri. Crum asked if the people cleaning the property were friends. Topinka stated they were friends of the family. Youngers stated he had asked to table that at the last Council meeting and he felt if the weather had not been so hot, the property would have been cleaned up sooner.

Motion Youngers – Second by Crum

I make a motion that we table this until August the 8th.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Councilperson Crum asked that Code Enforcement Officer Cale Topinka make contact with the people working on the property to let them know about the matter being tabled.

Mayor Bruce Armstrong asked for Department Head Reports.

City Clerk Carol McBeath reported there had been 2,375 telephone calls during the month of June. McBeath advised there had been static on the phone lines and there had been someone working on the lines trying to solve that problem. McBeath stated the problem had not been corrected and the City had paid out over \$800.00 to the vendor and they were still working on getting it fixed. Councilperson Crum asked if the Tri-City Directory had been contacted to get the listings of the phone numbers corrected. McBeath said she had not received any response back from letters she had written to the company but she would contact them again.

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Director of Governmental Services Carol Neugent had nothing to report.

Police Chief Mike McElroy introduced visiting officer Sgt. Scott Holton and McGruff, the “Take a Bite Out of Crime” dog. McElroy reported on the history of McGruff and presented an animated video. McElroy reported on a Council Action Request Form regarding graffiti behind the Hillcrest Plaza. McElroy stated they had contacted the property manager and would be doing a follow up on the matter.

Public Works Director Randal Dorner reported on a leaky fire hydrant in Wards IV area and told Council they would be placing door hangers at residences letting them know it would take four to five hours to fix. Dorner also reported on Council Action Request Forms for 344 Clinton, firewood on the ground, they sent out letters and would probably have a Resolution at the next Council meeting; 340 Hillcrest had been sent on to court because it was a structure violation and would be served on a long form complaint the next day. Dorner reported that 616 W. Grand Avenue had a sidewalk missing for quite some time and the gas company had scheduled a replacement of a gas line at that location. Dorner said that if he did not hear anything, he would contact the gas company again next week. Mayor Bruce Armstrong stated in the franchise agreement the City had the authority to repair the sidewalk and charge it back to the gas company if it was not repaired. Dorner reported on the footbridge across the Timberlane drainage ditch stating the Lions Club, the School District and the City would be working together to make some minor repairs to the bridge. Councilperson Crum asked that the gas company be contacted to remind them about the franchise agreement and stated school would be starting soon. Crum asked if there had been any problems on water line breaks due to the hot weather. Dorner reported there had been a couple of breaks but nothing major like in Wichita. Councilperson Keith Pierce asked if there had been any change in activity, comments or concerns from the citizens about the fence ordinance for swimming pools. Dorner reported the City had sold more pool permits for smaller pools because of the four foot height requirements.

Recreation Director Wendy Wilkinson reported on the Summer Elements Program. Wilkinson advised the program was a licensed ten week summer day camp for kindergarten children through fifth grade students.

Mayor Armstrong presented for approval the Re-appointment of Don Utz – City Treasurer.

Motion by Crum – Second by Hampton

Mr. Mayor, I would like to make a motion to allow you to appoint Don Utz as the City Treasurer.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval the Re-appointment of Greg Keith – City Judge.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we allow you to appoint Greg Keith as the City Judge.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

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Mayor Armstrong presented for approval the Appointment of Steve Twitty, 1324 Cottonwood, Haysville, KS Re: Board of Zoning Appeals.

Motion by Hampton – Second by Crum

I make a motion, if there is no other discussion that we allow the Mayor to appoint Steve Twitty to the Board of Zoning Appeals.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

Pam Harris, 4831 S. Mt. Carmel addressed Council and asked about the City ordinances being applied thoroughly and consistently to all citizens. Mayor Armstrong asked City Attorney Alison McKenney Brown to answer the question for Harris. Brown explained the process of the procedures of the Code Enforcement Officer and the Police Department. Harris said she had a concern with some citizens being picked on more than others even though there were violations everywhere. Brown gave examples of the way violations were reported and brought to the City's attention. Brown advised if something was a concern of a citizen, it was their duty to let the City know about it so the matter could be taken care of. Mayor Armstrong stated he had talked to the Chamber about the responsibility of businesses in the City looking good and keeping them cleaned up. Armstrong asked that citizens talk to the Chamber and the businesses in town to let them know what they thought about keeping the City clean and looking nice.

Mark Curry, 438 Hillcrest addressed Council and asked what the City Code definition was for storage of vehicles. Curry advised that he thought if a vehicle had been licensed, insured and parked, that would not be a stored vehicle. Curry asked if there was a time frame that a vehicle had to be moved. Mayor Armstrong advised that all depended on which zoning area Curry was talking about. Mayor Armstrong informed Curry there was some outside storage allowed in different zones. Curry said he was referring to American Aqua Systems on Trout. City Attorney Alison McKenney Brown advised she would check the City Code and give a written response to Curry.

Chuck Tilson, 6940 S. Broadway addressed Council and stated he had a couple of things he wanted to talk about regarding the veto on the annexation vote. Tilson said he would like a clarification on State Statute 12-303 and realized that he could not have an answer that evening. Tilson said he had a copy of it if the City Attorney would like to look at it. Tilson advised the Statute talked about what the Mayor could or could not do as far as details, and how he cast the deciding vote and so on and so forth. Tilson asked if the City Attorney could take a minute to look at the document. City Attorney Alison McKenney Brown stated she would be happy to look at the Statute. Brown read State Statute 12-303 out loud to everyone present. Tilson asked if that applied since the Mayor did not cast the deciding vote on the ordinance. Brown said that was correct. Tilson asked Councilperson Ewert and Councilperson Youngers if they understood the motion. Ewert stated she did not understand the motion and she probably should have voted yes. Youngers said he understood the motion. Tilson wanted to know if there was any way to get a recount. Mayor Bruce Armstrong advised they could not get a recount at that time since the motion had been finished and he had checked with the City Attorney before and once the motion had been voted on, it was done. Tilson advised that would have made a big difference. Armstrong stated if it had been recounted the vote would have been five to three and it would still have

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been a no vote. Tilson said the vote would have been five. Armstrong stated the vote had been four to four and he explained that if Youngers still had his vote of no, it would still be a no vote and it would have taken six votes instead of five. Tilson said that was not what the City Attorney had just read. Tilson said what Brown had read it would take three fourths of the vote from Council. Armstrong advised there were eight Councilmembers and that would have been six to make it three-fourths. Tilson stated that Rob Wilkerson was not an elected Councilmember but rather appointed. Brown advised that there were eight council seats that were elected but Wilkerson had been appointed to fill an elected position so that would go back to how many people were actually elected and eight were elected. Brown advised that had Wilkerson not been appointed that evening, it still would have been the law that there had been a six of eight vote because there would still have been eight people elected. Tilson said he wanted clarification and wanted to make sure everything had been done legally as Councilperson Crum had indicated. Tilson advised that on 12-10a06, again for verification, any ordinance or resolution vetoed by the Mayor may subsequently be passed by a vote of five members of the Council and said that was why he was asking for clarification. Tilson asked if that was something entirely different and that was why he brought it up. Tilson said that four votes could have been five and that was why he read State Statute 12-10a06 because it was critical in that case. Brown advised she did not think that applied to this governing body, however, she said she would put that in writing after she had looked at it. Tilson said he would like to make one more comment and then he would sit down. Tilson said what he was going to say would be directed to Mayor Bruce Armstrong. Tilson said that during his last campaign he had indicated that annexation would not be an issue for the next four years. Tilson said as long as people were forced to be annexed it would continue to be an issue. Tilson asked how they could begin a recall and what the procedure would be. Mayor Armstrong advised Council would refer him to his attorney to see what would need to be done. Tilson stated he was directing his question to the City Attorney and asked that she get back with him in regard to the recall information. Brown advised she could not walk him through the legal steps but could give him the cites for a recall.

Debbie Hudson, 6904 S. Broadway, asked if it were not legal for the Recording Secretary to count back the votes as she normally had done such as Hampton yes, Crum yes and so forth. Hudson advised the Recording Secretary had not done that earlier and the votes were not recorded. City Attorney Alison McKenney Brown advised Council followed a parliamentary procedure and it was not required by statute. Brown further advised parliamentary procedure was the standard every governing body worked by and under state statute there were no rules for parliamentary procedure. Brown stated those rules were set by the governing body and there were few rules adopted by the governing body by ordinance and she had walked the Councilmembers through them two months prior. Brown advised it did not negate the vote and it was her legal opinion that when Council voted on an issue, especially an ordinance issue, Council was required to clarify at the time if they did not understand and she had a Councilmember call her several months ago in regard to a vote in which he did not understand the motion, it was explained then they were required to clarify what they were voting on before voting. Brown advised the vote was recorded on record at that time and Council could not go back and later state they did not understand. Brown said it was at that time they were required to make a decision and it did happen occasionally. Brown further advised if Council did not stop and ask questions they would have to live with the vote they made. Brown stated as she understood the law on overriding a veto it was a lawful vote. Hudson asked if Councilperson Ewert could come back the following week and make a motion to de-annex them and they could be back at that point. Brown advised she would not answer that at that time as it would require her to jump through some legal analysis and she did not have

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the information in front of her but as she understood the law the vote that was taken that evening was lawful. Hudson asked if someone could make a motion at that time to de-annex them. Brown stated all motions would have to be made by the elected body and in order for something to get on the agenda it had to be placed on there by one of the Councilmembers or by the staff and it would not come back that evening. Hudson advised she would like to remind Council that it was said on the front page of the Haysville Times on April 1st, that annexation would not be an issue and wanted to remind Council they did represent the citizens and ethics was a big thing.

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.

Motion by Crum – Second by Hampton

Mr. Mayor, if there's no discussion I'd make a motion that we pay the bills for the last half of July.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There was nothing on the Consent Agenda.

Mayor Armstrong asked for Council Concerns.

Councilperson Holub advised there was an article by the editor in the Kansas Government Journal that talked about Sturgis and how people had different views and other people should not be necessarily viewed as evil and that seemed to be the feeling of people in today's society. Holub suggested all the Councilmembers read it and felt it would help with some of the issues.

Councilperson Crum asked if the Senior Center had been mowed that day. Public Works Director Randy Dorner advised he believed it was on the following day's schedule. Crum asked that the mowing schedule for the Senior Center be done more often as he had noticed three days prior that it was getting high and the City should try to set the bar for people who were having problems to make sure the City's properties were getting mowed. Crum advised the field south of Old Oak Estates was getting tall and Police Chief Mike McElroy advised he believed they were in the process on that one and he would check. Crum stated the cul-de-sac the City had problems getting mowed last year by the trailer park was also getting tall. Crum advised he had asked staff to get Mr. Journey's, Mr. Kelsey's and Mr. Norton's emails on the website and he had looked that previous week and was unable to find it. Director of Governmental Services Carol Neugent advised those were put on that following day after it was first requested. Multimedia Specialist Sean Conley advised they were located under "Contacts." Crum asked for an update on the pallet business. Neugent advised they were able to get them to come in and make application for a business license and they were scheduled for an inspection that following day.

Mayor Armstrong asked for a motion to Adjourn.

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Motion by Hampton – Second by Pierce

Mr. Mayor, I'd make the motion that we adjourn.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

The Regular Council Meeting adjourned at 8:49 p.m.

Carol McBeath, City Clerk

The Regular Council meeting was called to order by Mayor Bruce Armstrong at 7:02 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Pam Robbins: Hampton here, Crum here, Pierce here, Wilkerson here, Holub here, Youngers here, Ewert here. Councilperson Michael Streets was absent.

Invocation was given by Reverend Tim Leaf, Resurrection Lutheran 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 2nd Quarter Volunteer – Phil Harris.

Park Board Chair Bill Youngers presented Phil Harris a certificate for his many years of service in the community. Harris thanked everyone.

Mayor Bruce Armstrong presented 328 N. Ward Parkway, Jan G. Greer Re: Nuisance Abatement Violation.

Code Enforcement Officer Cale Topinka addressed Council and gave a summary of the nuisance abatement for 328. N. Ward Parkway. Topinka told Council there had been no change in the property and recommended the Council pass the Resolution for the abatement.

Motion by Youngers – Second by Hampton

If there is no other discussion, I make a motion that we pass the Resolution to abate this property at Lot 6, Open Door Church Addition, Haysville, KS 67060 commonly known as 328 N. Ward Parkway, Haysville, KS.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong presented 409 Hillcrest, Daniel L. & Gayla K. Bridwell Re: Nuisance Abatement Violation.

Code Enforcement Officer Cale Topinka explained to Council he had inspected the property several times and there had been no change with the inoperable vehicle. Topinka recommended that Council pass the Resolution for the abatement. There was a discussion about the vehicle having a legal tag. Councilperson Bill Youngers asked what happened in a case like that. Topinka stated the City could have the vehicle towed at the owner's expense if they did not comply. Mayor Bruce Armstrong advised the City could not take the vehicle if the owner said they could not. Armstrong explained the matter would go before the Haysville Municipal Court if the owner did not comply.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I would like to make a motion that we pass a Resolution on 409 Hillcrest, Lot 19, Block D, Hillcrest Addition, Haysville, KS 67060.

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Councilperson Bill Youngers advised that was not the only vehicle in the City that needed taken care of and he felt that if the Council passed the Resolution to abate the vehicle, they needed to do so for all the inoperable vehicles. Councilperson Rob Wilkerson agreed and stated he had also noticed several inoperable vehicles in the City and if they passed the Resolution for that vehicle, they needed to go after everyone that had a bad vehicle. Code Enforcement Officer Cale Topinka stated he was ready to enforce the code for all the inoperable vehicles.

Hampton nay, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.
Motion declared carried.

Mayor Bruce Armstrong presented 6500 S. Seneca, Dorothy A. Horn Re: Nuisance Abatement Violation.

Code Enforcement Officer Cale Topinka told Council the owner of the property had contacted him about the matter. Topinka said the house was a rental property and he had sent a letter to the renter. Topinka stated there had been a change to the property, and advised there used to be an inoperable vehicle on the premises but it had been removed. Topinka said the debris and furniture had been moved to the back yard and advised the weeds in the back yard were over twelve inches tall. Topinka recommended the Council pass the Resolution for a nuisance abatement. Topinka stated again that the owner wanted Council to abate the property and the house was vacant. Youngers advised if the owner wanted the property abated it would be their responsibility. Topinka said the owner knew they would be responsible for the abatement.

Motion by Hampton – Second by Crum

I make a motion that we pass the Resolution abating the nuisance for Lot 3, Re-plat of Sunset Fields Addition, Haysville, KS commonly known as 6500 South Seneca, Haysville, KS.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Public Hearing for 2006 Budget.

Mayor Bruce Armstrong asked for a motion to open the Public Hearing.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion that we open the Public Hearing regarding the 2006 Budget.

The Public Hearing was opened at 7:17 p.m.

Mayor Bruce Armstrong asked if anyone from the public wanted to speak to the Council for or against the Budget that had been published in the paper. Armstrong asked that if anyone wanted to speak to the Council to step up to the podium and state their name and address.

There was nobody who spoke for or against the 2006 Budget.

Mayor Bruce Armstrong asked for a motion to close the Public Hearing.

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Motion by Crum – Second by Wilkerson

Mr. Mayor, I would make a motion that we close the Public Hearing over the 2006 Budget.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

The Public Hearing was closed at 7:18 p.m.

Mayor Bruce Armstrong opened the floor to the Council for discussion on the 2006 Budget. Armstrong stated the budget had been presented and published in the newspaper and was a total mill levy of 45.458. Councilperson Steven Crum stated he had made a motion to open up the Public Hearing and there was a second but there was no vote taken for that motion. Armstrong stated he would have to go back through that part of the Public Hearing. City Attorney Lee Parker advised the Mayor could open a Public Hearing without a vote but it took the Governing Body to close the hearing. Armstrong asked if the Council were legal with the Public Hearing. Parker advised the Council had been legal with the way the Public Hearing had been conducted. Armstrong asked Council what they would like to do with the 2006 Budget. Councilperson Ken Hampton stated he would like to give the fellow Councilmembers a choice instead of accepting the Budget as presented to them. Hampton suggested cutting the mill levy by 4% which would be \$61,055.84, roughly 1.36 mills. Hampton said he wanted the Council to be aware by cutting that \$61,055.84 they would be losing about 12% sales tax money. Hampton advised that out of that money only \$6,000.00 would have gone into the General Fund and \$6,000.00 would have gone into Capital Improvements and actually they would have ended up with a reduction of \$67,000.00 in the General Fund and \$6,000.00 in Capital Improvements. Hampton said that was his suggestion mainly based on not just accepting a budget that had been presented to them with no cuts and thinking it was “honky dory” to accept it the way it was. Hampton stated that instead of going item by item and disagreeing and arguing about certain things, 4% was a minute number. Hampton said it would make the Department Heads be thriftier on their spending but it would not eliminate any programs that he knew of. Hampton said he wanted to give the fellow Councilmembers a choice instead of accepting the budget as presented. Mayor Bruce Armstrong wanted to confirm that Hampton did not have any specific cuts, but just wanted the budget cut. Hampton said that was correct and the Department Heads could spend their money as they saw fit but it needed to be reduced somewhat. Armstrong asked if there was any other discussion from Council. Councilperson Bill Youngers said he wanted to make a point but he understood Hampton’s reasoning because he was always trying to save money here and there. Youngers said a small percentage like that would not really amount to anything that someone could recognize or see in their tax bill. Youngers said that one of the reasons the Council hired the staff was to do the job running the City so they would not have to sit there and try to do it themselves. Youngers said he did not think it was the Council’s job to micro manage the departments in the City and he would like to trust the Department Heads. Youngers advised the Council had just gone through appointing the Department Heads so apparently they felt those people were qualified to do their jobs. Youngers said that when a budget had been brought before Council they needed to look through it and see if there were any mistakes or overages. Youngers stated by what he could see the budget did not seem unreasonable. Youngers said when the City had built their tax base sufficiently and there was an increase in businesses and property values, then he could see going through and lowering the mill levy and start adjusting

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things down. Youngers advised he did not think it was the time to make a cut that really would not be significant and citizens would not be able to see just for the sake of cutting the budget. Hampton told Youngers it was their job to look at the budget thoroughly and he did trust the Department Heads as well as anybody else should. Hampton said to think that just to accept the budget as it had been presented was not doing their job as a City Council. Hampton stated part of their job was to oversee the Department Heads and not to micro manage. Hampton said the City would be getting more money as businesses came into the City and more homes were built but just to pass the budget because of \$61,000.00 or \$72,000.00 was minute and to say that was nothing to worry about was being irresponsible. Councilperson Steven Crum said it was not just the City Council's job to decide where to cut money without having a chance to look and see where. Crum said that what Hampton had suggested might be reasonable but the Council had three workshops that had to do with the budget, they had a budget hearing, and the Council approved to have the budget published in the newspaper. Crum said that still would have given them time to reduce the budget and they had plenty of time to do so. Crum said he felt like it had been hashed over for six weeks and as a Council as a whole, he thought they were pretty comfortable where they were with the budget. Crum said he would rather have suggestions or ideas come up ahead of time because that was what the workshops were for and it gave them a chance to talk to the Department Heads to cut money. Councilperson Joe Holub said he would like to remind Crum that a reduction had been discussed in the workshop and in fact it had been a 10% cut. Holub said they decided that a 5% cut had been reasonable. Crum advised that discussion had been on overtime pay. Holub said that cut was on the budget itself. Youngers said he did not want to argue and told Hampton he did not see anything wrong with cuts in the budget and nobody liked to pay taxes but he could not see Hampton giving a reason to cut the budget other than just to cut it. Youngers said he did not see the staff benefiting by not trying to cut things to a bare minimum because they knew the Council was watching them and they were under scrutiny all of the time. Youngers told Holub that he did believe the percent cut was on the overtime pay and not the budget. Hampton stated it was on the overtime pay. Hampton said he had brought up ten or twelve items during the last workshop. Hampton said some of the items were \$6,000.00 for computer screens and \$6,000.00 for key pads. Hampton said the amount that he brought up for questioning was some where around \$10,000.00. Hampton said the Councilmembers did not want to cut the items he had mentioned. Hampton said the items he brought up some of the Councilmembers disagreed with and if he brought up a general cut for the Department Heads to decide where they wanted to cut, the Councilmembers did not agree on that either. Hampton advised that if the Council did not want to cut anything, they should vote for the budget and if they could live with the 4% cut they should vote for it.

Motion by Hampton – Second by Crum

If there is no other discussion, I make a motion that we pass the budget as it is with no corrections just to see how people want to do it.

Hampton nay, Crum yea, Wilkerson yea, Pierce nay, Holub nay, Youngers yea, and Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong advised the budget would stand as it was presented and published.

Mayor Bruce Armstrong presented for approval the Minutes of July 25 2005.

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Motion by Hampton – Second by Wilkerson

If there is no other discussion, I make a motion that we pass the Minutes for July 25th.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Under Citizens to be Heard Mayor Bruce Armstrong presented Katie Elsen, Maynard Re: Proposal for “Old Oaks Skate Park” Name Change.

Katie Elsen, 332 Maynard, Haysville, KS addressed Council and stated she was there in regards to the name change for the Old Oaks Skate Park. Elsen stated some petitions had been submitted to the Council and a sheet describing why they wanted the name change. Mayor Bruce Armstrong asked if there was anything Elsen would like to add to the presentation. Elsen told Council that Christopher Elsen had attended Haysville Middle School, her mother had been involved in the P.T.A., and she and her siblings had all gone to the Haysville Schools. Elsen told Council that several people who had attended the Haysville Schools had signed those petitions and a lot of people would enjoy seeing the name change take place. Councilperson Bill Youngers advised that Elsen and her brother had attended a Park Board meeting and made the proposal. Youngers stated the family would pay for signs for the name change on the park. Youngers told everyone the family would have a memorial at Riggs Park. Youngers said that Christopher Elsen was well known and he recommended the City make the name change to the skate park.

Motion by Youngers – Second by Crum

I will make a motion that we change Old Oaks Skate Park to Chris Elsen Memorial Skate Park with the condition that the Elsen family pay for the change in signage.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

There were no Licenses and Bonds to be approved.

Mayor Bruce Armstrong presented for approval the Introduction of Ordinances and Resolutions.

Mayor Bruce Armstrong presented for approval A RESOLUTION OF THE CITY OF HAYSVILLE, KANSAS REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS TO MAKE CERTAIN FINDINGS REGARDING THE ANNEXATION OF PROPERTY.

Mayor Bruce Armstrong explained that this property would need to go to the County Planning Commissioners for approval. Armstrong stated the Resolution needed to be passed by the Council to send to the County Commissioners. Planning and Community Relations Coordinator Angela Millspaugh advised the Council had approved the consent at the last meeting. Councilperson Steven Crum asked about the road right-of-way. Millspaugh explained that the reason the consent would exclude the road right-of-way is because the City did not adjoin on both sides and it was an island annexation. Millspaugh stated the City would not want to have road right-of-way for just half or a short portion of south Main because it would cause

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maintenance issues and other traffic enforcement issues. Crum asked if the matter went before the County, the City would be asking for the property but the County would be responsible for the road. Millspaugh stated that was correct. Armstrong asked if there was a chance that the County would ask the City to take the whole road. Director of Governmental Services Carol Neugent stated she did not think they could ask that the City take the whole road since we would not be on the other side, but they certainly could suggest the City take half. Neugent advised the bigger concern truly was the traffic enforcement. Councilperson Patricia Ewert asked if that was the land that would have over one hundred homes built. Armstrong stated the first phase would have seventy-nine homes.

Motion by Hampton – Second by Pierce

If there is no other discussion, I will make a motion that we pass A RESOLUTION OF THE CITY OF HAYSVILLE, KANSAS REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS TO MAKE CERTAIN FINDINGS REGARDING THE ANNEXATION OF PROPERTY as presented before us.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval AN ORDINANCE CONCERNING AN AMENDMENT OF CHAPTER 12, ARTICLE 1 OF THE HAYSVILLE MUNICIPAL CODE SETTING FORTH THE HOURS, OPENING AND CLOSING, FEES FOR USAGE AND RULES AND REGULATIONS FOR FISHING AND HUNTING IN AND UPON HAYSVILLE PUBLIC PROPERTY.

Police Chief Mike McElroy explained the Ordinance to the Council and said it would address some problems the City had with some bodies of water. McElroy stated that bait fish had been taken out of some ponds, seining of the ponds had been going on, and the taking of bull frogs. Mayor Bruce Armstrong stated the ponds were behind residential property and that was a problem. Councilperson Bill Youngers advised that after hours people were coming in and seining the ponds and they were mainly non-residents. Youngers said they were still going to let people fish in residential and park ponds but they could not do any seining. Holub asked what the hunting referred to in the Ordinance. McElroy explained it was put in there because of the bull frogs and was a catch all to cover everything and to prohibit hunting on the City properties.

Motion by Hampton – Second by Pierce

If there is no other discussion, I will make a motion that we pass AN ORDINANCE CONCERNING AN AMENDMENT OF CHAPTER 12, ARTICLE 1 OF THE HAYSVILLE MUNICIPAL CODE SETTING FORTH THE HOURS, OPENING AND CLOSING, FEES FOR USAGE AND RULES AND REGULATIONS FOR FISHING AND HUNTING IN AND UPON HAYSVILLE PUBLIC PROPERTY as presented before us.

Councilperson Rob Wilkerson asked what the fees were for. Police Chief Mike McElroy said the fees were for the shelter rentals and said there were no fees for fishing. McElroy advised everyone had to have a license to fish as required.

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Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.
Motion declared carried.

Under Notices and Communications Mayor Bruce Armstrong presented the Sedgwick County Fire Department, Station #34 Activity Report for July – Captain Doug Williams.

Captain Glenn Randol stated Captain Doug Williams could not be there that evening and stated he was there in his place. Randol gave a summary of the activity report. There was a discussion about having fire extinguisher classes for businesses and corporations in Haysville. Randol informed everyone the Fire Department could give classes on fire extinguishers. Councilperson Steven Crum said he would like to see the City employees have a class on the extinguishers. Public Works Director Randal Dorner informed Council the City had classes on the fire extinguishers through the Safety Committee.

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

Mayor Bruce Armstrong presented the Recreation Activity Report for July.

Recreation Director Wendy Wilkinson informed Council her computer had not been working and she was unable to distribute numbers. Wilkerson advised she would give them July and August numbers the next time.

Mayor Bruce Armstrong asked for Governing Body Announcements.

Councilperson Steven Crum reported the Tree Board had been working on their By-Laws and they would give Council names for appointments to fill vacant positions. Crum mentioned that Nelson School would be having their 50th Anniversary Celebration on September 10, 2005. Crum asked Council for permission to put up a banner across Grand Avenue. There was a discussion about the problems with hanging up banners that did not have air holes in them. It was stated those types of banners made the poles bend. Councilperson Patricia Ewert showed Council the banner that had been made for the Nelson School celebration. Mayor Bruce Armstrong advised there should be a motion by Council to allow the banner to be hung since there had been problems in the past. Councilperson Joe Holub asked what type of poles the banner would be hung from. Public Works Director Randal Dorner informed Council the banner would be hung from utility poles. Holub asked if the utility company had anything to say about the matter. Dorner stated the utility company had never said anything about the banners being hung in the past. Holub asked if the poles were ten inches in diameter. Dorner said the poles were a little bit bigger than that.

Motion by Crum – Second by Ewert

Mr. Mayor, if there is no other discussion, I make a motion that we allow the Nelson Celebration Committee to ask the City to place a banner across Grand near Nelson as soon as possible and to stay up until approximately the 29th or 30th of August.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.
Motion declared carried.

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Councilperson Joe Holub asked about the footbridge from Timberlane Drive to Rex School. Public Works Director Randal Dorner reported the materials would be ordered next week and the Lions Club would make the repairs sometime in August when the weather had cooled off.

Councilperson Bill Youngers stated there were openings on the Park Board Advisory Committee for people to serve as advisors.

Councilperson Patricia Ewert announced the United Methodist Church would be having a scavenger hunt on September 10, 2005 from 6:00 p.m. to 8:00 p.m.

Councilperson Steven Crum announced the PRIDE Committee would be having their 3rd annual Casino Night from 7:00 p.m. to 10:00 p.m. at the St. Cecilia School.

Mayor Bruce Armstrong presented the Memorandum from City Clerk Carol McBeath Re: Salvage Vehicles.

Mayor Bruce Armstrong presented the Memorandum from City Clerk Carol McBeath Re: Part Time Office Clerk Cynthia Dunham – New Hire.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Captain Bruce Powers – End of Training Period.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Police Officer Grady Germany – End of Training Period.

Mayor Bruce Armstrong presented the Letter from Wichita Department of Environmental Health Supervisor of Child Care Licensure Department Shirley O'Dell, R.N. Re: Haysville Activity Center Shannon Beeler.

Mayor Bruce Armstrong presented the Letter from Westar Energy Community Support Manager Kent Myers Re: Franchise Fees Audit.

Councilperson Steven Crum asked about the audit. City Clerk Carol McBeath advised the City had not received the audit at that time.

Under Other Business Mayor Bruce Armstrong presented the Consideration of Memorandum from City Clerk Carol McBeath Re: SWEP Agreement with Red Cross.

Motion by Hampton – Second by Pierce

If there are no questions I make a motion that we authorize the Mayor to sign an agreement with the Red Cross for the Senior Work Experience Project.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

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Mayor Bruce Armstrong presented the Consideration of Memorandum from Haysville Planning Commission Re: Zone Change Request (NW Corner of Meridian and Grand).

Planning and Community Relations Coordinator Angela Millspaugh reported the Minutes from the Planning Commission meeting were put on the Council bench because they had not been included with the paperwork.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we allow zone change from “AA” and “D” to “D” with a protective overlay as presented to Council for the property within the corporate city limits of the City of Haysville, Kansas as described in the papers they had.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Consideration of Memorandum from Haysville Planning Commission Re: General Revision to the Zoning Ordinance (Article 7).

Planning and Community Relations Coordinator Angela Millspaugh explained Article 7 talked about Historic District Overlays and that revision would change that to Historic District Preservation and would cover the entire City so any property could be noted as Historic. Millspaugh advised that the Planning Commission and the Historic District Committee recommended Council pass the revision. Councilperson Steven Crum asked if Don Schneiter had given a reason why he had voted no on the zoning revision. Millspaugh told Council Schneiter did not say why he had voted no.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we approve the General Revisions to the Zoning Ordinance and Article 7 having to do with the Historic District as presented.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Approval of Senior Center Architect Plan.

Motion by Hampton – Second by Pierce

I will make a motion that we approve the architect of the Senior Center being Jeff Krehbiel and Associates.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Under Old Business Mayor Bruce Armstrong presented 6536 S. Marion, Deborah Redenbaugh Re: Nuisance Abatement Violation (Tabled July 11, 2005 and July 25, 2005).

Code Enforcement Officer Cale Topinka gave a summary of the property and told Council that two weeks ago when they tabled the nuisance it was almost completed. Topinka stated he received a call last week on the high weeds and when he checked the property, there was still

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some debris left. Topinka stated the property was not 100% cleaned up and he recommended the Council pass the Resolution for the Nuisance Abatement. Councilperson Steven Crum advised since the Council had tabled the matter the first time, the owners had done a lot of work trying to get the property cleaned up. Crum said the next time it had been tabled, they did a little bit of work and now it was to the point they needed to pass the Resolution. Crum stated the clean up work that needed to be done could have been done in a few days and he felt the owners were just trying to get an extra two weeks to clean up the property.

Motion by Crum – Second by Wilkerson

If there is no other discussion I would like to make a motion to go ahead and pass the Resolution on 6536 S. Marion.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong asked for Department Reports.

City Clerk Carol McBeath had nothing to report.

Director of Governmental Services Carol Neugent reminded the citizens about the City Wide Garage Sale coming up on the weekend. Neugent said the City would post the addresses they had for the sale on their website by Saturday morning.

Police Chief Mike McElroy introduced the visiting officer Brady Simmons. McElroy told Council Simmons was the Animal and Weed Officer. McElroy reported on the “Click it or Ticket” campaign. McElroy reported on a Council Action Request Form for the property east of the Senior Center, 200 block of Trout, and graffiti on the Hillcrest Center.

Public Works Director Randal Dorner gave Council the Clinton Street Reconstruction Bids. Dorner reported that would be the last of the bond money for the rehabilitation for streets that was in the original proposal for street work to be done. Dorner explained the bids and told about the difference between the asphalt bids and the concrete bids. There was a discussion about the process of the project and the reserve account to pay for the project. Dorner explained that concrete had gone up considerably and the bids reflected that. Councilperson Ken Hampton asked if the streets and the drainage bids could be voted on together or if they had to be a separate motion. Mayor Bruce Armstrong advised they needed to be voted on separately.

Motion by Hampton – Second by Wilkerson

I make a motion that we pass the bid for Helmers to do the street with concrete for a bid of \$171,896.80.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub nay, Youngers yea, and Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the bid for drainage.

Motion by Hampton – Second by Crum

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I make a motion that we accept the bid from Boardman Ent. for \$18,124.00 for the Clinton Street Drainage.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.
Motion declared carried.

Public Works Director Randal Dorner reported on the schedule for repairing the footbridge, the grease dumpster at the Hillcrest Center, sidewalks on west Grand Avenue that the Gas Service Company was to have repaired, the status of the railroad project and said it was 99% complete. Councilperson Patricia Ewert asked about the 20 mph work zone speed limit signs. Dorner explained the signs were only supposed to be up when the workers were actually working in the area and when they were not, the signs were laid down. Councilperson Keith Pierce thanked the Council on behalf of the people on Clinton for the new street. Councilperson Rob Wilkerson asked when Dorner would have an answer on the sidewalk on Grand. Dorner reported he had hoped to hear back from someone that week on the situation. Councilperson Steven Crum asked about the pallet business on Broadway and was told there were a number of violations that were being worked by the Sedgwick County Fire Department, Code Enforcement Officer and Zoning. Councilperson Ken Hampton asked about the trees blocking the view of motorists by the pharmacy on Seneca. Councilperson Steven Crum advised that was something the Tree Board was taking care of. Councilperson Bill Youngers asked about the status of Arbor Masters and the FEMA tree limb removal process and was told although there were more trees the City had identified, FEMA only allowed part of that number.

Recreation Director Wendy Wilkinson reported on the sand volleyball teams and the men's summer basketball leagues.

Economic Development Director Rick Rekoske reported to Council on the contacts he had made, letters he was preparing to be sent to business prospects, and the search for grants. Councilperson Ken Hampton thanked Rekoske for the work he had done and stated Mayor Bruce Armstrong had made a wise choice by picking Rekoske to do the job.

Under Appointments Mayor Bruce Armstrong presented for approval the Appointment of Pamela Grether, 320 Slade Avenue, Haysville, KS Re: Planning Commission Re-Appointment.

Councilperson Keith Pierce asked what ward Pamela Grether was in. Mayor Bruce Armstrong advised Grether was in Ward I.

Motion by Pierce – Second by Holub

I make a motion that we re-appoint Pamela Grether, 320 Slade to the Planning Commission.
Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.
Motion declared carried.

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

Tom Mosteller, 6900 S. Broadway Haysville, KS addressed Council and stated he would like to comment on the trees being trimmed on north Main that had been discussed earlier in the

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meeting. Mosteller advised they should look at days and not months to have them trimmed before there is property damage, injury or death. Mosteller stated that safety should be considered first whether it was a tree or a plant.

William Stubbert, 314 Summey, Haysville, KS addressed Council and stated he would like to take the opportunity to thank the Council and Public Works Director Randal Dorner in any way involved in replacing the streets in Wards 4th Addition. Stubbert advised that even though they did not hear from the homeowners, they did appreciate it. Stubbert asked if the City could put in a drinking fountain at the park shelter in Plagens-Carpenter Park or at the concession stand. Stubbert advised there were no drinking fountains for the children he often took to the park and he would like to know what it would take to put in fountains at the park. Public Works Director Randal Dorner explained the shelters were designed to have water fountains put in but they had not been put in due to the budget. Mayor Bruce Armstrong asked Dorner what it would cost to put in a drinking fountain. Dorner advised it would cost about \$600.00 for a fountain with a cooler on it. Councilperson Bill Youngers asked what it would cost for a fountain without a cooler on it. Dorner stated he would have to check into that to get a cost for him. Stubbert stated if they needed to do something to help raise money for drinking fountains, he would like to help along with the children.

Mayor Bruce Armstrong called for an Executive Session for Attorney/Client Privilege to include the City Attorney and Director of Governmental Services for twenty minutes.

Motion by Hampton – Second by Pierce

I make the motion that we take twenty minutes to have an executive session to include all the Council, the Mayor, the Attorney and Governmental Services for twenty minutes.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Council went into Executive Session at 8:33 p.m.

Council returned from Executive Session at 8:52 p.m.

Mayor Bruce Armstrong stated there was no binding action taken in the Executive Session.

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

Motion by Hampton – Second by Wilkerson

If there is no discussion, I would make the motion that we pay the bills for the first half of August.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

There was nothing on the Consent Agenda.

Mayor Bruce Armstrong asked for any Council Concerns.

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Councilperson Bill Youngers reminded everyone about the City Wide Garage Sale and asked everyone to be patient because the traffic would be bad.

Councilperson Steven Crum reported on weeds and other items in the alleyway between Freeman and Grand behind the Three R Construction Business. Crum advised Three R Construction would be moving out soon and they would need to make sure that things were cleaned up. Crum asked about trees growing up on the slope on the east side of the railroad. Police Chief Mike McElroy advised that last week he had visited with some officials from the railroad trying to get some weed issues under control. McElroy stated they would be doing some more work with equipment behind Osage in the Sunset Fields area. McElroy explained the railroad sprayed the area instead of mowing it and the City was trying to work with them on the situation. Crum stated there was a big limb in the drainage ditch on Waggoner on the north side of the road. Crum wanted to remind everyone that school started next week and they needed to be aware of the children and the school zone.

Councilperson Rob Wilkerson asked when 65th Street would be graded and crowned. Public Works Director Randal Dorner advised he was waiting for some rain and then would be able to work on the street.

Mayor Bruce Armstrong asked for Adjournment.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we adjourn.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

The Regular Council meeting adjourned at 8:58 p.m.

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Armstrong at 7:02 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Carla Mann: Hampton here, Crum here, Wilkerson here, Pierce here, Holub here, Youngers here, Ewert here, Streets here.

Youth Minister Mike Russell, West Haysville Baptist Church, was not present. Mayor Armstrong asked for a moment of silence.

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Mayor Armstrong asked for a motion to add Item D, under Special Order of Business to the agenda for a nuisance abatement at 340 Hillcrest.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I make a motion that we add Item D, under Special Order of Business for a nuisance abatement on 340 N. Hillcrest.

Director of Governmental Services Carol Neugent advised it would be a dangerous and unsafe structure issue.

Motion by Crum – Second by Pierce

I would amend my motion to instead of nuisance abatement to be unsafe structure.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Under Special Order of Business Mayor Armstrong presented a Presentation of PRIDE Awards – Tom Gibson.

Tom Gibson, 247 Ranger, PRIDE Chairman, presented awards to Mayor Armstrong, Public Works Director Randy Dorner, Police Chief Mike McElroy, Councilperson Pierce, Councilperson Crum and Councilperson Hampton for their volunteer help with the City-wide cleanup. Gibson advised Council of the need for volunteers for various organizations and committees and suggested Council be more involved in those areas. Gibson advised that was the first year the Fall Festival Committee did not have a Councilmember on the committee. Gibson advised the 3rd Annual Haysville PRIDE Casino Night would be held at St. Cecilia at 6:30 p.m. on September 10, 2005.

Mayor Armstrong presented Officer Malcolm Young and Officer Grady Germany with their promotions to the rank of Master Police Officer.

Mayor Armstrong presented 210 W. Grover, Raymond George York Re: Nuisance Abatement Violation.

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Code Enforcement Officer Cale Topinka advised he had received a complaint in regard to the condition of the property at 210 W. Grover and he had hung a door hanger at the residence notifying the resident of the violations. Topinka stated he had received a telephone call from the owner and he had given the owner some time to abate the violations. Topinka said he had reinspected the property on August 1, 2005, and found the violations continued to exist and had sent another letter on August 11, 2005. Topinka advised the owner had signed for the letter on August 16th and the renter on August 12th. Topinka further advised he had gone by the property that day and found the inoperable vehicle remained in the yard. Topinka stated the renter had called that day and he had advised them of the ten days that would be allowed with the passage of the resolution and the renters felt they could have the vehicle removed within the ten business days.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I'd make a motion that we pass the resolution on Lot 4, Block C, Ward's 4th Addition, Haysville, Kansas, commonly known as 210 W. Grover, Haysville.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented 340 N. Hillcrest, Dangerous and Unsafe Structure.

Code Enforcement Officer Cale Topinka advised a hearing was needed on that property for the owner of Lot 41, Block G, 340 N. Hillcrest, where the owner would be given a date to come before Council and ask that the structure not be considered dangerous or unsafe. Topinka stated he had been dealing with that home for several months and had contacted the owner who advised he would call approximately once each week with updates on the property. Topinka said that was the last and only time he had spoken with the owner. Topinka advised some progress had been made on the limbs that were on the roof of the home but the condition continued to remain uninhabitable and unsecured. Topinka further advised there were four to five windows open on the property and at that point there had not been a problem with children getting into the residence, however, there was a problem with cats. Mayor Armstrong asked the City Attorney to go over the basic procedure for dealing with dangerous and unsafe structures since that would be the first time that Council had dealt with the issue. City Attorney Alison Brown advised the unsafe structure issue would be slightly different than a nuisance violation and said with the issue of unsafe or dangerous structures the City did not have the authority to move the issue through the courts and it must come before the Council. Brown further advised pursuant to Section 7-504 the enforcing officer makes a report to the governing body and the governing body would take that information given and set a hearing date. Brown stated upon receiving the report the governing body shall fix the time and place the structure's owner and such other interested party would appear before the Council to explain why the structure should not be repaired. Brown said following that hearing the Council would make the decision whether or not the evidence showed the structure to be unsafe and if that decision was made then they would direct the owner, within a set time frame, to make that structure safe and secure in a manner deemed acceptable by Council. Brown explained an example would be a large hole in the roof and Council would direct the house be repaired. Brown stated if the owner would continue to fail to

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comply after that point the Code Enforcement Officer would be required under the code to order the property be made secure, which could include having the property demolished, if necessary. Brown explained any cost of such actions would be assessed against the property itself in the way of taxes being assessed. Councilperson Crum asked if the mortgage holder and owner had been identified. Topinka advised he knew the owner, however, the home was vacant and the owner was considering letting the house go back to the bank. Mayor Armstrong advised if Council chose to set a hearing a title search would be done and all parties would be notified of the hearing. Mayor Armstrong advised the next Council meeting would be August 12th. Councilperson Hampton asked if Topinka had permission to go inside the property to take pictures. Brown explained the City had authority under the code. Hampton asked if the homeowner would be required to secure the home or fix all items that were run down. Brown stated the language of the code advised the owner of the structure that was unsafe, dangerous or hazardous that they had the duty to render the structure secure and safe. Councilperson Wilkerson asked how many broken windows were on the home. Topinka advised the windows were open and not broken and the homeowner had explained his wife had kept the windows open for the dog to exit and enter the house. Wilkerson asked about the condition of the main structure and roof. Topinka said there was a large dent and worn, old shingles with a hole in nearly every room where the insulation was coming down and carpets were saturated in every room. Councilperson Ewert asked if anyone lived in the home. Topinka stated the home had been vacant for two to three months.

Motion by Youngers – Second by Hampton

If there is no other discussion I make a motion, if I understand correctly, that we set a hearing for the next meeting on the 12th of September with the interested parties for the property commonly known as 340 N. Hillcrest.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of August 8, 2005.

Motion by Hampton – Second by Crum

Mr. Mayor, if there's no discussion, I'll make a motion that we approve the Minutes of August 8, 2005.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

There were no Licenses or Bonds on the Agenda.

Under Introduction of Ordinances and Resolutions Mayor Armstrong presented for approval AN ORDINANCE ATTESTING TO THE POSSIBLE INCREASE IN TAXES LEVIED FOR

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BUDGET YEAR 2006 NECESSARY TO FINANCE PUBLIC SERVICES FOR THE CITY OF HAYSVILLE, KANSAS. (Ord. #891)

Mayor Armstrong explained that ordinance should have been presented at the last meeting.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion that we pass an ordinance attesting to the possible increase in tax levy for budget year 2006, necessary to finance public services for the City of Haysville, Kansas. I believe it goes with ordinance #891.

Councilperson Crum advised he wanted to make it clear the City would not be raising the mill levy, the valuation of the City had increased and this would show the City was bringing in more money than the previous year.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

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

Councilperson Hampton asked about the one complaint survey. City Clerk Carol McBeath explained the complaint was in regard to the sign ordinance.

Mayor Armstrong presented the Governmental Services Activity Report for July.

Director of Governmental Services Carol Neugent advised her report was distributed prior to the Council Meeting.

Mayor Armstrong presented the Police Department Activity Report for July.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Ewert advised the U.S.D. 261 Open Houses would be held on August 23, 2005, at each elementary school.

Councilperson Youngers advised the Park Board vacancies might be filled with members of the advisory committee. Youngers advised volunteers were needed for the Park Board Advisory Committee.

Councilperson Pierce advised the Street Committee had met and would continue to meet the first Wednesday of each month. Pierce stated he and Councilperson Holub would be canvassing the City for streets in need of replacement and hoped to have a list compiled for Council in the next few weeks.

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Councilperson Crum advised the Library was signing up pre-school aged children for Storytime. Crum advised Nelson would be holding their 50th Anniversary Celebration August 26th and 27th.

Mayor Armstrong presented the League of Kansas Municipalities Re: Municipal Leadership Academy Registration.

Mayor Armstrong presented Park Board Resignation, Kee Claar, 225 Timberlane Ct., Haysville.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Officer Malcolm Young – Promotion to Master Police Officer.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Officer Grady Germany – Promotion to Master Police Officer.

Under Other Business Mayor Armstrong presented for approval a Consideration of Memorandum from Police Chief Mike McElroy Re: Disposal of Police Vehicles.

Police Chief Mike McElroy advised the Police Department had a 1991 and 1993 Chevrolet Caprice vehicles which were no longer needed and requested permission from Council to place those vehicles for sale through the online bid process. McElroy stated the Kelly Blue Book was used to arrive at the values for each vehicle and advised the 1991 would list for a minimum bid of \$585.00 and the 1993 would list for \$990.00. McElroy requested the bidding be allowed to begin August 26th and run through September 21, 2005, with the sale being approved at the September 26th Council Meeting. Councilperson Pierce asked if the vehicles were unmarked. McElroy explained they had been but were no longer marked. Pierce asked if other departments might be able to use them. McElroy explained they were used by the police department, had been used by other departments and were toward the end of their service life. Councilperson Holub asked if the cars were run on gasoline or propane. McElroy stated they were gasoline. Councilperson Hampton asked if there was something mechanically wrong with the vehicles. McElroy advised they were in need of various mechanical improvements that the department was not willing to spend the money on due to the age and mileage. Councilperson Crum asked if the City risked not receiving any bids due to the mileage and mechanical problems. McElroy stated there was that possibility but would rather begin high in price and work down to attempt to get as much as possible for the City. Crum asked for an update at the first meeting in September so Council could possibly lower the minimum bids if needed at that time. McElroy advised that could be done.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I'd like to make a motion that we allow the Chief to put the 1991 Chevrolet Caprice and the 1993 Chevrolet Caprice on the website for sale with a minimum bid on the 1991 of \$585.00 and a minimum bid on the 1993 of \$990.00 to be on the website from August 26th to September 21st.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

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There was nothing under Old Business.

Mayor Armstrong asked for Department Head Reports.

City Clerk Carol McBeath had nothing to report.

Director of Governmental Services Carol Neugent displayed a short video on the City Clerk's Department.

Police Chief Mike McElroy introduced M.P.O. Grady Germany as the attending officer. McElroy updated Council on Action Request Forms. McElroy advised he had checked with the Kansas State University Extension office for opinions on the type of weeds in the field east of the Senior Center and it was found to be horseweeds and the owner would be contacted in regard to the problem. McElroy advised the location on Trout Street had been issued a summons notifying them to correct the violations, those violations were not corrected and the matter was placed in the court system. McElroy further advised the majority of the graffiti had been removed from the back of the Hillcrest Shopping Center with the exception of the letters "C" and "R" on one of the doors which would be dealt with. Councilperson Pierce asked if there had been any contact with Mr. Showalter. McElroy and Public Works Director Randy Dorner advised they had not heard anything.

Public Works Director Randy Dorner advised the trash receptacle for grease at Hillcrest Plaza was supposed to be moved but had not been yet. Dorner advised 340 Hillcrest continued to be worked on. Dorner stated a door hanger was left at 416 Clinton and they had made contact with the homeowner who had indicated they would be cleaning up the violations. Dorner advised the time had run out for the Clinton address and staff would begin the process by sending a registered letter. Dorner stated the footbridge on Timberlane Drive continued to be worked on and would be completed once the rain had stopped. Dorner stated the stop sign at Clinton and Anita would be removed during the construction of Anita Street and would be replaced with a new sign. Dorner said the 71st Street bridge over the turnpike had opened that day. Dorner stated an arborist had advised of the best way to trim the trees on North Main and the work had been done. Councilperson Pierce advised he had been through the Suncrest area checking on the drainage problem since it had rained and found the ditches to be filled with water. Pierce further advised the drainage problem appeared to be corrected.

Recreation Director Wendy Wilkinson advised the 3rd Annual Dog Daze of Summer would be held on August 29th, for \$3.00 per dog. Wilkinson displayed a presentation from the previous year's Dog Daze event.

Under Appointments Mayor Armstrong presented for approval the Appointment of Vicki Nunn, 628 Chatta, Haysville, KS Re: Park Board – Ward IV.

Motion by Hampton – Second by Crum

I'd like to make the motion that we appoint Vicki Nunn to the Park Board.

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Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval the Appointment of Kelly Sullivan, 556 Caleb, Haysville, KS Re: Park Board – Ward I.

Motion by Youngers – Second by Ewert

I make the motion that we set Kelly Sullivan as Park Board representative in Ward I.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval the Appointment of Tracy Meade, 329 Stewart Ct., Haysville, KS Re: Tree Board (2 year term).

Motion by Crum – Second by Wilkerson

Mr. Mayor, I make a motion that we allow you to appoint Tracy Meade, 329 Stewart Ct., to a two year term on Tree Board.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval the Appointment of Dave Harper, 340 W. 6th Street, Haysville, KS Re: Tree Board (1 year term).

Mayor Armstrong explained Dave Harper was the staff member and would be replaced by a different staff member. Mayor Armstrong further explained he would continue for one year as a citizen.

Motion by Crum – Second by Pierce

Mr. Mayor, I'd like to make a motion that we allow you to appoint Dave Harper at 340 W. 6th Street, to a one year term on Tree Board.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval the Appointment of Ken Klein, Tree Board (1 year term).

Motion by Crum – Second by Wilkerson

Mr. Mayor, I'd like to make a motion that we allow you to appoint Ken Klein, 2759 N. Clarence Street, to a one year term on Tree Board.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

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Motion declared carried.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

Howard Cook, 323 S. Twin Pines, asked what would be done with the dirt from the railroad construction in regard to the master plan. Mayor Armstrong advised it would be a water retention facility in the master plan and it was a water retention facility at that point. Cook asked if there were other plans to possibly make the area into a park. Mayor Armstrong explained the park had been discussed but had not been approved at that time. Cook asked when he could find out about it. Mayor Armstrong advised the City needed to get water to the retention facility, it needed to be deepened and money was needed to make it a park. Cook advised there was an area near him in the Orchard Acres Addition that flooded. Mayor Armstrong advised they had discussed how to get the dirt moved and the water to the retention facility. Cook asked if the City would be vacating certain small parks in the City. Mayor Armstrong stated there were parks that had been presented to the Park Board as to whether they should be sold or vacated. Cook asked about the size of those properties. Mayor Armstrong said he thought there was at least one of them large enough to build a house on. Cook asked if homeowners in those areas would be given the opportunity to purchase them. Mayor Armstrong explained the issue had not come back up, however, those properties were maintained by the City and if they were vacated they would fall on the responsibility of the neighbors.

There was no Executive Session.

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

Motion by Hampton – Second by Pierce

If there is no discussion, I'll make a motion that we pay the bills for the last half of August.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There was nothing on the Consent Agenda.

Mayor Armstrong asked for Council Concerns.

Councilperson Hampton thanked staff for working with him with the budgetary items and process. Hampton asked if the City was obligated to pay for the publication of nuisance abatement items. Mayor Armstrong explained the City would pay for the cost and those charges would be charged back to each property. Hampton asked the City Attorney if other cities required nuisance issues to come before Council. City Attorney Alison McKenney Brown advised no other city required those issues to come before the Council, however, all building issues, especially demolitions or condemnations, were brought before all cities' governing bodies. Hampton asked if vehicles parked without a tag were considered nuisances in other cities. McKenney Brown advised they were considered nuisances.

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Councilperson Crum advised the dead tree limb in the drainage area on Waggoner was still there and asked whose responsibility it was. Public Works Director Randy Dorner stated it was the City's responsibility, however, they were waiting for the area to dry from the rain in order to get in there without making ruts with their trucks in the mud. Crum advised the lot between the two apartments on South Jane needed mowed. Police Chief Mike McElroy advised it would be checked into. Crum stated he had felt it was not a good move not to appoint Councilmembers to various boards and committees as it was important for Council to be involved in the City to let people know what was going on. Crum advised the Tree Board was in the process of passing new by-laws and one of the additions to the by-laws included a requirement that one of the members be from Council. Crum said the Senior Center had the same by-law but was not aware of any Councilmember appointed to the Senior Center Advisory Board.

Councilperson Wilkerson thanked Public Works Director Randy Dorner for taking care of the trees on North Main in front of Food-4-Less.

Councilperson Holub advised repairs were needed on the stage. Public Works Director Randy Dorner advised funds were needed to make the necessary repairs.

Councilperson Youngers advised the lot at Kay and Marlen had water standing and asked about mosquito control. Youngers asked what could be done to resolve the problem. Public Works Director Randy Dorner advised developing the area would help. Youngers advised children played in the street on Kay Street through the mobile home park and 20 m.p.h. was not a safe speed because of all the children. Youngers suggested the police department conduct an education campaign through the area informing the parents of the danger of their children playing in the street. Police Chief Mike McElroy advised they had been cautioned and would do it again.

Mayor Armstrong asked for adjournment.

Motion by Crum – Second by Ewert

Mr. Mayor, I make a motion that we adjourn.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

The Regular Council Meeting adjourned at 8:08 p.m.

Carol McBeath, City Clerk

The Regular Council meeting was called to order by Mayor Bruce Armstrong at 7:02 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Pam Robbins: Crum here, Wilkerson here, Pierce here, Holub here, Youngers here, Ewert here, and Streets here. Councilperson Ken Hampton was absent.

Invocation was given by Dr. George Lespagnard, first Christian Church. Lespagnard invited everyone to attend the church's 125th year celebration on Sunday, September 25, 2005. Lespagnard gave the Councilmembers and staff a flyer with the celebration events listed on it.

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

Under Special Order of Business Mayor Bruce Armstrong presented a Public Hearing for A Community Development Block Application.

Motion by Pierce – Second by Crum

Mr. Mayor, I would like to make a motion that we open a Public Hearing for the Community Development Block Grant.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

The Public Hearing for the Community Development Block Grant was opened at 7:05 pm.

Mayor Bruce Armstrong asked if anyone from the audience would like to speak for or against the application for the Block Grant. Armstrong advised the application had been published in the newspaper. Armstrong stated the City was looking at a grant request of \$400,000.00 with matching funds from the City of \$160,000.00. Armstrong asked again if any citizens would like to speak before the Council. There were none. Armstrong recommended that a motion be made to close the Public Hearing.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I make a motion that we close the Public Hearing on the Block Grant.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

The Public Hearing was closed at 7:06 p.m.

Mayor Bruce Armstrong advised there were resolutions that needed to be approved to go with the application. Armstrong stated the first Resolution dealt with Section 104-D for the Residential Anti-displacement and Relocation Assistance Plan. Armstrong advised Council that Bill Bolin with SCKEDD was there to answer any questions they might have. Armstrong advised SCKEDD would do the writing and administration of the grant if the City were to receive it. Bolin explained the plan stated there would no housing removed as a result of the plan because the project would be built on a vacant lot. Councilperson Joe Holub asked if the

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City had planned to build an entirely new Senior Center. Armstrong stated that was correct. Holub wanted to know where the center would be located. Public Works Director Randal Dorner showed on the map that the new Senior Center would be located north of the new Family Dollar Store by the new Senior Citizen Housing units.

Motion by Pierce – Second by Wilkerson

I make a motion that we go ahead and pass this RESOLUTION ASSURING THE KANSAS DEPARTMENT OF COMMERCE THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF THE SENIOR CITIZENS CENTER TO BE FINANCED WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Mayor Bruce Armstrong advised Councilperson Keith Pierce that he was two Resolutions ahead on the Agenda. Armstrong stated the first item to be voted on was the Residential Anti-displacement and Relocation Assistance Plan. Councilperson Steven Crum asked if Pierce should withdraw his motion.

Councilperson Keith Pierce stated he withdrew his motion.

Councilperson Rob Wilkerson stated he withdrew his second.

Mayor Bruce Armstrong advised there needed to be a motion to approve the Residential Anti-displacement and Relocation Assistance Plan.

Motion by Crum – Second by Youngers

Mr. Mayor, I make a motion that we allow you to sign the Residential Anti-displacement and Relocation Assistance Plan that goes along with the Block Grant.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong advised the second part that needed to be voted on was a Resolution to operate the Senior Center. Armstrong stated the third item that needed to be voted on was a Resolution for the authority to apply for the Block Grant. Councilperson Steven Crum asked if the money would be covered in the next budget if the City were to get the grant. Mayor Bruce Armstrong advised the actual building of the center would not take place until 2006 because the applications were due at the end of September and would be approved at the first part of January. Armstrong stated \$100,000.00 had been budgeted already for the center and it would probably carry over to next year's funds for 2006.

Motion by Crum – Second by Youngers

If there is no other discussion Mr. Mayor, I make a motion that we pass A RESOLUTION ASSURING THE KANSAS DEPARTMENT OF COMMERCE THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF THE SENIOR CITIZENS CENTER TO BE FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

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There was a lengthy discussion about the need for a new Senior Center, maintenance costs on the current Center, and the money it would cost the City for the matching funds for the grant. Councilperson Joe Holub stated he did not feel a new Senior Center was needed and he preferred to put the money into the City's streets.

Crum yea, Wilkerson yea, Pierce yea, Holub nay, Youngers yea, Ewert yea, and Streets yea.
Motion declared carried.

Mayor Bruce Armstrong presented A RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE 2006 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THE KANSAS DEPARTMENT OF COMMERCE AND AUTHORIZING THE MAYOR TO SIGN AND SUBMIT SUCH AN APPLICATION.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I would like to make the motion that you sign the RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE 2006 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THE KANSAS DEPARTMENT OF COMMERCE AND AUTHORIZING THE MAYOR TO SIGN AND SUBMIT SUCH AN APPLICATION.

Councilperson Keith Pierce asked if the \$160,000.00 mentioned in the last paragraph of the Resolution was to be matched. Mayor Bruce Armstrong explained how the grant worked. Pierce wanted to know if that was reasonable. Armstrong stated he thought it was reasonable and asked Bill Bolin to explain the way the grant would work. Bolin explained to Council how the formula for the grant money was handled. Boling advised he thought the money the City would be putting in towards the grant was a reasonable amount. Bolin advised the City would not be competing with other cities for water or sewer systems but rather a Senior Center. Bolin explained that after the architect came in and gave their estimate, the City may not have to spend that whole amount. Bolin suggested the City maximize the ability to be flexible because they could always go back to ask for "x" amount of dollars. Bolin explained the process of the paperwork and said the project would probably begin in the spring. Holub asked what would happen if the project went over the \$400,000. Bolin stated the architect would have to take care of that. Holub asked if the total cost was \$560,000.00 for the project. Boling stated that was correct.

Crum yea, Wilkerson yea, Pierce yea, Holub nay, Youngers yea, Ewert yea, and Streets yea.
Motion declared carried.

Mayor Bruce Armstrong presented a Public Hearing for 340 Hillcrest, Oscar R. Thomasson II
Re: Dangerous and Unsafe Structure.

Mayor Bruce Armstrong stated he needed a motion to open the Public Hearing for a dangerous and unsafe structure.

Motion by Pierce – Second by Wilkerson

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Mr. Mayor, I make a motion that we open a Public Hearing regarding a dangerous and unsafe structure at 340 Hillcrest, Haysville.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

The Public Hearing was opened at 7:26 p.m.

Mayor Bruce Armstrong asked if anyone in the audience would like to speak before the Council on the dangerous and unsafe structure at 340 Hillcrest.

Oscar R. Thomasson II, 1033 S. Seneca Wichita, KS, addressed the Council and stated he was the property owner of the residence of 340 Hillcrest in Haysville. Thomasson advised he was currently in the process of arranging a surrender of deed, a short sell of the property, or return the property over to the mortgage company. Thomasson advised he and his wife were involved in a divorce action and he did not have the money to continue to pay the mortgage or make any needed repairs. Thomasson said he had been in contact with the City's inspector's office and he had been given a list of things to do with the trees, grass, the soffits and the roof on the house. Thomasson said he had been able to get everything taken care of except the soffits and the roof of the house. Thomasson said at that point in time, he would like the Council to specify exactly what they would like him to do, the time that it needed to be done, and direct the City Inspector to regulate that action. Councilperson Steven Crum asked if anything had been done to the roof. Thomasson stated that he had not done anything to the roof because that would require a contractor and he was not able to get on the roof. Crum asked if the soffits, eaves, and chimney had been worked on. Thomasson said he had fixed the chimney with plywood but it had not been inspected. Crum asked about the poison ivy in the back of the house. Thomasson said he had hired a person to clean it up but he had not done anything. Thomasson said he was in the process of cleaning up the poison ivy himself and would go back on the weekend to try to clean up some more. Crum asked about the windows and the doors. Thomasson said the locks on the doors had been changed and he was in the process of finding out who had the key to the house so he could gain access to it until the court said otherwise. Thomasson said he wanted to do some repairs but the problem was he had to either kick in the front door or break in a window to gain entrance to the property. Thomasson said that was an ongoing matter that he hoped to resolve in the next couple of days. Councilperson Bill Youngers asked if he had a time frame for a foreclosure on the property. Thomasson said he had been given a date of December 3, 2005 for his foreclosure and he was told by phone that action would be taken through the District Court however, at that time, there was no action pending in the District Court. Councilperson Keith Pierce asked how much time he would need to take care of the problems on the property. Mayor Bruce Armstrong advised there was a Resolution before them. Thomasson said he did not have a copy of the Resolution. Armstrong stated Thomasson had a problem getting into the property at that point and there was an on going legal battle between Thomasson and his wife as to who truly owned the property and what would happen to the property. Thomasson stated that was correct. Thomasson advised according to the divorce proceeding, his wife had been granted possession of the property on a temporary order. Thomasson said the problem he had was that shortly after the order, his wife had moved out and obtained other lodging and he was left "holding the bag" in the situation. Armstrong stated it sounded like Thomasson did not have the ability legally to do

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anything with the property and asked if that was correct. Thomasson said that was correct. Armstrong asked Thomasson if he wanted the Council to pass the Resolution so he would have something to take to court as to where the property was. Armstrong asked if Thomasson would be able to work on the property to get it cleaned up. Thomasson said he did not have the legal authority to go on the property and if it went into foreclosure, the property would go back in the possession of Wells Fargo the mortgage holder. Thomasson stated that in reality it would take until the end of October to make arrangements to get a roofing company to get the roof fixed. Thomasson advised the roof would be the first thing that needed to be fixed and everything else would have to be fixed after that. Thomasson said he could take care of the poison ivy but he could not get on the property so he was in between a rock and a hard place. Armstrong advised that if the Resolution passed, the City had to give notification to all interested parties. Armstrong stated the City would have to notify Thomasson, his wife, and the mortgage company. Thomasson asked if the Council would like him to provide a copy of the notice from the attorney. Armstrong advised the City would be in contact with the attorney once the Resolution had passed. Councilperson Bill Youngers advised that he had inspected the property and he felt that it would take at least ninety days to get everything done that needed to be. Youngers said he did not know how they could set a date beforehand. Armstrong advised they were still in the Public Hearing and anyone wanting to speak before Council could do so. Armstrong stated the Council would have time to speak after the Public Hearing was closed. Armstrong asked if anyone else would like to speak before the Council at the Public Hearing.

Mark Mellor, an attorney with the Law Firm of South and Associates came to the podium and stated he represented Wells Fargo who had the mortgage on the property. Mellor advised that whatever action the Council took would affect his security interest in the property of 340 Hillcrest. Mellor said Thomasson's file "landed" in his office last week and he anticipated a foreclosure action would be filed within thirty days. Mellor said it probably would be done more likely in two weeks. Mellor advised that Wells Fargo would be inspecting the property to determine whether or not they would do a deed in lieu, which would come down to economics if they wanted the property back. Mellor said he wanted the Council to know that they were concerned about the property.

Ava Majors, 341 Hillcrest addressed Council and stated she lived across the street from Thomasson and she had previously lived next door to him. Majors advised that nobody in the room knew more about 340 Hillcrest than she did. Majors respectfully told the Council that even if Thomasson had access to his property for the next ten years, it would not be repaired. Majors said she had watched the demise of the property a day at a time and while she had three roofs put on her house, Thomasson's original roof was still on his house. Majors said the guttering on Thomasson's house had hung on his house for over seven years and she was there because she was disgusted at the view out her front door. Majors said she knew any one of the Council would feel the same. Majors said she had a serious concern about the huge amount of bugs that were evident if you got near the property. Majors said the neighbors battled cockroaches constantly, rodents were an issue, along with the value of her property being an issue. Majors said every year her tax appraisal kept going up but yet that was the view she had. Majors said she was there to ask the Council to do what they could to move rapidly on the situation before the entire neighborhood had to pay and pay and pay. Majors advised she was a single female

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and managed the upkeep on her home all by herself and there were three people in the house at 340 Hillcrest who had to be forced to do the simplest of repairs. Majors asked the Council to do what they could for the rest of them that were trying to have some pride in the neighborhood.

Mayor Bruce Armstrong asked if anyone else would like to speak before the Council. There was nobody. Armstrong asked for a motion from Council to close the Public Hearing.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion that we close the Public Hearing.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

The Public Hearing was closed at 7:40 p.m.

Mayor Bruce Armstrong recommended the Council pass the Resolution and put as short a date as possible on it so everyone could be notified as quickly as possible. Armstrong advised the City was looking at having the structure demolished. Councilperson Steven Crum asked what a reasonable time frame was to give notice. Crum asked what the normal time frame was for the notice and if the time started from the publication date. Armstrong advised it was thirty days from publication. Armstrong stated the publication date should be that Friday the 16th.

Motion by Crum – Second by Wilkerson

Mr. Mayor, if there is no other discussion I would like to make a motion that we pass A RESOLUTION MAKING CERTAIN FINDINGS AND DECLARATIONS THAT THERE EXIST IN AND ON CERTAIN PROPERTY CONDITIONS WHICH ARE UNFIT FOR HUMAN USE OR HABITATION: THAT ELEMENTS EXIST WHICH ARE DANGEROUS AND INJURIOUS TO THE HEALTH, SAFETY, MORALS OF THE RESIDENTS OF THE COMMUNITY, AND CREATE A BLIGHT CONDITION WITHIN THE CITY OF HAYSVILLE, KANSAS, and this would be on 340 Hillcrest and I would make a motion that we sign it for a thirty day amendment to go on page 2 of the Resolution.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented a Nuisance Abatement Hearing for 523 E. 71st Street South, Arthur Pirner.

Motion by Pierce – Second by Wilkerson

Mr. Mayor, I make a motion that we open the Public Hearing for 523 E. 71st Street South, Arthur Pirner.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

The Public Hearing for 523 E. 71st Street South was opened at 7:43 p.m.

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Mayor Bruce Armstrong asked if anyone in the audience would like to speak for or against 523 E. 71st Street South to please approach the bench and state their name and address.

Linda Greer, 1374 Saint Andrews Place, Wichita, KS addressed the Council and said that her father Arthur Pirner was the owner of the property. Greer told Council the problem they were facing was that the items on his land were not his fault but she understood the Council did not care whose fault it was. Greer advised they had tried to get the two men who were responsible for leaving the mess on the property to clean it up. Greer said it was the intent to cut up the logs and sell them for firewood but the men had not kept up their end of the bargain to do that. Greer advised her father had put up no trespassing signs that day and they had both worked over the holiday weekend to try to clean up things but it was overwhelming to get everything cleaned up that needed to be. Greer stated another gentleman had brought a few rabbits two years ago for her father to watch while he went out of town and now they did not have a few rabbits, they had several rabbits and the man had brought several items on the property and never asked if he could bring them. Greer said the last weekend she had taken a whole pick-up load of items back to the man that she and her father could load up. Greer advised her father was eighty-seven years old and there was a limit to what he could do. Mayor Bruce Armstrong asked if Greer was trying to get the parties responsible for the mess to clean it up. Greer said one of the gentlemen that had the tree service said he would be at the Council meeting that evening but he did not show up. Greer told Council that was a problem with the men telling him they would do something and then never showing up. Greer said they had filed a report with Sedgwick County to try to get a restraining order but were told they could not do that because her father had not been harmed or stalked. Greer said the Judge told them to file a complaint with the City of Haysville. Greer said she had a letter to send to let the man know he was not welcome back on the property and he would need to arrange a time with her and the Haysville Police Department to come on the property. Mayor Bruce Armstrong asked if Greer had filed a complaint for illegal dumping. Greer said she had asked for a copy of the complaint but was told she could not have one and she did not know how the complaint had been written. Greer said she had talked with Officer Strother last Tuesday and the case No. was 200503875 on September 6, 2005. Greer said they had asked repeatedly for the men to clean up their things and they repeatedly said they would and then never did. Armstrong asked if a restraining order had been filed. Greer said she was told she could not file for one but she would like to do that because she feared for her father's well being and what might happen. Greer said the men had taken items from her father in the past. Armstrong asked if Greer had used an attorney to file for a restraining order. Greer said she did not know that it made any difference if an attorney or she filed a restraining order. Greer said the Judge did not tell her to use an attorney but told her they did not have grounds to file a restraining order. Councilperson Bill Youngers asked if the tree service man was a registered Haysville business or a "fly-by-night" company. Youngers wanted to know if the man had paid her father for compensation for use of the property. Greer said her father had not been paid. Youngers asked how they had come to the arrangement. Greer advised she did not know exactly how her father had made the arrangement. Greer told Council she had cut out an ad dated September 3, 2005 in the Wichita newspaper for the tree service and it had the better business bureau logo it. Greer also had a flyer that the tree service had distributed.

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Arthur Pirner, 523 E. 71st Street South addressed Council and told them that Willie's Tree Service was from Wichita, Kansas and he had leased his property to him at one time. Pirner stated he had a burn permit at one time and that had taken care of things at the time. Pirner explained that after the lease was up, they made a deal that the man would bring him wood and he would split it and get half of the proceeds. Pirner said he had told the man in the spring that he would not have time to split the wood because it was garden time. Pirner discussed that since gas had gone up, people would be buying firewood. Youngers asked Pirner if he had thought of giving away the firewood. Pirner said that was in the process now and some people had already picked up some wood. Youngers asked if Pirner had advertised. Pirner said he had not advertised and the people getting the wood had heard it by word of mouth. Linda Greer told Council the man that had dumped all the wood was a minister and she had told him that since he was a man of God, you would think he would do what he said he would do. Greer advised she had taken Pirner to the doctor last week and was told he could not do any physical activity but she had a hard time getting him to do what the Doctor told him when all that wood had to be split. Greer said her father could not do the work and that was the bottom line. Councilperson Steven Crum said he was told about the situation last Saturday and they really were trying to come to some resolution. Crum said Greer and Pirner had tried to work with the two gentlemen but when it came down to it, it was the property owner's responsibility. Crum said he had told Greer if she would talk to the Council that they could possibly try to help in some way. Crum said that Pirner could advertise free wood and with the way gas prices were going up, people would come and get it. Crum advised it would be worth their time to advertise in the Haysville Times. Crum suggested they contact the Haysville PRIDE Community, Optimist Club, Lion's Club, Boy Scouts, or a group of people who could possibly come over to help clean up the mess. Crum asked if the wood could be taken to public works. Public Works Director Randal Dorner stated there was some metal on the property that could be taken to Public Works. Pirner advised the metal had been cleaned up and the appliances had been removed also. Pirner said he had told Willie that he did not want him to bring anymore wood but they still were bringing it in. Crum asked if the chain link fence was still on the property. Pirner said there was a lot of chain link fence left on the property. Crum asked Dorner if the fence could be brought to the Public Works dump. Dorner said the fence would be hard to get rid of but he could do it. Councilperson Joe Holub asked if Pirner was within his right to give away the wood. Pirner said he was told he could get rid of the wood and had hoped to have the wood gone in a month's time. Greer said she did not think there was any possible way they could get rid of the wood in a month's time. Greer said by the look on Code Enforcement Officer Cale Topinka's face, he did not think it could be done in that time frame either. Armstrong asked Pirner how long he thought it would take to clean up the wood. Pirner said there was a lot of wood that needed split first and he could only split a small portion at a time. Armstrong stated by what he had heard, Pirner should not be splitting wood. Pirner said he did not hear the Doctor say that. Youngers asked Pirner if he could get a permit to burn at that location. Pirner said he could not get a burn permit but if he could, he sure would because that would be the simplest way to take care of the situation. Dorner reported there were distance problems and the concern the City would have is that the fire would burn for several days. Youngers asked if there was any way the wood could be burned away. There was a discussion about burning the wood. Greer asked if they could put up signs to have the wood hauled off. Greer advised she and her father could not lift that much wood. Crum asked if they could see a substantial improvement in the cleanup on the property in

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twenty-five to thirty days. Greer said she thought so if they could put up a sign for free fire wood. Greer said she would like for people to call them first so they would know if somebody was on the property. Greer said they would do the best they could in thirty days. Councilperson Joe Holub asked what it would take to have the City crews clean up the property. Dorner advised it would take about fifteen truck loads to clean it up and the City did not usually go on private property. Dorner stated it would take a couple of days to clean up. Armstrong stated a contractor would be hired to do something like that. Armstrong advised Council could extend time to have the property cleaned up or the City could hire a contractor to clean it up and the charges be assessed back to Pirner's property taxes. Greer asked what would happen if they could not have the property cleaned up on time. Armstrong advised they would need to come back to Council and discuss the situation.

Armstrong asked for a motion to close the Public Hearing.

Motion by Pierce – Second by Crum

Mr. Mayor, I make a motion that we close the Public Hearing.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

The Public Hearing was closed at 8:10 p.m.

Motion by Crum – Second by Pierce

Mr. Mayor, I would like to make a motion that we table this until the October 10th meeting, about thirty days away, and at that time if we don't believe there has been a substantial improvement, we can pass the resolution then and that would give them ten more days past that time and if we see that the people would be offered free wood and come and take the small wood and leave the big wood that would burn a long time and get rid of some of the wood then maybe we could work something out at a later time.

Mayor Bruce Armstrong advised he did not think he could repeat that motion. Armstrong stated there was a motion to table the issue and proceed with it on October 10th.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Minutes of August 22, 2005.

Motion by Pierce – Second by Crum

Mr. Mayor, if there are not corrections, I move that we approve the minutes of August 22, 2005.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

There were no Licenses and Bonds on the Agenda.

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There were no Ordinances and Resolutions on the Agenda.

Under Notices and Communications Mayor Bruce Armstrong presented the Sedgwick County Fire Department, Station #34 Activity Report for August – Captain Alan Disney.

Lt. Richard Janne stated he was there instead of Captain Disney and he was there to answer any questions the Council might have. Council did not have any questions for Janne.

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

Mayor Bruce Armstrong presented the Recreation Activity Report for August.

Mayor Bruce Armstrong asked for Governing Body Announcements.

Mayor Bruce Armstrong stated he had been contacted by Ron Waggoner who had asked to use Riggs Pond to give Adam Sweney a boat ride as one of his wishes. Armstrong explained that Sweney had M.D. and could not travel long distances. Armstrong stated he would need a motion from Council to approve the ride on Riggs Pond.

Motion by Crum – Second by Pierce

I make a motion that we allow this gentleman an opportunity to see if it is possible to give Mr. Sweney a boat ride he is interested in taking if at all possible.

Crum yea, Wilkerson yea, Pierce yea, Holub nay, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Councilperson Steven Crum stated the Tree Board still had one vacancy and had asked for any volunteers interested in joining the board.

Councilperson Keith Pierce informed Council the Street Committee had met and they would bring a list of street repairs with priorities to the next meeting.

Councilperson Steven Crum asked if the Council should have a workshop to discuss the list of streets that needed repaired. Mayor Bruce Armstrong advised there would need to be a workshop to find out where the funds would come from to pay for the streets.

Mayor Bruce Armstrong presented a Letter from Cox Communications Sarah Kauffman Re: Free Preview of the Starz Network Channel 73, October 7th Through 9th.

Mayor Bruce Armstrong presented a Letter From Cox Communications Sarah Kauffman Re: Free Digital Cable CBS Affiliate, KWCH Channel 612 Beginning September, 1, 2005.

Mayor Bruce Armstrong presented a Letter of Resignation from Recreation Director Wendy Wilkinson.

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Mayor Bruce Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Communications Officer Jeff Wilson Resignation.

Under Other Business Mayor Bruce Armstrong presented for approval the Consideration of Memorandum from City Clerk Carol McBeath Re: The Emergency Food Assistance Program (TEFAP) Contract.

Motion by Crum- Second by Wilkerson

Mr. Mayor, I make a motion that you approve the contract with the Emergency Food Assistance Program for the Senior Center.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Consideration of Memorandum from City Clerk Carol McBeath Re: New Position.

Councilperson Steven Crum asked about the job description. City Clerk Carol McBeath explained the job description and the hours involved for the job. McBeath stated the position would work into a full time position at some time.

Motion by Crum – Second by Ewert

I make a motion that we go ahead and allow Carol to advertise to open this City position for Senior Center Assistant, a part time job, and approve the job description as presented.

Crum yea, Wilkerson yea, Pierce yea, Holub nay, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Under Old Business Mayor Bruce Armstrong presented the Consideration of Contract Agreement Re: R.A.M. Properties.

Mayor Bruce Armstrong explained the changes in the contract to Council and stated the contract would get the retail center on Main Street built.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion that we approve the amendment on the real estate purchase contract with R.A.M. Properties as presented.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong asked for Department Head Reports.

City Clerk Carol McBeath had nothing to report.

Director of Governmental Services Carol Neugent presented a draft of the City Talk newsletter that would be put on the City's website. Neugent had Multimedia Specialist Sean Conley show a video he had produced on gardening narrated by Councilperson Bill Youngers.

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Police Chief Mike McElroy introduced the visiting Officer Sgt. Bud Anthis and reminded Council there were two vehicles for sale that the City would still take bids on through Wednesday.

Public Works Director Randal Dorner reported on Council action forms for cars in the driveway at 456 W. 7th Street, clean up on 416 Clinton, the Public Hearing on 340 Hillcrest, and the street repairs on Clinton.

Recreation Director Wendy Wilkinson reported on the programs at the Haysville Activity Center and Shakespeare in the Park.

Under Appointments Mayor Bruce Armstrong presented for approval Tim Leaf, Ministerial Alliance, to the Senior Citizens Advisory Board.

Motion by Pierce – Second by Crum

Mr. Mayor, I make a motion that we allow you to appoint Tim Leaf of the Ministerial Alliance to the Senior Citizens Advisory Board.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

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

There were none.

There was no Executive Session on the Agenda.

Mayor Bruce Armstrong presented for approval the Bills to be Paid for the First half of September.

Motion by Crum – Second by Pierce

Mr. Mayor, if there is no discussion, I make a motion that we pay the bills for the first half of September.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Consent Agenda.

Mayor Bruce Armstrong asked for Council Concerns.

Councilperson Joe Holub reported that he had learned weeds in the streets were a violation of the City Code in Section 11-1401. Holub advised that Citizens were responsible for keeping the weeds cleared out of the streets.

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Councilperson Rob Wilkerson asked that the messages on the front sign at City Hall be slowed down because it was too hard to read. Director of Governmental Services Carol Neugent stated that could be fixed.

Councilperson Rob Wilkerson said he would like to thank Public Works for getting rid of a mud hole so the children in his neighborhood could get on their bus.

Councilperson Steven Crum asked that a copy of the grass clippings video be sent to the railroad.

Councilperson Steven Crum advised he would like the Haysville Activity Center Recreation Department video to be completed before Recreation Director Wendy Wilkinson resigned so she could be in it.

Mayor Bruce Armstrong asked for adjournment.

Motion by Pierce – Second by Wilkerson

Mr. Mayor, I make a motion that we adjourn tonight's meeting.

Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

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

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Armstrong at 7:02 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Carla Mann: Hampton here, Crum here, Wilkerson here, Pierce here, Holub here, Youngers here, Ewert here, Streets here.

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

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented C.J. Cross, Haysville Times Re: Update.

C.J. Cross, Haysville Times, advised they had over 100 out of state subscriptions, 200 subscriptions for the rural area and approximately 1200 within the City limits. Cross stated they had 15 purchase points and Quik Trip had shown interest in carrying the paper and that would be done once they could put a bar code on the papers. Cross advised Friday, October 14th, would be a City-wide publication and the deadline would be Monday at noon.

Mayor Armstrong presented a Public Hearing for 7560 S. Broadway, Gabby's Goodies – Owner Nelda L. Grieving and tenant Owen Gabbert III.

Mayor Armstrong advised a motion was not needed to open the public hearing since Council would be hearing the evidence from the party that had requested the hearing. Mayor Armstrong asked Code Enforcement Officer Cale Topinka to present the evidence he had in regard to the property at 7560 S. Broadway. Topinka advised a complaint was received on August 18, 2005, and they had inspected the property where inoperable vehicles, trash, junk and miscellaneous debris and materials were observed on the property. Topinka stated a violation notice was mailed to Ms. Grieving and Mr. Gabbert and both were signed for by each individual. Topinka advised he had reinvestigated the property on September 22, 2005, and found there were some improvements, however, violations continued to exist. Topinka advised he had also reinspected that day of the Council Meeting and found more debris in the rear of the property that was possibly moved from the front to the back of the property. Topinka further advised part of the problem was Mr. Gabbert lived in a motor home on the property. Topinka said Mr. Gabbert's main reason for requesting the hearing was due to him living there. Mayor Armstrong asked if Nelda Grieving or Owen Gabbert were present. They were not. Mayor Armstrong asked if any citizens would like to speak in regard to the matter. There was no one. Mayor Armstrong opened the hearing up to Council for comments or questions. Councilperson Crum advised the property had been a concern for several years; it had gotten out of hand and needed to be cleaned up. Councilperson Holub asked how old a person Nelda Grieving was. Topinka stated he did not know as he had not been in contact with her other than she had signed for the letter and his personal contact had been with Mr. Gabbert. Holub asked if there were people who could clean up the property. Topinka stated they had quite a few employees that could possibly clean it up. Councilperson Ewert asked what the legalities were with him living in the motor home on the property. Topinka stated he believed a permit was needed to live in a motor home and only for a limited time. Director of Governmental Services Carol Neugent advised part of the issue also

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was the zoning on the property. Neugent explained property zoned greater than “light commercial” was not allowed a residence on the property unless it was considered a non-conforming use. Councilperson Youngers asked how nuisance codes differed in “light industrial” compared to “residential.” Neugent explained the “light industrial” zoning was allowed outside storage where it was not allowed in “residential.” Neugent further explained the issue was how the items were being stored on the property. Youngers asked what the violations were in regard to the vehicles. City Attorney Alison McKenney Brown advised the code defined inoperable as vehicles that were not properly registered and that were unable to move for any reason. McKenney Brown stated inoperable vehicles were not allowed in any zoning and regardless of the zoning vehicles were required to be stored on an all-weather surface without weeds growing around them. Ewert asked if the motor home was tagged. Topinka advised he was not sure. Topinka said his business renewal process would be coming up and he and City Inspector Chad Bettles would inspect the property for that renewal or denial of the application.

Motion by Hampton – Second by Crum

I’ll make a motion that we pass the resolution concerning this nuisance abatement on certain properties located within the City of Haysville, Kansas, and providing for certain assessments related thereto on the property commonly known as 7560 South Broadway, Haysville, Kansas, legal description of the W 434 FT S ½ NW ¼ EXC N 1200 FT THEREOF & EXC W 50 FT FOR RD. SEC 4-29-1E, Haysville, KS.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Public Hearing for 410 East 71st Street South, William and Adrial E. Barger Re: Code Violations.

Code Enforcement Officer Cale Topinka advised a correction was needed on the legal description presented to Council. Topinka said the “@” and the “#” in the second line should be changed to “23.” Topinka stated the property was investigated on August 18, 2005, and violations were found to exist on the property. Topinka said violation notices were mailed on August 23rd to Adrial Barger and it was signed by the owner on August 25th. Topinka said the property was reinspected on August 21, 2005 and he found it to be mowed and cleaned up, however, violations continued to exist. Topinka advised he had spoken with Mr. Barger on the phone several times and he had requested the hearing. Topinka updated Council with new photos of the property.

William Barger, 115 Grover, advised he owned the property at 410 E. 71st Street South. Barger stated he had asked the City what would be allowed on the property when he had purchased it. Barger stated the City had told him it would be easier to tell him what he couldn’t do rather than what he could do. Barger said he was told he could not have an auto salvage or a smelter but outside of those things he could do anything he wanted. Barger stated he felt he had not done anything the City had not agreed with. Barger stated it had become aggravating since the property was zoned “light industrial” and he was not allowed to do anything and the only thing he had stored on the property was steel. Barger explained he was told the brush had to be

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removed off the property and said the brush was from the City's own trees on three sides of him. Barger stated he was present at the meeting since the Code Enforcement Officer told him to be there. Barger asked if there was anything he could do on the property. Councilperson Holub advised the resolution presented by the Code Enforcement Officer showed brush, trash, junk and miscellaneous debris. Holub told Mr. Barger what Council and the Code Enforcement Officer had tried to tell him was they wanted to see a neater property. Barger stated he had made considerable improvement on the property and paid \$500.00 to have the brush removed which should have been the City's responsibility. Barger advised the items Council considered junk was actually old air conditioners and he had given away close to \$3,000 worth of those air conditioners in order to comply. Barger stated he had mowed the property and advised he needed direction from the City as to what else needed to be done in order to be in compliance. Mayor Armstrong explained it appeared the outside storage on the property was also a problem and asked Mr. Barger if he had any plans for those items being stored. Barger advised all he had was a metal building and some trailers. Director of Governmental Services Carol Neugent advised the zoning allowed the storage but the problem was how they were stored since they were not on an all-weather surface or stored off the ground at least 12 inches. Topinka stated the trailers could be there as long as the weeds around them were maintained. Barger asked if what was being said was he could store items on grass in residential but had to have a pad in "light commercial." City Attorney Alison McKenney Brown advised outside storage was not allowed in zones less than Mr. Barger's, however, outside storage was allowed in "light commercial" as long as the stored items are done so on an all-weather surface. Neugent stated the issues in question on the property did not fall under the zoning ordinance. Barger advised the pieces of a complete metal building were being stored on railroad ties and as far as he knew railroad ties could be in contact with the ground. Youngers explained there was more stored on the property than just a metal building and asked if he intended on taking care of the property. Barger stated if he could get direction on what the City wanted done he would do it. Councilperson Hampton advised an all-weather surface could be a layer of rock free of vegetation rather than a concrete pad which would not be as expensive. Hampton asked what could be done with the steel. Topinka advised he had not seen the railroad ties but they did have to be 18 inches off the ground. Mayor Armstrong asked Mr. Barger if there was anything else he would like to add. Barger said there was nothing else. Mayor Armstrong asked if Council had any questions for Mr. Barger. Councilperson Crum asked Mr. Barger how long he thought he would need to get those things done Council had requested. Barger advised he did not know how long it would take him. Mayor Armstrong asked if any citizens would like to comment on 410 E. 71st Street South.

Bob Tucker, 142 Ballard, advised he paid high taxes for his property on South Broadway. Mayor Armstrong asked if he was talking about the property located at 410 E. 71st Street South. Tucker said he was talking about all the properties. Mayor Armstrong advised that was the public hearing portion of the Council Meeting concerning 410 E. 71st Street South. Mayor Armstrong explained he would have the opportunity to speak later in the meeting. Tucker advised the zoning should be taken into consideration when deciding what to do with the properties.

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Mayor Armstrong asked if there were other citizens wanting to speak in regard to 410 E. 71st Street South. There were none. Mayor Armstrong asked Council what they would like to do with the resolution before them. Councilperson Hampton asked if Council were to table the resolution for thirty days if the process would have to start over if nothing had been completed. Mayor Armstrong explained it was his understanding they did not have to start the process over.

Motion by Youngers – Second by Hampton

I'd like to make the motion that we table this until the 14th of November, the first meeting of the month of November.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Public Hearing for 7474 S. Broadway, Adrian Sr. and Beverly D. Rodgers, Re: Code Violations.

Code Enforcement Officer Cale Topinka advised the violations were found on the 18th of August. Topinka further advised violation notices were sent on August 25, 2005, and signed for on the 26th. Topinka advised upon reinvestigation on the 21st he had found some cars had been moved and he had spoken with Mr. Rodgers who had asked how the cars had to be stored. Topinka said he explained to Mr. Rodgers how cars had to be stored and that inoperable vehicles had to be registered. Topinka said the main violation was inoperable vehicles with some car parts. Mayor Armstrong asked what the property was zoned. Topinka stated it was "light industrial."

Adrian Rodgers, 180 South Wire, advised he owned the property at 7474 South Broadway for twenty plus years. Rodgers advised he had been working to clean up what the City had wanted done. Rodgers stated some of the cars had been removed that were no longer of any use for parts. Rodgers said some of the cars he had left were antiques and he was told they must be 18 inches off the ground, vegetation killed under them and he was in the process of doing that. Rodgers asked for more time to finish the clean up. Mayor Armstrong asked if Council had any questions for Mr. Rodgers. Councilperson Youngers asked how much more time he needed. Rodgers stated he would like to say he could get it done in about thirty days, weather permitting. Councilperson Crum asked City Attorney Alison McKenney Brown if it made a difference on tagging and registering antique vehicles. McKenney Brown advised the City code stated irregardless of zoning or anything else any motor vehicle or other means of conveyance other than a bicycle is required to be registered and if it does not have registration it is considered "a nuisance." Councilperson Hampton asked how many vehicles were on the property that should be tagged. Rodgers advised there were 12-13. Hampton asked if he had plans for those vehicles. Rodgers said he had used parts off of a few of them and the ones that were of no use he had hauled off. Rodgers explained there were times he took 2-3 vehicles and made one out them by using the parts. Rodgers advised he was told if he raised the vehicles 18 inches off the ground and the vegetation killed he would be fine. Hampton asked McKenney Brown if that was correct. McKenney Brown advised the code was very strict in regard to motor vehicles and asked Mr. Rodgers if his property was a salvage yard. Rodgers said he did not own a salvage

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yard but rather dealt with street rods. McKenney Brown advised if the property was not zoned auto salvage then there was no permission under the City code for storage of untagged, unregistered vehicles. McKenney advised the code was written to prevent unlicensed salvage yards and it also stated "any motor vehicle or other means of conveyance which is up on blocks or in any way appears to not be operable is deemed a nuisance and cannot continue to be stored." McKenney Brown said the only way inoperable vehicles were permitted to be stored was within an auto body shop working area within sixty days, within an auto salvage yard zoned for that purpose or within a building. Councilperson Holub asked why the area was zoned "light industrial" if he could not restore vehicles. Holub asked if it would make a difference if the frontage was fenced. McKenney Brown advised the only thing under the code that would help him was if he requested to have his property zoned as a salvage yard. Holub stated the work Mr. Rodgers performed on his property was zoned "light industrial" and that was what he did on the property. Mayor Armstrong explained there was a conditional use permit granted for the property across from Mr. Rodgers where they would restore classic cars. Mayor Armstrong stated he could ask for a special use permit and not a salvage and that would allow for those cars to be out for a certain amount time. Director of Governmental Services Carol Neugent advised the classic car business would be constructing the building so cars could be pulled inside and that was part of the conditional use permit. Councilperson Crum asked if the existing salvage yards were in "heavy industrial." Director of Governmental Services Carol Neugent advised they were non-conforming and there were no properties in Haysville zoned "heavy industrial." Youngers asked if the state allowed for some sort of registration for non-highway vehicles. McKenney Brown advised registering the vehicles would bring him into compliance with sub-section one of the code, however, he would remain out of compliance with sub-section two, three and four. McKenney Brown advised vehicles that were not operable must be kept indoors or stored at a salvage yard. Holub asked if Mr. Rodgers would consider fencing the property. Mayor Armstrong advised Mr. Rodgers would have to apply for that type of zoning. Rodgers advised that would run into an additional expense and when he was annexed into the City for "light industrial" he was told he could do anything on the property except operate a salvage yard. Youngers asked at what point a vehicle would become not a vehicle after disassembly. McKenney Brown stated that was a fact decision and if it was a "hulk" vehicle it was still a wrecked or inoperable vehicle and must be stored either inside or stored in an appropriate manner. Mayor Armstrong stated he felt the matter should be tabled for at least another thirty days until staff could visit with the attorney.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I make a motion that we table the nuisance abatement on 7474 S. Broadway until our first meeting in November.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Public Hearing for 2075 Emmett, The Sanders Living Trust – Clarence and Carol Frazier – Haysville Sandblasting Re: Code Violations.

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Code Enforcement Officer Cale Topinka advised a complaint was received and investigated on August 18, 2005. Topinka said he had mailed a certified letter on August 25, 2005, and it was signed for on the 25th. Topinka advised he had distributed pictures to Council in regard to the violations on the property. Topinka further advised the property was zoned "light industrial."

A member of the audience, assumed to be Clarence Frazier, advised he was there to observe and listen and stated he would work with the City on taking care of violations and constructing a hard surface. Mayor Armstrong asked him if he would need additional time to get the property into compliance and to meet with the Code Enforcement Officer for those requirements. Frazier advised that was correct.

Councilperson Crum advised it appeared the property was being cleaned up according to the pictures and asked if the stacked metal on I-beams would be a zoning violation. Mayor Armstrong stated staff would go back and look at zoning as well as code violations so they would be aware of both. Director of Governmental Services Carol Neugent advised the outside storage was allowed in "light industrial" and the issue was with how it was maintained. Neugent stated even if the items were raised off the ground there would still be the issue of keeping the weeds maintained around the stored items. Mayor Armstrong stated he would be told what was required under both zoning and code. Mayor Armstrong said he wanted to work with him since he was willing to take care of the problems. Councilperson Holub asked Mr. Frazier how long he felt he needed. Frazier advised he needed quite a while since he had been at that location for 27 years and he had that much accumulation. Frazier said he expected the process to take ninety days. Councilperson Youngers advised it appeared he was making an effort and felt he had been overlooked since he was not visible from the main street. Councilperson Crum advised just because the properties were tabled for thirty days did not mean Council expected them to be done in thirty days and felt they should all be tabled thirty days. Crum stated if after thirty days the businesses needed more time they could request an additional thirty days and so forth. Crum said this would allow Council to pass a resolution with no improvements and not having to wait until the 89th day. Councilperson Streets advised he did not feel it was a problem allowing Mr. Frazier ninety days. Holub advised Mr. Frazier had asked for ninety days, it was a reasonable request and he should be given ninety days. Mayor Armstrong asked if there was anyone from the public who wanted to address Council in regard to this property. There was no one. Youngers advised he felt Council should table the matter for thirty days and if progress was made an additional thirty days could be granted until they reached ninety days.

Motion by Youngers – Second by Pierce

I would make the motion that we table this for thirty days so we can watch the progress that Mr. Frazier is taking and then we will take a look at it again.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub nay, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong advised the properties in discussion that night had been going on for several years and getting them cleaned up would not happen overnight. Mayor Armstrong advised the

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process had been started and Council should work with the citizens as long as they were making progress.

Mayor Armstrong presented for approval the Minutes of September 12, 2005.

Motion by Crum – Second by Wilkerson

Mr. Mayor, if there's no changes I'd like to make the motion that we approve the minutes of September 12, 2005.

Hampton abstain, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong advised there were no Citizens to be Heard on the Agenda.

There were no Licenses or Bonds on the Agenda.

Under Introduction of Ordinances and Resolutions Mayor Armstrong presented for approval A RESOLUTION DECLARING THE ELIGIBILITY OF THE CITY OF HAYSVILLE TO SUBMIT AN APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR USE OF TRANSPORTATION ENHANCEMENT FUNDS SET FORTH BY THE FEDERAL TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY FOR THE MAIN STREET-SCAPE PROJECT IN THE CITY OF HAYSVILLE AND AUTHORIZING THE MAYOR TO SIGN THE APPLICATION. **(Res. #05-14)**

Public Works Director Randy Dorner displayed a map depicting the locations where the enhancement funds were being applied for. Dorner advised there were portions of the hike and bike trail that would fit with a street-scape plan. Dorner further advised it would run up North Main with street-scape on both sides and then through the Historic District ending near Second Street. Dorner said there would be lighting and sidewalk on one side and the hike and bike trail on the other side. Dorner explained the resolution of support would show the Governing Body supported the project along with letters of community support. Dorner said he had spoken with the Chamber of Commerce and some of the businesses who would show support with letters to be sent with the signed resolution. Dorner stated the City was looking at possibly receiving \$853,000. Dorner advised he had attended a grant workshop and found other cities had shown interest and had applied by doing part of the project and even showed more participation. Dorner said he would be using a 70/30 split to show that the community was behind the improvement. Mayor Armstrong asked if this was a project for 2008. Dorner explained the City would know in May 2006, whether they were awarded the funds for the project. Dorner said the state had indicated they had money at the present time and it was possible it could be a 2007 project. Councilperson Hampton asked if this was the same hike and bike project that had been previously approved with KDOT on an 80/20 grant. Dorner explained that was the Nelson and the Old Oaks trail. Hampton asked if Council would be approving Dorner to apply for the grant. Dorner stated that was correct and further explained they would be committing to thirty percent of the project. Youngers advised he felt it was important the City applied for these grants and just because the City applied did not mean they would get it. Councilperson Holub asked where

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the City's portion would come from. Mayor Armstrong explained it would come from the 2007-2008 capital improvements and the City would have those years to save that money. Dorner stated it was a reimbursement program where the bills would be paid up front and then reimbursed. Councilperson Crum asked how Randy Dorner had figured the inflation factor. Dorner explained it came from the enhancement program. Crum asked about the other cities applying with a shared cost split. Dorner stated many of the cities were going with the 70/30 split. Councilperson Hampton asked if this might be something a professional grant writer should do. Mayor Armstrong stated he felt Public Works Director Randy Dorner had done a good job on this one and had experience obtaining grants in the past. Councilperson Pierce asked why the program called for a minimum of twenty percent. Dorner explained they would not fund a project 100% and required a local match.

Motion by Hampton – Second by Crum

I make a motion that we pass a resolution declaring the eligibility of the City of Haysville to submit an application to the Kansas Department of Transportation for use of transportation enhancement funds set forth by the Federal Transportation Equity Act for the 21st century for the Main Street-Scape project in the City of Haysville and authorizing the Mayor to sign the application.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

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

Councilperson Crum asked if someone had been hired to fill the Assistant Director position at the Senior Center. Director of Governmental Services Carol Neugent advised that would be advertised for after the first of the year since it was in the 2006 budget.

Mayor Armstrong presented the Governmental Services Activity Report for August.

Mayor Armstrong presented the Police Department Activity Report for August.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Ewert asked about the article in the paper restricting the police officers mileage to fifty miles per shift. Police Chief Mike McElroy advised they were watching the fuel costs since the budget was approved at \$1.65 a gallon and they had paid \$2.90 per gallon earlier that month. Ewert asked if emergency calls would be honored even if they had reached or exceeded the fifty miles limit in a shift. Mayor Armstrong stated the citizens may see an officer sitting at a location longer than before but all emergency calls would be answered. Councilperson Youngers advised the Haysville Fall Festival would be coming up and the Park Board was looking for members for the Advisory Committee. Youngers advised the Park Board would be meeting on Monday, October 3rd, at 5:15 at the City Building. Councilperson Pierce distributed information from the Street Committee regarding the streets in need of replacement or improvement. Pierce advised

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they were 95% complete and would meet with Randy Dorner on October 5, 2005, and drive around the City to look at the streets further. Councilperson Crum advised the Tree Board needed one more person.

Mayor Armstrong presented the Haysville Community Library Re: Resources Available.

Mayor Armstrong explained there were job resources, work force centers, websites, technical training and a Book Talk in Hispanic Heritage being offered at the Library.

Councilperson Crum requested information regarding the streets. Crum advised he would like to know the age of each street. Public Works Director Randy Dorner advised that would be done.

Under Other Business Mayor Armstrong presented for approval a Consideration of Memorandum from the Haysville Planning Commission Re: General Revision to the Zoning Ordinance – Historic District Overlay.

Mayor Armstrong explained there were problems with the ordinance and it would need to be tabled.

Motion by Crum – Second by Pierce.

Mr. Mayor, I make a motion that we table the action for the Planning Commission on the revision to the zoning ordinance, Historic District Overlay, until October, the first meeting in October, which would be the 11th.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Consideration of Contract Agreement for Professional Engineering Consultants Re: Complete a 2005 Master Sewer Plan for the City of Haysville.

Mayor Armstrong advised there were two new schools being added within the next eighteen months to two years west of Meridian and there would be no way to service those buildings with sewer. Professional Engineering Consultant Rod Young advised the City had done a water master plan and a drainage plan but a sewer plan had not been done. Young advised in addition to the two schools there had been interest from developers for the area north of 63rd Street as well as the area to the east of the City. Young advised it was past time to begin looking at these areas in order to service them with sewer without adversely affecting the existing customers. Young explained this was a general contract and explained all work that would be handled under the provisions of the contract. Young stated all growing cities were doing these. Councilperson Holub asked if the schools would require lift stations. Young advised more than likely they would. Councilperson Hampton asked if island annexations would be looked at. Young advised they would be looking at whatever staff asked of them.

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Motion by Hampton – Second by Pierce

I make a motion that we enter into an agreement between the City of Haysville and P.E.C. concerning the completion of a 2005 Master Sewer Plan for the City of Haysville.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented the Approval of Bids for City Vehicles.

Assistant City Clerk/Finance Director Beverly Rodgers advised the City received bids on a 1991 and a 1993 Chevrolet Caprice. Rodgers advised two bids were received on each vehicle. Rodgers stated the 1993 Chevrolet Caprice received the highest bid of \$1,038.50 and the 1991 highest bid was \$1,260.00.

Motion by Hampton – Second by Crum

I'll make a motion that we accept the bid of \$1,038.50 from Seth Burkhardt for the 1993 Chevy.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Motion by Hampton – Second by Crum

Mr. Mayor, I'd go ahead and make the motion that we accept the bid from David Miller on the 1991 Chevy in the amount of \$1,260.00.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There was nothing under Old Business.

Mayor Armstrong presented the Department Head Reports.

City Clerk Carol McBeath was absent and Assistant City Clerk/Finance Director Beverly Rodgers advised there was nothing to report.

Director of Governmental Services Carol Neugent had nothing to report.

Police Chief Mike McElroy introduced M.P.O. Greg Wright as the visiting officer.

Public Works Director Randy Dorner updated Council on two action request forms. Dorner advised staff had placed a door hanger at 416 Clinton approximately one month prior, work had been done but had stopped prior to the violations being taken care of. Dorner said a registered letter was sent and a hearing was scheduled on October 24, 2005. Dorner stated a Community Improvement Request was sent to 446 W. 7th on October 14th. Dorner said he had spoken with the homeowner that day who advised everything would be cleaned up and they were given ten

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days to comply. Dorner said they failed to comply and a registered letter was sent where they were advised of their opportunity for a hearing.

Recreation Director Wendy Wilkinson was absent and did not leave a report.

There were no Appointments.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

Howard Cook, 323 S. Twin Pines, advised Council approximately one month ago the State had removed the "speed bump" on Broadway headed south and requested the City remove the one at Broadway and Grand. Public Works Director Randy Dorner advised he would see what could be done.

Mayor Armstrong asked for a motion to go into Executive Session for the discussion of Non-Elected Personnel for ten minutes to include the City Attorney and the Director of Governmental Services.

Motion by Hampton – Second by Pierce

I'll make a motion that we have an Executive Session not to exceed ten minutes, dealing with non-elected personnel including the City Council, the Mayor, Governmental Services and the City Attorney.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Council went into Executive Session at 8:32 p.m.

Council returned from Executive Session at 8:42 p.m.

Mayor Armstrong called the meeting back to order and advised there was no binding action taken in Executive Session.

Mayor Armstrong presented the Bills to be Paid for the Last Half of September.

Councilperson Pierce asked about the four tires for truck #2, showing up three different times. Public Works Director Randy Dorner explained the cost was split three times between sewer, water and street. Councilperson Hampton asked if those items destroyed by lightening were insured. Director of Governmental Services Carol Neugent advised they were and explained a claim would be turned into the insurance company. Hampton asked if the antennae that was purchased was something that was struck by lightening. Police Chief Mike McElroy advised that was for a new 800 mhz antennae and feed line that would be used in remote locations if needed.

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Motion by Hampton – Second by Crum

If there's no other discussion I'll make a motion that we pay the bills for the last half of September.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There was nothing on the Consent Agenda.

Mayor Armstrong asked for Council Concerns.

Councilperson Hampton advised there would be another meeting before the next Council Meeting in regard to the water treatment upgrades in order to make recommendations to Council. Hampton asked about the weeds along the railroad and whether the City sent notices to the railroad in the same way as they do for citizens. Police Chief Mike McElroy advised they had discussed those weeds as part of the railroad project and since the project was not final they would have to see what would happen with the situation. McElroy further advised they would continue to look at it and see which way it would go. Hampton asked for an update on the Pizza Hut property. Mayor Armstrong explained they were hoping to have a decision or information for Council by the end of the month. Mayor Armstrong explained they were still planning on building but were trying to decide what size.

Councilperson Crum advised Council wanted to work with the businesses and that was why they gave them thirty days. Crum said they would add to that time if progress was being made. Crum stated he encouraged businesses to clean up their properties if they knew there were things that could be done to improve the appearance of their properties in order to get the City looking nice. Crum asked about the status of the court situation involving the pallet business. Mayor Armstrong explained the fire department and the court gave them a deadline of November 10th, their business license had been denied and staff would continue code enforcement on the City's end.

Councilperson Pierce asked about the trash service plan. Mayor Armstrong advised the last he knew they had asked for volunteers and whether Bob Carroll wanted to continue to serve on the committee but had not received an answer from him. Mayor Armstrong stated it had been dropped and not followed up on unless Council wanted to continue with it. Councilperson Crum asked if the RFPs were sent out. Mayor Armstrong advised he would check into it further.

Councilperson Holub advised he felt allowing Mr. Frazier ninety days was reasonable and asked why Council would continue to extend thirty days if ninety was reasonable. Mayor Armstrong explained Council wanted to make sure they were making progress by not waiting until the 89th day to begin working. Holub asked when speed limit signs and stop signs would be made to replace the fading and rusting ones. Public Works Director Randy Dorner advised as budget allowed they were replacing them. Dorner advised there was also a problem with vandalism and theft of the signs and the budget for signs was being depleted fairly rapidly. Mayor Armstrong suggested the City and the districts go to the new code where one sign is set going into the

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districts themselves in order to reduce the costs of replacing the signs. Mayor Armstrong stated better signs could be made, have them budgeted and done, if the City did not have signs all the way up and down streets. Mayor Armstrong suggested Council consider the new code for street signs and possibly place it on a future agenda. Holub stated he would like to consider that. Mayor Armstrong advised he would put it on the agenda. Holub asked if the new street sweeper would be used that fall. Dorner explained the streets were swept in July and then would be swept again once the leaves had fallen sometime in November or December.

Councilperson Youngers advised most of the citizens who received nuisance abatement notices seemed unclear about what was expected and stated the resolution also appeared vague. Youngers stated Code Enforcement Officer Cale Topinka also seemed unsure about what some of the issues were. Director of Governmental Services Carol Neugent advised when citizens were notified of violations the recipient also received copies of the section of the code they were in violation of. Youngers advised he had noticed some burning had been done at Public Works and asked that the fire not be allowed to smolder so long. Public Works Director Randy Dorner said they normally burned limbs and it was usually completed in a day, however, that time there was an overabundance of large logs that came from a nuisance abatement. Dorner stated they tried to burn on days where smoke would blow to the south. Youngers asked if the back hoe could be used when the pile was larger than usual. Dorner advised they do use the back hoe but on that particular day the wind was excessively high and they did not stir it so embers would not be blown away.

Mayor Armstrong called for Adjournment.

Motion by Pierce – Second by Wilkerson

Mr. Mayor, I make a motion that we adjourn tonight's meeting.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

The Regular Council Meeting adjourned at 8:56 p.m.

Carol McBeath, City Clerk

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

Roll was called by Recording Secretary Pam Robbins: Hampton here, Crum here, Wilkerson here, Pierce here, Holub here, Youngers here, Ewert here, and Streets here.

Reverend Steve Dezotel, Church of the Nazarene was not present to give the Invocation. Mayor Bruce Armstrong asked for a moment of silence.

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

Mayor Bruce Armstrong told the Council that before they started on the Nuisance Abatement Violations, he would like for Planning and Community Relations Coordinator Angela Millspaugh to explain to everyone about the nuisance abatement and zoning differences. Millspaugh advised that all the violations before them were cited under the health and welfare section in the zoning ordinance. Millspaugh stated the businesses were allowed in the zoning ordinance and the work that had been conducted on the properties had been allowed, but the problem was the way the property had been maintained.

Mayor Bruce Armstrong presented the Nuisance Abatement Hearing for 2005 Cain, Steve Dale – Dale Investments L.L.C.

Code Enforcement Officer Cale Topinka addressed the Council and explained an investigation had begun in August of 2005 on the property. Topinka said he had looked at the property and saw some violations and had mailed the owner a certified letter on August 24, 2005 which had been signed for on August 25th. Topinka stated he had spoken to Ron Cowlick and went through some of the violations with him. Topinka said there were inoperable vehicles on the property and the outside materials were not being stored correctly. Topinka advised Mr. Dale had asked to schedule a hearing. Topinka told Council they should have pictures in their packets with dates on them. Mayor Bruce Armstrong asked if Steve Dale was in the audience. He was not.

Ron Cowlick, 205 Cain addressed the Council and stated he was there to represent Steve Dale. Cowlick said he had some questions for the Council to answer. Cowlick told Council that they stacked a lot of firewood that had to be processed over a period of time and wanted to know how they were supposed to control the wood. Cowlick advised the wood had been split, stacked on containers and then shipped out to customers as they buy it. Cowlick said he knew there were some vehicles on the property that were being taken care of but he did not know what the Council expected him to do about the firewood. Mayor Bruce Armstrong asked if the vehicles would be removed. Cowlick advised they had to remove equipment off of three vehicles and they would be getting rid of them as soon as the new ones came in to put the equipment on. Cowlick told Council they were in the process of removing the vehicles. Cowlick stated there was an antique vehicle still on the property that had been sold to a man who had not picked it up yet. Cowlick said the antique car should be delivered within the next ten days and that would solve that problem. Armstrong asked Code Enforcement Officer Cale Topinka how far the wood would have to be off the ground to be rodent proof. Topinka said the ordinance stated that residential or commercial had to have wood up on racks or concrete but there was nothing listed

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about industrial. Topinka said he assumed the wood needed to be eighteen inches off the ground. Armstrong asked if the wood needed to be off the ground if it were on a concrete pad. Topinka advised that if the wood had been stacked neatly on a concrete pad, it would not have to be off the ground. Cowlick asked if he could put crushed concrete or crushed asphalt. Armstrong asked if the Ordinance stated it had to be on an all weather surface or if it had to be concrete. Topinka advised it had to be concrete. Cowlick asked how long he would have to do that since all the wood had to be processed through. Armstrong asked Cowlick how long it would take to process the wood. Cowlick stated it would take a while and the wood probably would last through the winter. Cowlick explained they could put the new wood on a surface while the other wood was being processed. Armstrong asked if the processed wood became mulch. Cowlick stated the mulch actually turned to dirt and explained the process. Armstrong asked if Cowlick sold mulch. Cowlick stated that was a yes and no answer. Cowlick stated they sold wood chips. Armstrong said he would let the Council ask questions at that time. Councilperson Steven Crum had a concern about the mulch and wanted to know about a privacy fence put up around it. Crum stated that residential areas could have a three-sided fence and wanted to know if that same type of fence could be used. Crum said he did not know how the code read but wanted to know if there was anything about a privacy fence. Topinka advised in the industrial park the materials would need to be stored eighteen inches off the ground and he did not know if mulch would be considered a material or landscaping. Cowlick stated that the mulch was landscaping material that could be processed to whoever wanted it. Cowlick wanted to know about the rock and if it should be stored on concrete also. Topinka advised the Ordinance talked about materials that were stored outside of a building but it did not state anything about what type of material it could be. Armstrong said that would be a business problem about what a nursery or landscaping business should be. The City's Code did not say anything about landscaping but rather nuisance abatement. Topinka stated the Ordinance talked about having things on racks eighteen inches off the ground and stored neatly. Cowlick stated he could understand that 2 x 4s needed to be stacked neatly on the ground but he did not understand about the mulch which was actually something that had to be used on the ground. Cowlick stated that would be like telling someone at a rock quarry they could not keep rock on the ground and asked if that was any different. Councilperson Ken Hampton asked about the picture that had been taken on October 5, 2005. Hampton stated the picture had a large pile of logs and tree parts and in the background you could see gas tanks. Hampton wanted to know how close the logs were to the gas tanks and if it was a fire hazard. Cowlick stated the logs were thirty feet from the tanks. Hampton advised that was not far enough away for such a big pile of logs. Hampton asked about the safety factor, and advised that needed to be looked into. Cowlick asked if it would be sufficient if he moved the logs to the other side of the property and put the rock over there. Hampton said he was not saying that and he did not know if that had been addressed to begin with. Hampton stated the local Fire Department should take a look at the problem. Councilperson Bill Youngers said it appeared that some of the violations would not be violations if consideration had been taken on what type of business someone had. Youngers advised that landscaping businesses would have mulch and materials to use in their businesses. Youngers stated that some materials came on pallets and those were not eighteen inches off the ground. Youngers advised there was a gray area that had not been addressed. Youngers asked if there was a way that Cowlick could get a conditional use permit for the property. Youngers stated that mulch was always in bulk. Armstrong said the City had a service business problem and they needed to look at the

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businesses in the Codes. Armstrong stated they had tried to make one nuisance abatement that covered everything but it did not. Armstrong said the abatement did not cover certain types of cars and businesses such as landscape businesses. Armstrong said he thought the main things they were talking about were weeds, grass, and inoperable vehicles. Armstrong suggested setting those things aside until they could truly go through the businesses and make changes to the zoning parts that needed to be made. Armstrong stated that moving mulch did not make any sense to him. Crum said that instead of doing a conditional use, he thought they should go through the codes and specify what types of businesses could store what materials. Crum said that he would not like to see them giving conditional uses to businesses. Crum said that was one reason south Broadway looked the way it did because all of the car places have conditional uses. Crum said he would like for them to change the code. Councilperson Joe Holub stated there would be a lot of burden with all the codes that would be hard to enforce. Holub said he would like to see the counsel advise them as to what might be reasonable for future enforcement. City Attorney Lee Parker said there were different ways to go about it and the Council was already talking about it. Parker said the first thing would be special use and the second would be to go through and make sure there was definition on things as to material. Parker suggested looking into what made sense within certain kinds of zoning. Parker gave examples of making sure that when they set up the zones, to make sure they had a use for the right piece of property in a zone. Parker said it would be a powerful and good zoning tool to use. Youngers stated the reason the City needed abatements was to get things cleaned up. Youngers said people brought in junk and not items actually related to the day to day operation of a business. Youngers said the materials used in Cowlick's business were used in the everyday business operation. Youngers said that if some materials used in a business were unsightly, they could consider some form of screening on the businesses because citizens would not care what materials were there if they did not have to look at them. Cowlick told the Council that some of the materials they had on their property had been taken from other abatements in the City. Cowlick said they had to haul things in from all over the City and it was processed and sent somewhere else.

Motion by Crum – Second by Wilkerson

If there was no other discussion, I would like to make a motion to go ahead and table the abatement for 205 Cain Drive for thirty days so we can make sure to get those inoperable vehicles starting to get out of there and any other stuff besides the mulch and wood and ask Counsel to please double check on maybe some definitions on materials and things like that.

Mayor Bruce Armstrong asked if there was anyone else in the audience that would like to speak at the Public Hearing for 205 Cain Drive. There was nobody.

Councilperson Ken Hampton wanted to know if, in the thirty day period of time, if they would try to define things as far as the wood was concerned. Mayor Bruce Armstrong advised they had already started to work on vehicles from Adrian Rodgers property and this would be another condition they would continue to work on. Councilperson Bill Youngers said he did not know how long it would take to get the Ordinance changed and they could have Mr. Cowlick coming back to the Council every thirty days. Youngers stated they might consider the use of the materials because it is part of the business. Youngers said he did not know how Council wanted to handle that. Armstrong advised Council would be better off by tabling the issue and hopefully

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they would have the code changed soon. Crum advised he gave thirty days on the motion to allow them time to get the other violations done.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Ron Cowlick stated if the firewood was an issue with it being too close to the propane tanks and if the Fire Department told him he had to move it, he was in agreement with that and would move it to the other side of the property. Councilperson Ken Hampton stated he had seen tanks on fire and it was not a pretty sight. Cowlick told Council the propane tanks that were there were empty.

Mayor Bruce Armstrong presented the Nuisance Abatement Hearing for 427 E. 71st Street South, Ronald D. Konecny.

Code Enforcement Officer Cale Topinka gave a summary of the findings of the violations on the property. Topinka said there had been some substantial work done on the property and the material was being stacked. Topinka told Council he recommended the Resolution be passed that evening and he did not believe anyone was there to speak on the violations. Mayor Bruce Armstrong asked if anyone in the audience would like to speak for or against the property of 427 E. 71st Street South. There was nobody. Councilperson Bill Youngers asked what violations were still on the property. Topinka stated things had been stored at least eighteen inches off the ground and on trailers. Topinka advised there was a trailer that had been stacked but he did not consider it to be neatly done. Youngers wanted to know if the property was in compliance now. Topinka said it was very close to being within compliance but the trailer would be the main issue. Armstrong asked if the vehicles and weeds were gone. Topinka stated the vehicles and weeds were gone. Topinka stated everything was off the ground and the unsafe structure was gone. Armstrong asked if the miscellaneous debris needed to be removed. Topinka said that was correct and stated it had been stacked inappropriately. Councilperson Steven Crum had concerns about the materials that had been stacked on the trailer. Crum stated it all looked like junk. Crum wanted to know about the boat being stored on an all weather surface. Topinka advised the boat was on dirt. Councilperson Joe Holub asked which violations were still in existence. Topinka said the miscellaneous debris was the thing in question and everything else had been placed eighteen inches off the ground, which would take care of the rodent problem and the weeds had been removed. Armstrong asked if Topinka had any more discussion with Mr. Konecny. Topinka stated he had not talked with Konecny again. Armstrong asked if Topinka could contact Konecny within two weeks to see what his plans were with the debris on the trailer. Topinka said he would contact Konecny.

Motion by Streets

I would like to make a motion that we table this, being that he made this much progress and give Code Enforcement Officer Cale Topinka time to talk to him and see if he wanted to haul off the debris. Konecny made an effort to comply with the requirements and we should give him more time to do that.

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Councilperson Bill Youngers asked if Mr. Konecny called for the hearing on his property. Code Enforcement Officer Cale Topinka stated Konecny had told him to speak to his attorney. Mayor Bruce Armstrong advised Konecny had written a letter requesting a hearing. Youngers said he was concerned that a hearing had been requested and nobody showed up. Youngers said as far as a motion, he would have a tendency to make a motion to pass the Resolution for the miscellaneous debris since everything else had been taken care of. Youngers advised the nuisance had been going on for two months. Mayor Bruce Armstrong stated he needed to check if there had been a second on the motion made. It was stated there had not been a second made to the motion.

Councilperson Steven Crum stated he would second the motion to table the Nuisance Abatement for 427 E. 71st Street for two weeks.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers nay, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Nuisance Abatement Hearing for 7470 South Broadway, Alan R. & Alice F. Kissack.

Code Enforcement Officer Cale Topinka explained the condition of the property and stated the letter he had sent out had not been signed for. Topinka reported the inoperable vehicles were still on the property and many other violations had not been taken care of. Topinka advised there was nobody there that evening to represent the property.

Motion by Youngers – Second by Holub

Since they did not send a representative and there are still several violations I would make a motion that we pass a Resolution to abate this private property belonging to Alan and Alice Kissack.

Councilperson Steven Crum asked if the Kissacks were the ones to ask for the hearing. Code Enforcement Officer Cale Topinka told Crum that was true.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Code Enforcement Officer Cale Topinka reported to Council that Arthur Pirner at 523 E. 71st Street South had been tabled until the 10th of October. Topinka said there was a mix up with the dates of the Council meeting due to Columbus Day. Topinka advised Pirner would be at the next Council meeting on October 24, 2005. Mayor Bruce Armstrong advised it was to be brought back to Council in thirty days and since that did not happen, they would need to make a motion to table 523 E. 71st Street South until the next Council meeting on October 24, 2005.

Motion by Crum – Second by Hampton

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Mr. Mayor, I make a motion that we table the abatement on Arthur Pirner, 523 E. 71st Street South until our next meeting.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Minutes of September 26, 2005.

Motion by Hampton – Second by Pierce

If there is no discussion, I will make the motion that we accept the Minutes for September 26, 2005.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

There were no Licenses and Bonds on the Agenda.

Mayor Bruce Armstrong presented for approval AN ORDINANCE ANNEXING LAND TO THE CITY OF HAYSVILLE, KANSAS (Timber Creek Estates).

Councilperson Steven Crum asked if the proposal had been taken the way it was. Crum wanted to know if the road right-of-way had been excluded or not. Planning and Community Relations Coordinator Angela Millspaugh reported the road would be excluded.

Motion by Hampton – Second by Crum

I will make the motion that we accept the Ordinance annexing land to the City of Haysville, Kansas as presented before us.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Under Notices and Communications Mayor Bruce Armstrong presented Sedgwick County Fire Department, Station #34 Activity Report for September – Captain Doug Williams.

Lt. Steve Ruud stated he was there in place of Captain Doug Williams. Ruud gave a summary of the report. Councilperson Ken Hampton asked Lt. Ruud about the firewood stored close to the natural gas tanks. Lt. Ruud advised he would give that question to the Fire Chief. Councilperson Steven Crum thanked the Fire Department for all they do for the community.

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

Councilperson Steven Crum asked about the basketball goals that had been installed at the skate park. Public Works Director Randal Dorner reported they were installed north of the skate park.

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Mayor Bruce Armstrong stated the basketball goals had been donated by the Bridge Water Apartments. Councilperson Joe Holub asked how far Public Works had to drive to spread sludge. Dorner reported the sludge mentioned in the report had been spread around the plant.

Mayor Bruce Armstrong presented the Recreation Activity Report for September.

Mayor Bruce Armstrong asked for any Governing Body Announcements.

Councilperson Steven Crum reported there had been two different ribbon cuttings on Saturday and there would be another one next Thursday. Crum asked Multimedia Specialist Sean Conley to put that information on Channel 7. Conley said we would do that.

Councilperson Bill Youngers reminded everyone of the Fall Festival that weekend.

Councilperson Bill Youngers reported there was still a vacancy on the Park Board for Ward II and they would like more volunteers to serve on the Advisory Board.

Mayor Bruce Armstrong presented the League of Kansas Municipalities Re: 2005 Regional Suppers.

Mayor Bruce Armstrong presented the League of Kansas Municipalities Re: Municipal Leadership Academy – Community & Media Relations Elective Course.

Mayor Bruce Armstrong presented the Letter from Sarah Kauffman, Cox Communications Re: Cox Digital Cable Customers – UPN High Definition Channel 606 – Available November 2, 2005.

Mayor Bruce Armstrong presented the Memorandum from Public Works Director Randal Dorner Re: Full Time Temporary Administrative Secretary Debbi Wahl – New Hire.

Mayor Bruce Armstrong presented the Memorandum from Police Chief Mike McElroy Re: Master Police Officer Greg Wright – End of Training Period.

Mayor Bruce Armstrong presented the Resignation of Community Development Director Rick Rekoske.

Councilperson Ken Hampton asked if the City was searching for a replacement for the Community Development Director. Mayor Bruce Armstrong stated they were in the process of placing ads in regional newspapers to fill the position. Armstrong advised that was an important position for the City of Haysville.

Under Other Business Mayor Bruce Armstrong presented for approval the Consideration of Consent to Annexation of Suncrest 2nd Addition.

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Councilperson Ken Hampton said he would like to mention that he had met with Professional Engineering Consultant Rod Young about the concern of the drainage issue and that was why it had been tabled about a year ago. Hampton said that after a large rain, he and Councilperson Keith Pierce had inspected the area and it seemed to be draining fine. Hampton said he did not see a problem with the drainage now. Hampton suggested annexing the property. Pierce stated that Hampton and he came to the same conclusion on the drainage and said he could not see any reason to prolong things and suggested to annex the property also. Councilperson Joe Holub asked Young if he felt the property would drain properly. Young reported about the drainage and stated the area drained very well. Public Works Director Randal Dorner stated he had spoken to the County Commissioner and the area would be graded along the road by the County. Mayor Bruce Armstrong stated the property owners in the area would need to be sent notification or they would need to give consent, one of the two. Planning and Community Relations Coordinator Angela Millspaugh stated she had spoken to Ron Meyers and he would be getting her the names of the property owners so the signatures could be obtained. Millspaugh reported that there should not be a problem getting the signatures but they just have not had the time to obtain them. Armstrong stated they could not annex the land that evening without 100% consent and signatures of the property owners. Millspaugh stated the item would have to go before the Board of County Commissioners since the land was considered an island annexation and a Resolution would still need to be filed before the Council. Councilperson Ken Hampton asked about the four homes in the area that had temporary water and wanted to know if those property owners had signed a consent to be annexed. Millspaugh stated they had not signed any consent but an agreement had been filled out by the developer agreeing to do the water.

Motion by Hampton – Second by Pierce

If there is no other discussion, I will go ahead and make a motion that we table this for two weeks then until we get the further consents and the things we need to annex this land.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consideration of Bids for Old Oak-Nelson Hike/Bike Trail (Information to be distributed).

Professional Engineering Consultant Rod Young gave everyone a copy of the bids that had been received that afternoon. Young recommended the Council approve the low bid from Bryant and Bryant Construction for the amount of \$681,393.00. Crum asked Young how they received bids from construction companies. Young explained that notices were sent out for companies to bid on projects.

Motion by Hampton – Second by Crum

I will make the motion that we accept the bid from Bryant and Bryant Construction for \$681,393.00 subject to Kansas Department of Transportation's approval.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

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Mayor Bruce Armstrong presented the Discussion of Trash Haulers Requirements.

The Councilmembers agreed there needed to be a workshop on the issue to get re-focused.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion that we set up a workshop to talk about the trash at the first meeting in November to begin at 6:00 p.m.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Under Old Business Mayor Bruce Armstrong presented the Consideration of Memorandum from Haysville Planning Commission Re: General Revision to the Zoning Ordinance – Historic District Overlay (Tabled 9-26-05).

Councilperson Steven Crum asked about catering shops being allowed in the Historic District. Planning and Community Relations Coordinator Angela Millspaugh said that type of business would be allowed. Councilperson Joe Holub asked about allowing certain types of businesses. Millspaugh advised that if someone wanted to put a business in the Historic District that was separate from what was allowed, they would need to go through a Public Hearing process. Councilperson Bill Youngers said that the prohibited businesses seemed too restricted to him if the City was trying to bring businesses in to the area. Youngers said if a business blended in, he did not see why it could not be allowed. Youngers said he would like to see better definitions for them. Millspaugh stated some of the things were defined through the Zoning Ordinance. Millspaugh advised the options the Council had that evening were to approve the revision, not approve the revision, or send it back to the Planning Commission with recommendations for changes. Crum asked if the businesses would have to follow the landscaping Ordinance. Millspaugh said they would. Crum said some of the things seem too restrictive but he would like to see more clarity with the specifications for designs. Mayor Bruce Armstrong said that could be done but it would have to go back to the Planning Commission. Councilperson Ken Hampton had a concern about the plot plan and the width requirements of the lots. Hampton said he did not know what he would be approving without a plot plan. Hampton was also concerned about the paint having to be approved by the Public Works Director and wanted to know what color of paint was to be used. Millspaugh advised the paint would be “bland” and research had been done with the Kansas Historic Society for the colors. Hampton said he thought everything should be put in writing as to what the requirements were for the district. There was a discussion on the size of the lots in the Historic District. It was stated the City would control the lot sizes and it would have to be approved if someone wanted to change a lot size. Councilperson Rob Wilkerson stated he thought there should be more detail with the overlay before the Council approved it. Armstrong reminded Council their options were to send the Historic District Overlay back to the Planning Commission asking for additional information on things they spoke about, to pass the Historic District Overlay, or turn it down totally.

Motion by Youngers – Second by Wilkerson

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I would like to make a motion that we send this back to Planning with more specific definitions on the restrictive use of businesses, exactly more clearly on those businesses as to what can and can not be done from those businesses.

Councilperson Joe Holub stated he did not see how they could be more specific than what they already were. Councilperson Bill Youngers stated when they were discussing colors, they could not even tell them which colors to use. Holub said he did not think that was important. Youngers advised that subject would come up. Councilperson Steven Crum advised he was not worried about what color a business would be and he trusted the committees that had helped put the overlay together. Youngers said he did not know why things could not be listed so businesses would know exactly what could and could not be done before they started any work.

Hampton yea, Crum nay, Wilkerson yea, Pierce nay, Holub nay, Youngers yea, Ewert nay, and Streets yea.

Mayor Bruce Armstrong voted nay to break the tie.

Motion denied.

Mayor Bruce Armstrong advised the overlay still had to be dealt with. Armstrong stated the Council could pass the overlay with other specifications or turn it down completely.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion that we pass the general revision to the Zoning Ordinance for the Historic District Overlay as presented.

Hampton nay, Crum yea, Wilkerson nay, Pierce yea, Holub yea, Youngers nay, Ewert yea, and Streets nay.

Mayor Bruce Armstrong voted yea to break the tie.

Motion declared carried.

Mayor Bruce Armstrong asked for the Department Reports.

City Clerk Carol McBeath reminded everyone about the Fall Festival and said the parade would be broadcast live on Saturday.

Mayor Bruce Armstrong reported Director of Governmental Services Carol Neugent was not at the Council meeting due to her being gone to Mississippi to help out with the emergency alliance.

Police Chief Mike McElroy had nothing to report and introduced the visiting officer, MPO Paul Strother.

Public Works Director Randal Dorner reported on Council Action Forms for 416 Clinton and 340 Hillcrest. There was a discussion about the weeds on the railroad project. Dorner reported on the project side of the railroad and Police Chief Mike McElroy reported on the weed issue. A definition of “native grasses” is being researched to determine what action needs to be taken next.

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Recreation Director Wendy Wilkinson had nothing to report.

Under Appointments Mayor Bruce Armstrong presented for approval Vern Lippoldt, 230 Wayne Re: Planning Commission (At Large).

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we allow you to appoint Vern Lippoldt, 230 Wayne to Planning Commission for an At Large spot.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong informed everyone there were two openings for Park Board, one opening for Tree Board, two for Planning Commission, and several open positions on the Historic District Committee. Councilperson Ken Hampton asked if the City had a Utility Committee now. Armstrong advised they did not have a Utility Committee because the Council had decided they would appoint those committees from the bench as needed.

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

There were none.

Mayor Bruce Armstrong presented the Executive Session for Attorney/Client Privilege for 20 Minutes.

Mayor Bruce Armstrong advised the Executive Session needed to include Public Works Director Randal Dorner and the City Attorney Lee Parker.

Motion by Hampton – Second by Pierce

I will make a motion that we have an Executive Session to include the City Council, Mayor, Public Works Director, and the City Attorney for Attorney/Client Privilege not to exceed twenty minutes.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

The Council went into Executive Session at 8:30 p.m.

The Council returned from Executive Session at 8:50 p.m.

Mayor Bruce Armstrong called the Council meeting back to order and advised there was no binding action taken in the Executive Session.

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

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Councilperson Ken Hampton asked if the money to Haysville Forward, Inc. on pages five and six came out of encumbered money from last year. Mayor Bruce Armstrong asked City Clerk Carol McBeath to explain where the money came from since Director of Governmental Services Carol Neugent was not there. McBeath stated that the money was used for an ad campaign that Haysville Forward, Inc. had approved. McBeath advised some of the money came out of the Economic Development Fund and some of it came from encumbered money from last year. Hampton wanted to know if the commercials had been aired yet because he had not seen them. Armstrong reported the commercials were in the production stage. Hampton wanted to know when the \$43,000.00 to P.E.C. on page 12 had been approved. Professional Engineering Consultant Rod Young reported that the contract had been approved about two years ago. Hampton asked about the Haysville Activity Center electric bill. Recreation Director Wendy Wilkinson reported the money was a combination of the Haysville Activity Center and Plagens/Carpenter ball field.

Motion by Pierce – Second by Hampton

If there are no more questions, Mr. Mayor, I make the motion that we pay the bills for the first half of October 2005.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval the Consent Agenda.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion we approve the Consent Agenda.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong asked for Council Concerns.

Councilperson Steven Crum reported there was no street sign at Jane and Peach. Crum advised there was not a street sign at Peach and Riley also. Crum said he was concerned about not having enough street lights on Peach. Public Works Director Randal Dorner reported the hike/bike project that had been approved will have street lights every 100 feet on Jane. Crum stated he had some concerns from citizens about kids in the skate park and people who were parking in cars on the lot who were not using the skate park. Crum said he thought lights would help the situation. Dorner informed Council there would be a gate installed and lights to keep people out of the Public Works Department.

Councilperson Ken Hampton asked Public Works Director Randal Dorner or Police Chief Mike McElroy to follow up with the Fire Marshal about the firewood that had been stacked by the natural gas tanks. Hampton asked staff to let the trash haulers know about the workshop on November 14, 2005 so they could attend. Hampton asked Police Chief Mike McElroy why the

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new vehicle purchased in April was not being used. McElroy told Council parts had been backordered and as soon as they arrived and were installed, the car would be put to use.

Mayor Bruce Armstrong asked for adjournment.

Motion by Pierce – Second by Holub

Mr. Mayor, I make a motion that we adjourn tonight's meeting

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

The Regular Council meeting adjourned at 9:00 p.m.

Carol McBeath, City Clerk

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

Roll was called by Recording Secretary Pam Robbins: Hampton here, Wilkerson here, Pierce here, Holub here, Youngers here, and Ewert here. Councilperson Steven Crum and Councilperson Michael Streets were absent.

Mayor Bruce Armstrong announced that before the invocation the Reverend Paul Green from the First Assembly of God wanted to speak about a project he had been asked to participate in. Reverend Green reported he had been contacted by a citizen of Haysville to see about the possibility of helping the elderly and low income residents of Haysville. Reverend Green explained about the community project called P.R.O.T.E.C.T., which stood for Providing Residential Outreach To overcome Energy Costs Together. Reverend Green said he would like to raise funds from the community to be placed in an authorized account at the Prairie State Bank. Reverend Green said he would like to solicit the businesses for funds and materials for the project. Reverend Green said he would like to gather the names and addresses of any and all of those in need such as elderly, low income shut ins, handicapped, single moms, etc. Reverend Green said he would like to seek volunteers from the public work force, schools, churches, and organizations. Reverend Green advised the project would only cover the Haysville City limits and not the School District. Reverend Green told Council that as time went by, the coverage area might be expanded. Reverend Green said he had brought the idea of the project before Council for their consideration and he told Mayor Bruce Armstrong that he looked forward to hearing from him about it. Armstrong asked Reverend Green for a phone number so citizens could call if they would like to volunteer. Reverend Green said anyone could call the Assembly of God Church at 524-5800 extension 125. Reverend Green informed Council that people could call his church and leave a message but the plans were not to operate out of the church. Reverend Green said he had contacted the PRIDE Committee, Chamber of Commerce, Senior Citizens, Salvation Army, Red Cross and different businesses to see if there was an interest for the project. Reverend Green advised the project would be starting from scratch and there was not much of a time frame to get things done.

Invocation was given by Reverend Paul Green, First Assembly of God Church.

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

Under Special Order of Business Mayor Bruce Armstrong presented the Presentation by Clem Dickerson.

Clem Dickerson addressed the Council and stated he was there to honor the Senior Center Director Cindy Taylor for her one year anniversary at the Center. Dickerson, along with several residents, presented Taylor with a bouquet of red roses and thanked her for all her hard work she had done for the Senior Center. Taylor thanked everyone and advised that without the volunteers she could not do her job.

Mayor Bruce Armstrong presented the Public Hearing for 301 Summey, Travis and Jennifer Morgan Re: Nuisance Abatement Violation.

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Code Enforcement Officer Cale Topinka addressed Council and explained the process of the nuisance abatement at 301 Summey that had been going on since July 21, 2005. Topinka reported that he had been contacted by Mr. Morgan to schedule a Public Hearing for that evening. Topinka advised there had not been a lot of progress on the clean up of the property since the abatement process had started in July. Topinka recommended Council pass the Resolution before them that evening. Mayor Bruce Armstrong asked if Travis or Jennifer Morgan were present to speak before the Council.

Jennifer Morgan, 301 Summey addressed Council and said she owned two trucks and had them sold but the deal fell through. Morgan advised she was waiting on duplicate title work for the vehicles and she had another buyer for the two trucks. Morgan said she had been working on getting the property cleaned up and had contacted someone to clean up the weeds for her. Armstrong asked Morgan how long she thought it would take to have the property cleaned up. Morgan told Council as soon as the titles came in the mail the vehicles would be gone. Morgan advised that within the next week there should be someone there to help clean up the weeds. Morgan said her husband was out of town on business and he was the one that had hired the person to help clean up the property so she could not be sure how long it would take. Armstrong asked if anyone else would like to speak about the 301 Summey property. There was nobody.

Motion by Pierce – Second by Holub

Mr. Mayor and Council, I am inclined to go ahead and table this for thirty days and give them an opportunity to chase that paperwork and work this out.

Mayor Bruce Armstrong informed the Council if they tabled the abatement for 301 Summey, it would come back to Council the second meeting in November, which would be November 28th.

Hampton yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Public Hearing for 416 Clinton, Larry D. & Wanda J. Evans Re: Nuisance Abatement Violation.

Code Enforcement Officer Cale Topinka addressed Council and explained the process for 416 Clinton had started with a door hanger on August 11, 2005. Topinka said he had spoken to Wanda Evans on the 11th and she just had surgery and explained to him some circumstances. Topinka said Evans had called him to schedule a hearing for that evening. Topinka advised there had been some improvement on the property but not as much as he had hoped for. Topinka advised there were circumstances that had kept the Evanses from making progress with the cleanup. Mayor Bruce Armstrong asked about the back yard. Topinka said there was still a lot of debris and wood in the back yard and wood in the front yard. Topinka recommended the Council pass the Resolution before them. Armstrong asked if Larry or Wanda Evans were present at the Council meeting that evening. They were not present. Armstrong asked if anyone would like to speak about the 416 Clinton property.

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Phyllis Kramer, 4725 S. Glen, Wichita, KS addressed Council and informed them she was Wanda Evans's sister and was there on the Evans's behalf. Kramer explained to Council that Ms. Evans had been diagnosed with cancer and was currently taking chemo treatments. Kramer advised that Larry Evans was an over the road truck driver and was gone working a lot. Kramer told Council that she and her fiancé were going to clean up the property for the Evanses. Kramer stated they had a problem getting things cleaned up because Clinton Street was under construction and they could not get in and finish the work. Mayor Bruce Armstrong asked how long it would take Kramer to clean up the property once the street had been fixed. Kramer advised it should only take approximately two weeks. Councilperson Joe Holub asked Public Works Director Randal Dorner when the construction on Clinton Street would be completed. Dorner reported the work should be finished, weather permitting, the first week in November. Armstrong asked if there was anyone in the audience that would like to speak at the Public Hearing for 416 Clinton. There was nobody.

Motion by Hampton – Second by Pierce

Since Clinton is torn up and they cannot get in, we can hardly expect them to get rid of the stuff if they do not have any means to get in there so I think we ought to table this one also until the second meeting in November. That will give them time for the streets to get done and time for them to get in and get it cleaned up so I make a motion that we table the Resolution on 416 Clinton until the second meeting in November.

Hampton yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Public Hearing for 7550 S. Broadway, Joe Frick Re: Nuisance Abatement Violation.

Code Enforcement Officer Cale Topinka addressed Council and said there were two lots being used for Joe Frick's business and the Resolutions were before them for both properties. Topinka stated Mr. Douglas M. Battershell owned the lots that Frick had rented. Topinka advised Council that Frick had contacted him to schedule a hearing that evening. Topinka recommended Council pass the Resolutions that evening and wanted to know if he had to present each one separately. Mayor Bruce Armstrong advised the second property actually had not asked for a Public Hearing. Topinka said the business owner had been given a chance to ask for a Public Hearing. Topinka explained the process of the abatement to Council. Armstrong asked if Douglas Battershell or Joe Frick were present to speak before the Council.

Joe Frick, 9600 E. 47th St. South Derby, KS addressed Council and stated he had been working on cleaning up the property. Frick said the south lot was almost cleaned up and to finish all the work would take about ninety days. Frick stated there was a lot of "stuff" there due to years of accumulation not only by him. Frick explained there used to be a palette business there for over ten years. Frick said he was taking responsibility for the properties and would clean them up. Mayor Bruce Armstrong asked if he was still running a palette business. Frick said he still had a palette business for now but he was in the process of taking the business down to nothing. Armstrong asked Frick if he was still bringing in palettes. Frick advised he was not and had been sending his work out to other places. Armstrong wanted to know how long it would take to

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clean up the property. Frick said he did not know what the specifications were for what he was supposed to be doing there. Frick said the property would be cleaned up thoroughly and thought it would take about ninety days. Frick stated he had most of the south lot cleaned out but the north lot would take more time. Armstrong asked Frick what his long term plan was for continuing his business. Frick reported the land cost too much for him to stay there and he had been looking for another location with a building for his business. Frick informed Council that he was the one that would be cleaning up the property and he would like to ask for ninety days to get it cleaned up. Councilperson Joe Holub asked Topinka about the property not being maintained in rodent proof condition and wanted to know if there had been evidence of rodents. Topinka stated that was basically how the materials were stored and there was no evidence of rodents but that was a possibility if the materials were not stored off the ground. Armstrong asked Topinka if there was a pending case with the Fire Department on the property. Topinka reported there was a case with the Fire Department. Frick said he had taken care of the problem. Planning and Community Relations Coordinator Angela Millspaugh stated she had spoken to the Fire Marshall two weeks ago and they were still doing inspections on the property and two weeks ago it had not been taken care of. Armstrong asked when the Fire Marshall would be back to inspect the property. Millspaugh stated the Fire Department had been checking the property weekly and she would contact them to see when they would be back to inspect the property again. Frick stated everything had been going great. Armstrong asked Frick if the Fire Department had given him more time or gave him a deadline to have it done. Frick said that everything was working and that was all he could tell him. Armstrong asked if the Fire Department had been working with him on the issue. Frick said they had. Councilperson Bill Youngers asked Frick how many employees he had helping him. Frick advised he had one employee to help him and his son helped him on the weekends. Frick stated his business was a small operation. Youngers wanted to know how far Frick had to go to dispose of the materials. Frick told Council he drove to Belle Plaine or Cornejo and Sons to get rid of the materials he had cleaned up. Youngers asked what size trucks Frick had used to clean up the property. Frick reported he had used two and a half ton trucks. Armstrong asked Frick if he was building stringers. Frick said he had built stringers at that location. Armstrong asked Frick if he had been building palettes. Frick said he was not making palettes. Armstrong wanted to know if he had been stripping the palettes down and taking away what he was not using. Frick said he had been bringing in 2 x 4s and that was all. Armstrong asked if there were any more questions from the Council. There were none. Armstrong asked if anyone else in the audience would like to speak on the Public Hearing for 7550 S. Broadway. There was nobody.

Motion by Hampton – Second by Pierce

I do not want to give ninety days but I do not have a problem with giving thirty days and with Cale keeping an eye on things to see how much progress was being made, you know if you are making progress, as time goes on we can always extend it again but I think we ought to table this for thirty days and check back to see how much progress had been made.

Joe Frick asked if he had to come back to Council or keep in touch with Cale. Mayor Bruce Armstrong informed Frick he had to appear before the Council again in thirty days unless the clean up was done on the property.

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Hampton yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.
Motion declared carried.

Mayor Bruce Armstrong advised he wanted a report from the Fire Department to follow up with them on the cleanup.

Mayor Bruce Armstrong presented the Public Hearing for 523 71st Street South, Arthur Pirner
Re: Nuisance Abatement Violation (Tabled from 9-12-05).

Code Enforcement Officer Cale Topinka told Council the abatement had previously been before them and they had updated photos of the property before them. Topinka stated there was a Resolution before them to pass that evening. Mayor Bruce Armstrong stated it had looked like some progress had been made on getting rid of a lot of wood. Armstrong asked Topinka if the other debris had been cleaned up. Topinka advised there was quite a big dent in the amount that had been cleaned up but there had been a lot to begin with. Armstrong asked if Mr. Pirner was present or if someone was there to represent him.

Linda Gehrer, 13740 St. Andrews Place, Wichita, KS addressed Council and said she would like to thank everyone for all the help with taking fire wood. Geer said they had put out a sign for free firewood and people had been stopping by to get wood. Geer said someone had put an ad in the paper for free firewood and she did not know who to thank for that. Geer reported they had hauled off old lumber, metal, and trash off the property but they had run out of time. Geer said the main thing that was still on the property was the wood piles but they were tremendously down. Geer stated the logs were larger than what she could handle. Geer reported the man who was supposed to help clean it up still had not been there. Mayor Bruce Armstrong asked Geer if thirty days would be enough time to clean up the property. Geer said she would like to ask Council for time to clean up the property until the springtime. Geer said there were a couple of men who were supposed to help clean up the property since they had brought the wood in the first place. Geer said they had made a big improvement but with the weather and medical problems in the family, she would have to give it another try in the spring. Councilperson Bill Youngers asked if the man who had brought the wood in the first place, would be hauling more wood in. Geer said he would not be bringing more wood if she had anything to say about it. Armstrong asked if there were any questions from Council. Councilperson Joe Holub asked if the same person they were depending on to remove the wood was the same person that had brought the wood. Geer said that was correct and he had been there to clean up some of the wood but had not been back for the last three weeks. Geer advised she could not make him come to clean up the wood. Geer said people had told her they would like to have some firewood so the trees would continue to be cleaned out but it was a slow process with the piles being so large. Armstrong asked if anyone else would like to speak to the Council about the 523 E. 71st Street South property.

Arthur Pirner, 523 E. 71st Street South, addressed Council and stated he had contacted Oaklawn about the telephone poles and they were interested in them but they did not have a way to lift them up to haul them away. Pirner advised he had called a couple of people about the smaller pieces and they were interested also but so far they had not removed them. Pirner said

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he would contact them again to see when they could be removed. Pirner told Council Willy Sears had been on his way to pick up some wood and his truck had broken down on 71st Street by the turnpike and it should be a couple of weeks before he could remove some more wood. Mayor Bruce Armstrong asked if there were any more questions from Council. There were none. Armstrong asked the Council what they would like to do with the Resolution they had tabled.

Motion by Hampton – Second by Wilkerson

I make a motion that we table this for at least thirty more days.

Hampton yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, and Ewert yea.

Motion declared carried.

Linda Geer asked if the wood was the only thing that needed to be cleaned up. Mayor Bruce Armstrong advised the wood and the miscellaneous debris needed to be cleaned up.

Mayor Bruce Armstrong presented for approval the Minutes of October 11, 2005.

Motion by Pierce – Second by Wilkerson

Mr. Mayor, if Council has no corrections, I move that we approve the minutes as written for the October 11, 2005 meeting.

Hampton yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea.

Motion declared carried.

There were no Citizens to be Heard on the Agenda.

There were no Licenses and Bonds on the Agenda.

Mayor Bruce Armstrong presented for approval A RESOLUTION IN SUPPORT OF THE RIGHT OF THE CITIZENS OF SEDGWICK COUNTY TO VOTE ON WHETHER OR NOT CASINO GAMING SHOULD BE ALLOWED IN SEDGWICK COUNTY.

Mayor Bruce Armstrong advised the City had received a letter from Park City's City Administrator Jack Whitson. Armstrong stated there was a Resolution attached to see if their Council would be in support of the Resolution on asking for a vote on gaming. Councilperson Ken Hampton said the Resolution for Park City was meaningless to him. Hampton said the Resolution, in his opinion, was to help settle a disagreement between Park City and the County Board of Commissioners. Hampton advised it was Park City's decision to allow or not to allow the Sedgwick County voters to vote on the issue. Hampton stated he did not think the City of Haysville should be involved with the matter. Councilperson Bill Youngers stated he agreed that the public should be able to vote on things that would affect their area but he agreed with Hampton and did not think the City of Haysville should be involved with the issue. Councilperson Joe Holub said he agreed with Hampton and Youngers and thought this should be left to Sedgwick County Officials to decide. Holub advised this was not in the Council's corner of expertise and was in agreement with Hampton and Youngers. Councilperson Keith Pierce said he did not stand alone and his position was the same. Pierce said his perspective being on

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Council was not to presume to believe his vote would be consistent with the majority of the people of Ward I and he would not make that decision for them.

Motion by Hampton – Second by Pierce

I make a motion that we do nothing with this Resolution that is presented before us tonight.

Hampton yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea.

Motion declared carried.

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

Mayor Bruce Armstrong presented the Governmental Services Activity Report for September.

Mayor Bruce Armstrong presented the Police Department Activity Report for September.

Councilperson Keith Pierce asked Police Chief Mike McElroy if they could track the investigative back log that had been received but not yet assigned. McElroy said he would do that.

Mayor Bruce Armstrong asked for any Governing Body Announcements.

Councilperson Bill Youngers advised the Park Board would only meet once a month during the winter months. Youngers said the meetings would be held on the first Monday of the month from November through March.

Councilperson Patricia Ewert reported the Elementary Red Ribbon Week was that week and each elementary school had picked a theme for it.

Mayor Bruce Armstrong presented the Memorandum from Public Works Director Randal Dorner Re: Mechanic Gary Rust – New Hire.

Mayor Bruce Armstrong presented the Letter of Resignation from Wastewater Laboratory Trainee Sarah Smith.

Mayor Bruce Armstrong presented a Letter from the Department of Transportation Re: Old Oak/Nelson Hike/Bike Trail.

Mayor Bruce Armstrong presented a Letter from Cox Communications Public Affairs Sarah Kauffman Re: Changes to Digital Cable Lineup Beginning December 1, 2005.

Under Other Business Mayor Bruce Armstrong presented the Consideration of Purposed Slurry Seal Schedule.

Mayor Bruce Armstrong reported that the City had worked on a five year rotation of slurry, crack seal, and patching. Armstrong advised that Public Works Director Randal Dorner tried to

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do the work in the fall and they were running out of time to do the project. Armstrong informed Council that Dorner had put together a list of costs and streets that were set to be done during the next maintenance for the slurry. Dorner said he would like to add that there is a correction on Ranger Street. Dorner advised the work would actually be done on Grand Avenue to 2nd Street instead of 4th Street. Armstrong stated that east Grand needed to be done to make sure they did not lose the street. Armstrong stated the payment for the slurry seal had been budgeted for \$50,000.00. Armstrong stated that from the street budget, which would pay for the slurry, there was a balance remaining in the street reserve of \$67,241.25 and that would pay the remaining amount. There was extensive discussion about the streets that would be slurry sealed, the reasons for including certain streets, the best time of year to accomplish the project, and when it would begin. Grand Avenue would be striped after the slurry seal was complete. Dorner reported there was only one bid received for the project. Councilperson Keith Pierce asked if there would be a balance left in the street reserve. Armstrong said there would be a balance of \$1,000.00 left in the street reserve.

Motion by Hampton – Second by Pierce

I make a motion if there is no other discussion that we allow this slurry seal schedule to, other than the change that was mentioned on 2nd Street to 4th on Ranger being from Grand Avenue to 2nd Street, with all the others being included, I make a motion that we go ahead and approve that. Hampton yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea.

Motion declared carried.

Under Old Business Mayor Bruce Armstrong presented for approval the Consideration of Consent to Annexation of Suncrest 2nd Addition (Tabled from 10-11-05).

Mayor Bruce Armstrong advised there was one party the developer had tried to contact to get their consent so they could have a total consent of the annexation. Armstrong said he would like the item to be tabled until the next Council meeting so they could get the other person signed.

Motion by Hampton – Second by Pierce

I make a motion that we table this until our first meeting in November.

Hampton yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong asked for the Department Reports.

Mayor Bruce Armstrong advised City Clerk Carol McBeath was absent and there was nothing to report.

Director of Governmental Services Carol Neugent had nothing to report.

Police Chief Mike McElroy had nothing to report and introduced the visiting officer, MPO Chad Case.

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Public Works Director Randal Dorner reminded Council he was asked at the last Council meeting to check into the distance the LP tanks could be to combustibles. Dorner reported he had looked into the Fire Code and Building Code and all that was required was a normal setback if there was one, plus a one foot clearance from the tank to the property line. Dorner said if there was a ten foot easement, the tanks would need to be eleven foot off of it. Dorner said in the case of the tanks on 71st Street, there was no easement along the side. Dorner said ten feet was the maximum distance if the propane tank was full, and they meet or exceed all the requirements in the Fire Code. Dorner stated the Fire Code did address the tanks whether they were empty or full as the same thing and it did not matter if there was storage of new tanks or old ones. Dorner reported on the street signs in Old Oaks Addition. Dorner said the requested signs for Riley and Jane, and Riley and another street were installed. Dorner said he looked at the lights in that area and all that were proposed were in place. Dorner stated when the hike/bike trail along Jane was complete that would make that area lighter with that lighting. Dorner reported on the Council Action Forms. Dorner advised the violation letter had been signed for on October 14, 2005 for the miscellaneous debris and inoperable vehicle at 426 W. 7th Street. Dorner said there was still some time left for that violation and if they did not set up a hearing with Council, they would go on to the next step. Dorner informed Council a door hanger had been placed at 328 E. Grand Avenue for the weeds and miscellaneous debris on October 21, 2005 and they would follow up on that violation sometime during that week. Dorner advised a door hanger had been placed on October 21, 2005 at 352 N. Delos for inoperable vehicles, weeds and miscellaneous debris and they would follow up on those violations on October 26, 2005.

Mayor Bruce Armstrong advised Recreation Director Wendy Wilkinson was absent and there was nothing to report.

Mayor Bruce Armstrong advised there were no Appointments on the Agenda to be approved.

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

Alan Kissack, 7901 Nina Ct. addressed Council and told them he owned the property at 7468 S. Broadway. Kissack advised Council he was supposed to be at the last Council meeting on October 11, 2005 but he got the dates mixed up. Kissack stated he thought he could be at the Council meeting if he wanted to but then he found out the Council passed a Resolution against him about the Ordinance that had been sent out. Kissack said he was told the City had sent him notices in the mail but he had not received them. Kissack advised he did receive a lot of notices from the Post Office and if he did get one, he must have thought it was a notice from the Post Office. Kissack said he was sorry if he had missed the notice from the City. Kissack advised the first time he saw a notice; it had been taped to his door. Kissack said he did not go to his shop but maybe once every two or three weeks because it was his hobby shop. Kissack said someone had brought the notice to him and he had called Code Enforcement Officer Cale Topinka. Kissack said he misunderstood that he had to be at the Council meeting. Kissack said he had been very busy with his son getting married on October 8th, the Fall Festival Car Show, and he worked six days a week, twelve hours a day. Kissack said he had tried to call Topinka the last week to let him know he would clean up the property but did not hear back from him. Kissack said he had let his property run down but he did get it cleaned up. Kissack said he had

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called Topinka that day and did not know if he had gone by the property to inspect it. Kissack wanted to know what he could do about the Resolution. Mayor Bruce Armstrong asked Topinka to report on the property. Topinka said he went by the property but could not get inside the fence because it was gated. Topinka reported there had been quite an improvement and if Kissack was not in compliance, he was very close. Topinka advised the materials were off the ground and he was still waiting to see about the car storage. Armstrong asked Topinka what the City's time frame was on the registered letter. Topinka said there were a few days left on the Resolution to clean up the property. Armstrong advised Kissack to stay in contact with Topinka for the number of days left on the registered letter that he had received for the Resolution. Armstrong told Kissack that would give him time to finish cleaning the property before the City stepped in to clean it up. Kissack said he did not know what the car agenda meant. Kissack told Council that he built cars just like Adrian Rodgers. Armstrong stated the City's Ordinances did not allow for any non-operable cars to be stored outside. Kissack asked if Armstrong meant the cars did not have engines. Armstrong explained that if a car was inoperable, it could not be stored outside in any zoning area. Kissack asked if that applied to Light Commercial zoning. Armstrong advised that meant even in Heavy Industrial zoning. Armstrong said the Council was looking at giving a recommendation as to what could be done with those types of vehicles. Armstrong told Kissack the vehicles were in question and Planning and Community Relations Coordinator Angela Millspaugh and the City Attorney would be making a presentation to Council about them. Armstrong told Kissack that everything needed to be cleaned up until they could get a Resolution on the vehicles. Kissack asked if he would be notified. Armstrong advised Kissack that he would be notified. Kissack thanked the Council.

Mayor Bruce Armstrong asked if there were any other citizens to be heard in the audience.

Howard Cook, 323 S. Twin Pines Avenue addressed Council and advised that since the last Council meeting there had been a water line broken in Orchard Acres. Cook reported the City had repaired it but had left a mess, which would only have taken about twenty minutes to clean up. Cook had a picture of the area he had spoken about and passed it to Council to view. Cook said he did not understand why the City employees could not clean up after they were done with a project. Cook advised the area had sandy soil and he wanted to know why it had not been done right. Public Works Director Randal Dorner explained the City had water main breaks or water leaks everyday for the last month. Dorner said there was one day where the crews were jumping from each main break and had tried to keep up with them. Dorner stated that he had not visited the water hole that Cook had talked about, but he was sure that if there had been a main break there would have been a lot of mud around. Dorner told Cook the normal procedure when they repaired a water leak was to leave the dirt a little high and then return later to smooth it out. Dorner stated that one day last week the crews went around repairing the areas. Dorner told Cook that in another week they would have the area repaired and straightened back up like it was. Cook said he thought it should have been repaired the same day because it would not have taken twenty minutes to do it. Mayor Bruce Armstrong advised the crews wanted to give the dirt time to settle. Cook stated the water was not very deep even though it was a full fledged leak.

Mayor Bruce Armstrong asked if there were any more Off Agenda Citizens that would like to speak to Council. There were none.

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Mayor Bruce Armstrong advised there was no Executive Session on the Agenda.

Mayor Bruce Armstrong presented for approval the Bills to be Paid for the Last Half of October.

Councilperson Ken Hampton said he thought there was a 10% retainage instead of a 5% for the work done by Helmers Construction on Clinton Street. Public Works Director Randal Dorner explained that it was 10% retainage until half of a job was done and then it went to a 5% retainage.

Motion by Hampton – Second by Pierce

If there is no other discussion, I will make a motion that we pay the bills for the last half of October.

Hampton yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea.

Motion declared carried.

Mayor Bruce Armstrong advised there was nothing on the Consent Agenda.

Mayor Bruce Armstrong asked for Council Concerns.

Councilperson Patricia Ewert reminded the citizens that Monday night would be Halloween and to watch for the children on the streets.

Councilperson Bill Youngers reported that someone had contacted him about the street sweeper schedule. Youngers said the citizen would like to be able to move his car before the street sweeper came by. Youngers wanted to know if residents were notified when the sweeper would be running on their street. Public Works Director Randal Dorner advised that last year the City notified homeowners prior to running the sweeper but it had made very little difference. Youngers asked if the City would be notifying the homeowners again before they swept the streets. Dorner said he could put the announcement on Channel 7 and the internet to notify the residents. Mayor Bruce Armstrong asked if a larger area had been covered with the street sweeper than in the past. Dorner said they had used the street sweeper more times than in the past.

Councilperson Joe Holub said it had been brought to his attention that there was old equipment at the Public Works Department that needed to be gotten rid of such as an old sand truck and an old tractor. Holub stated the City gave notices to have citizens to clean up their property and it seemed only fair that the City looked at their own backyard. Public Works Director Randal Dorner advised the old sand truck was being used to spread sludge and the old tractor was used from time to time. Dorner told Holub the only piece of equipment that had set for any length of time was an old crane but when they needed one, they had one to use. Dorner told Council he had “filtered out” the equipment at Public Works they did not use anymore.

Councilperson Ken Hampton said he had a couple of concerns he would like placed on the next Council Agenda. Hampton said he would like to know what would be done with the two lots that remained on North Main which were north of Prairie State Bank and the lot east of Curves.

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Hampton said he would also like to have an informational meeting at the Haysville Activity Center like the one a year or so ago. Mayor Bruce Armstrong informed Council that one of the lots Hampton had mentioned already had an option to purchase that had been given to Caro. Armstrong advised the option remained unless the City had someone else that would come along to buy it. Hampton said he would like to discuss a couple of ideas he had on the matter.

Mayor Bruce Armstrong reminded Council about the workshop at 6:00 p.m. before the next Council meeting on November 14, 2005.

Mayor Bruce Armstrong asked for adjournment.

Motion by Pierce – Second by Hampton

Mr. Mayor, I make a motion we adjourn tonight's meeting.

Hampton yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea.

Motion declared carried.

The Regular Council meeting adjourned at 8:17 p.m.

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Armstrong at 7:02 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Carla Mann: Hampton here, Crum here, Wilkerson here, Pierce here, Holub here, Youngers here, Ewert here, Streets here.

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

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented a Presentation of Service Awards.

Mayor Armstrong presented service awards to Robert Clark for 10 years; Lt. Jeff Whitfield for 10 years; Kirby Manny for 20 years; Janie Cox for 20 years and Capt. Bruce Powers for 25 years.

Mayor Armstrong presented a Presentation of Park Board's 3rd Quarter Volunteer Award.

Councilperson Youngers presented Planning/Community Relations Coordinator Angela Millspaugh with the 3rd Quarter Park Board Volunteer Award.

Mayor Armstrong presented a Public Hearing to Consider a Request to Vacate Access Control – Lot 12, Block B, Suncrest 2nd Addition.

Mayor Armstrong asked for a motion to open the Public Hearing.

Motion by Hampton – Second by Pierce

I'll make that motion that we open the hearing to discuss the vacationing of the access control for Lot 12, Block B, Suncrest 2nd Addition.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong advised Council would be following the public hearing script in order to do it in a fair manner. Mayor Armstrong asked if any Councilmembers had any outside contacts regarding this case. Councilperson Hampton advised he had spoken with Planning/Community Relations Coordinator Angela Millspaugh with generic questions where she explained the situation. Mayor Armstrong asked if any Councilmembers had a conflict of interest in the case. There were none. Mayor Armstrong asked if there had been any written or electronic communications in regard to the matter. Millspaugh advised Council had a copy of an Email that was attached to the paperwork from Jim Weber. Mayor Armstrong explained the Email was in regard to the county's position on the vacation request. Mayor Armstrong stated the county recommended the vacation be granted since access control would remain with the county. Mayor Armstrong asked staff to present the case with a recommendation from the Planning Commission. Millspaugh advised the Haysville Planning Commission recommended approval of the vacation of the complete access control along the east 40 feet of Lot 12, Block B, Suncrest 2nd Addition contingent upon compliance with the dedication of access as presented. Millspaugh explained further the Email from Deputy Director of Public Works Jim

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Weber of Sedgwick County recommended approval as well. Millspaugh stated the Stout's had agreed to grant access to the developer to also access reserve B and the homeowner's association would maintain that property. Millspaugh explained the access control would prevent the developer from having to cross any of the ditches the county had recently put in for drainage. Councilperson Crum asked if the access agreement was in writing. Millspaugh advised it was and the dedication of access control was suppose to convey that, however, it was difficult to understand. Councilperson Pierce advised the Residential Plot Plan was not signed and asked if that was significant. Millspaugh said the county required a signed plot plan but the City did not. Mayor Armstrong asked if the applicants or their agents were present.

Derek Stout, 7154 S. Kansas, Applicant, advised when he purchased the property he was not aware it was a controlled access area and when he attempted to build a detached garage it was discovered when the permit was applied for. Stout advised the permit was denied for that reason. Stout stated he had spoken with Ron Meyer, the developer, and he had directed him to Jim Weber of Sedgwick County to see what the steps were to get the matter resolved and the building of the detached garage could continue as planned. Stout stated the garage would be located at the back side of his property and a driveway would be put in for the access of Reserve B. Councilperson Hampton asked about the size of the proposed culvert. Stout advised the engineers would match the water flow with what was already in place in order to continue the free flow of water. Stout stated the ditch in the front of the house was close to thirty feet wide and all the ditches were very deep. Holub stated the City had gone to a lot of trouble with the County Commission to widen the ditch to take care of Sunset Addition drainage problems and he had reservations about granting Mr. Stout permission to put in a culvert in that area. Stout stated the culvert would match the current culvert. There were no other questions from Council. Mayor Armstrong asked if anyone from the public would like to speak. There was no one. Mayor Armstrong closed the comment section of the hearing and opened the Council discussion portion. Holub stated again Council had gone to a lot of trouble to get the ditch put in and really felt it would cause restrictions and said he did not care if the flow line matched or what size it was. Holub stated there should be another access if Mr. Stout was building a garage as he did not like it crossing the ditch. Councilperson Hampton asked for Professional Engineering Consultant Rod Young's opinion on the ditch and whether it would cause the restriction concerns Councilperson Holub had. Professional Engineering Consultant Rod Young advised if the upstream culvert matched the flow the culvert would not be restricted. Young advised the biggest problem of the Suncrest Addition was not the volume of water but rather the flow line. Holub stated he continued to feel it would cause restriction since there was not a lot of fall from Hydraulic to the Big Ditch. Young stated putting a pipe of the same size in would not affect the flow negatively. Holub stated there was an open ditch and Mr. Stout would be putting in a culvert where the restriction would be caused. Mr. Stout advised the water had probably not reached more than 6 feet wide in the ditches. Holub stated he was talking about that 100-year rain the area would not be expecting. Holub asked for the diameter of the culvert. Young advised he would guess it was two 24-inch culverts.

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Motion by Hampton – Second by Crum

If there is no more discussion I'll make a recommendation that, or make a motion that we pass the approval of the vacation of the complete access control along the east 40 feet of Lot 12, Block B, Suncrest 2nd Addition to Sedgwick County, Kansas, contingent upon compliance with the dedication of access as presented.

Councilperson Pierce asked if the contingency had been met. Planning/Community Relations Coordinator Angela Millsbaugh advised it had been filed with the county. City Attorney Lee Parker advised he had reviewed the document and there was a valid easement.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub nay, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong advised the vacation passed and a motion was needed to close the public hearing.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I make a motion that we close the public hearing.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Public Hearing for 410 East 71st Street South, William and Adrial E. Barger Re: Nuisance Abatement Violations (Tabled from 9-26-05).

Code Enforcement Officer Cale Topinka advised the property was described as the W 150 FT E 300 FT S 300 FT LOT 1 EXC BEG 150 FT W SE COR LOT 1 N 18.7 FT W 35 FT WLY TO PT 23 FT N OF S L1 LOT 1 S 23 FT E 150 FT TO BEG FOR HWY-82C-1369, BLOCK A, AND E 150 FT S 300 FT LOT 1 EXC FOR ST, Block A, American R.V. Addition, Haysville, Kansas, commonly known as 410 E. 71st Street South. Cale Topinka advised he had spoken with Mr. Barger a few times and there had been some progress on the property. Mayor Armstrong stated the paperwork from staff indicated building materials not being stored 18" above the ground and weed violations remained on the property. Topinka further advised the rock had recently been moved in for the all-weather surface and the building material had been sold. Mayor Armstrong asked if Mr. Barger was present and if he would like to speak.

William Barger, 115 Grover, property owner of 410 E. 71st Street South, advised he was asked at the last Council meeting to raise the steel building he had 18" off the ground. Barger advised he had the racks made for that project, however, he had sold the building prior to completing it. Barger stated that part of the request was taken care of. Barger said he was also instructed to lay down rock to park the trailers on and he had trouble getting someone to haul such a small load and that took over a week. Barger stated he nearly had half the trailers on the rock area but was having problems with his tractor and the other trailers would be moved once the tractor was fixed. Barger advised he had completed the two items Council had requested of him by moving the trailers onto an all-weather surface and the steel building had been sold and asked if there was anything else. Councilperson Crum advised there appeared to be metal on the ground in the pictures he had presented to him by Code Enforcement Officer Cale Topinka.

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Barger looked at the pictures and stated what Crum was seeing in the pictures were scrap steel and Barger further advised he was not interested in disposing of the steel. Councilperson Crum asked if the steel could be raised 18" inches off the ground. Barger advised they were small items and he would have to get something to put it in. Barger stated he might be moving some of those items to a place he owns in Rose Hill. Councilperson Hampton asked if Council were to pass the resolution if Mr. Barger would have ten days to move the metal by the building and move his trailers to the rock area. Mayor Armstrong advised that was correct. Hampton asked Mr. Barger if he could complete it within ten days. Barger stated he was not interested in disposing of the steel items. Councilperson Ewert asked what was being stored in the building and asked if the steel could be stored inside of the building. Barger stated he could but he had air conditioning parts that took up quite a bit of room on the inside. Councilperson Youngers advised he had driven by daily and did not notice any progress made until that past week. Youngers said Mr. Barger was given thirty days but now was saying another ten days would not be enough time to finish. Youngers stated he did not understand what Mr. Barger was doing with his time. Crum advised he felt the work was being done and Mr. Barger was making an attempt to remove and take care of the violations. Crum stated it was his opinion that if the citizens were making an effort to take care of the problems on their properties Council should extend more time and be consistent with the extensions or the passing of the resolutions. Councilperson Pierce advised he was also leaning toward leniency on this since an effort was being made and the violations were overlooked or ignored for years.

Motion by Hampton – Second by Holub

I'm going to make the motion that we pass the resolution for the abatement on 410 East 71st Street.

Hampton yea, Crum nay, Wilkerson nay, Pierce nay, Holub yea, Youngers nay, Ewert nay, Streets nay.

Motion denied.

Motion by Pierce – Second by Crum

I'd like to go ahead and make the motion that we go ahead and table this for another thirty days and give Mr. Barger time to fix his tractor and make just a little bit more progress on that property. Apparently he needs to make just a little bit more progress.

Hampton nay, Crum yea, Wilkerson yea, Pierce yea, Holub nay, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Adrial Barger advised he would like to say, in regard to Councilperson Youngers comment that he had not made progress in a month, he had to have the racks built to store the steel building and that took a lot of time. Barger advised he had spent \$200 on the racks that he would not have had to spend had he known someone was going to purchase it. Barger said he worked forty hours a week and it would take time doing it on the weekends and evenings and when he could find help. Barger thanked Council.

Mayor Armstrong presented a Public Hearing for 7474 South Broadway, Adrian Sr. and Beverly D. Rodgers Re: Nuisance Abatement Violations (Tabled from 9-26-05).

Code Enforcement Officer Cale Topinka stated this resolution was for the BEG 448 FT S OF NW COR S ½ NW ¼ E 305 FT S 72 FT W 305 FT N 72 FT TO BEG EXC W 50 FT FOR RD

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SEC 4-29-1E, Haysville, Kansas, commonly known as 7474 S. Broadway, belonging to Adrian Sr. and Beverly D. Rodgers. Mayor Armstrong asked if all the violations except the inoperable vehicles had been taken care of. Topinka advised that was correct. Mayor Armstrong advised staff was still waiting on a recommendation from the attorneys in regard to the inoperable vehicles. Councilperson Crum asked if that could be tabled longer. Mayor Armstrong advised it should be tabled until Council was able to make a decision as what should be done with inoperable vehicles.

Motion by Crum – Second by Wilkerson

I would make a motion that we go ahead and table this property until the Council receives information that we are working on for the inoperable vehicles to see if we might want to change some of our regulations on that.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Public Hearing for 2075 E. Emmett, The Sanders Living Trust, Clarence and Carol Frazier, Haysville Sandblasting Re: Code Violations (Tabled from 9-26-05).

Code Enforcement Officer Cale Topinka advised that the resolution was for Lot 2, Block B, Haysville Industrial Park Addition, Haysville, Kansas, commonly known as 2075 E. Emmett, belonging to Clarence and Carol Frazier. Topinka stated he had spoken with Mr. and Mrs. Frazier on several occasions. Topinka advised they had made numerous improvements, however, they had questions on the storage issues. Topinka advised they had storage bins placing the items off the ground but the bins were not 18” off the ground. Councilperson Crum asked if all the cars were inoperable. Topinka advised he had spoken to Mr. Frazier about the cars and Mr. Frazier had advised him one of the vehicles did not drive but many of them were not registered. Crum asked if the cars could be parked in a more orderly fashion and on an all-weather surface. Clarence Frazier spoke from the audience and asked if the vehicles had to be parked on rock. Mayor Armstrong advised they were to be parked on a vegetation free, all-weather surface. Frazier stated most of the vegetation had been taken care of but asked about the materials being stored. Topinka advised the code did not specify what materials, but rather materials were to be stored 18” off the ground. Mayor Armstrong stated there would be a recommendation coming back from Council as to the type of material and suggested Council table this property as well. Frazier asked if he could store materials if he put up a fence screening. Mayor Armstrong stated he could put up a fence but the code requirements would still have to be met on the inside of the fence. Mayor Armstrong advised they would get a recommendation from Council in regard to the type of material. Councilperson Youngers asked if the pipe was a part of the Frazier’s day-to-day business. Frazier advised they did have pipe in and out for their business use. Councilperson Pierce asked if the vehicles were used for parts. Mrs. Frazier explained some of the cars were there for collection and asked if they could be stored on the inside of the building. Mayor Armstrong advised they could. Crum said the metal in bins needed to be corrected since the bins were not 18” off the ground. Crum asked if the vehicles could be parked so they looked neater. Frazier advised he would. Crum asked if this one would need to be tabled. Mayor Armstrong advised it should.

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Motion by Hampton – Second by Wilkerson

I'll make the motion that we do that.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Public Hearing for 427 E. 71st Street South, Ronald Konecny Re: Nuisance Abatement Violation (Tabled from 10-11-05).

Code Enforcement Officer Cale Topinka advised the resolution pertained to Lot 1, Block A, Konecny 1st Addition, Haysville, Kansas, commonly known as 427 E. 71st Street South, belonging to Ronald D. Konecny. Topinka stated he had spoken with someone at the property and found the trailer with odds and ends on it had been removed. Topinka advised there were no other violations on the property.

Mayor Armstrong presented for approval the Minutes of October 24, 2005.

Motion by Hampton – Second by Pierce

If there's no discussion I'd make a motion that we approve the Minutes for October 24, 2005.

Hampton yea, Crum abstain, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong asked for Citizens to be Heard.

Gary White, 6410 S. Osage, Re: City Ordinances, advised he had received a registered letter on September 26, 2005, and he had come into City Hall on the 1st to try to find out what the problem was. White said he worked on vehicles as a hobby since he was disabled and explained the reasons he had cars parked on his property. White advised Council of the violations he was notified about. White advised the ordinance stated a complaint from the public would be investigated upon receipt of a letter signed by two citizens and he requested a copy of that complaint. Mayor Armstrong explained it was his right to go into the City Building during business hours and request a copy of that record. White advised he had a neighbor that liked to turn all the others in for various issues and stated he felt the code was too vague as he was not sure what he was cited for. White said he lived on a dirt road and had called to complain about speeders on numerous occasions and nothing had been done. White said he did not have the money to tag and insure his second vehicle and asked if himself and the other senior citizens were going to be penalized for not having the money for repair. White advised he lived on \$16,000 a year and asked if he was going to be penalized for it since he had one neighbor that liked to turn people in. White stated some of the ordinances needed to be changed. Mayor Armstrong advised in order to have ordinances changed he would need to contact Councilmembers, however, Council was bound by the ordinances written and could not deviate from those. White said if there was one more complaint against his property he would move on to yard art that would not be liked and there was not an ordinance against yard art.

Councilperson Wilkerson advised he lived in the area of Mr. White and he had also reported the speeding problem to the police department and added the police have come out and looked

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into the problem. Wilkerson told Mr. White if he had other concerns in the future to contact him and he would see what he could do to help.

There were no Licenses or Bonds on the Agenda.

There were no Ordinances or Resolutions on the Agenda.

Under Notices and Communications Mayor Armstrong presented the Sedgwick County Fire Department, Station #34 Activity Report for October, Captain Alan Disney.

Mayor Armstrong advised Captain Alan Disney was not present but said there were four structure fires with a total loss of \$3,600.00; one vehicle fire with a total loss of \$2,500.00 and a trash/rubbish/grass fire with no loss in the City during the month of October. Mayor Armstrong advised there were 57 total medical responses; five special assignments; two good intents and seven service calls. Mayor Armstrong stated there were 77 total alarms and 667 alarms year-to-date.

Mayor Armstrong presented the Public Works Activity Report for October.

Councilperson Hampton asked when the process had begun to change meters to the electronic type. Public Works Director Randy Dorner explained the process had begun over ten years ago and they were approximately 40% complete. Hampton asked if the electronics were lasting longer. Dorner advised the state recommended meters be changed on a 10-year cycle and the City had attempted to reach that recommendation by having them changed more often as budget allowed.

Mayor Armstrong presented the Recreation Activity Report for October.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Youngers advised the Park Board had a vacancy in Ward II.

Councilperson Crum advised the Tree Board had purchased trees to be planted in the islands on North Ward Parkway. Crum stated the Tree Board had a vacancy and he hoped to get the Mayor the name of someone interested in filling the position.

Mayor Armstrong advised the City received a Certificate of Award Re: Kansas Municipal Insurance Trust (KMIT).

Mayor Armstrong asked Director of Governmental Services Carol Neugent to explain what the certificate meant. Director of Governmental Services Carol Neugent advised there were levels to achieve for safety through KMIT and the City had received the gold level thanks to the Safety Committee. Mayor Armstrong advised the award created a savings to the City in insurance premiums.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Full Time Communications Officer Patricia C. Trujillo, New Hire.

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Mayor Armstrong presented a Memorandum from Public Works Director Randy Dorner Re: Full Time Wastewater Trainee Keith Hill, New Hire.

Under Other Business Mayor Armstrong presented an Approval of Final Costs, Assessment Rolls and Set Public Hearing for December 12, 2005.

Chuck Bouly of George K. Baum, the City's Financial Advisor, stated the final costs on various projects through the City were completed and those involved were Main Street water and sewer, Karla Street, the Prairie State Bank sewer and the infrastructure improvements in Country Lakes, Phase 2, water, sewer, streets and some storm drainage. Bouly stated Council action was needed on the approval of the final costs and the assessment rolls for the Country Lakes improvements. Bouly advised in the same motion Council was being asked to set a hearing date of December 12, 2005, for the special assessments.

Councilperson Crum asked about the engineer's estimate of \$723,000 for the storm drainage detention pond where the cost showed only \$1,736.03. Bouly explained the pond was completed.

Motion by Hampton – Second by Wilkerson

I'll make a motion that we approve the final costs, the assessment rolls and establish an assessment hearing date of December 12th.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Memorandum from Haysville Planning Commission Re: Final Plat of Timber Creek Estates Addition to Haysville, Sedgwick County, Kansas.

Planning/Community Relations Coordinator Angela Millspaugh advised Council the plat was for the property that had been recently annexed into the City off of South Main Street. Millspaugh stated the Planning Commission recommended approval since the property had been annexed. Mayor Armstrong advised the county had also approved the annexation and stated Council would need to approve the plat. Councilperson Pierce asked if the Reserve B would be public park area. Planning/Community Relations Coordinator Angela Millspaugh advised it was for their drainage pond and would be maintained by the homeowners and would not be open to the public. Councilperson Hampton asked if the setup would be similar to Timberlane North. Millspaugh advised it would be a City development with streets, curb and gutters.

Motion by Pierce – Second by Hampton

I'll make the motion that we approve this final plat of the Timber Creek Estates Addition to Haysville, Sedgwick County, Kansas.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

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Councilperson Crum advised he was concerned the drainage pond would not be maintained by the homeowners association and if the City had ordinances allowing the work to be performed by the City if the area became a nuisance. Director of Governmental Services Carol Neugent advised that was not the first Addition to maintain their drainage retention ponds and there were ordinances in place which allowed the City to enforce the upkeep by the homeowners of those type of ponds.

Mayor Armstrong presented for approval a Consideration of Pay Request No. 4 and Final from APAC Kansas, Inc., Shears Division Re: Country Lakes Addition, Phase 2, Paving, Grading and Drainage.

Mayor Armstrong advised that was for the final payment of \$3,450.00 and it was complete. Councilperson Crum asked what the payment was for. Professional Engineering Consultant Rod Young advised it was for the cost of the seeding.

Motion by Hampton – Second by Pierce

I'll make the motion that we pay the bill of \$3,450.00 to the final bill for APAC Kansas, Inc. Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Approval of Contract for Engineering Services with Professional Engineering Consultants P.A. Re: Street, Waterline, Sanitary Sewer, Streets and Drainage for South Brooke 2nd Addition, Phase 4.

Professional Engineering Consultant Rod Young advised this would complete the addition and bids would come 30-45 days from that time.

Motion by Crum – Second by Wilkerson

Mr. Mayor, if there's no discussion I'd make a motion that we approve the contract with P.E.C. regarding the street, waterline, sanitary sewer, streets and drainage for South Brooke 2nd Addition, Phase 4.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Discussion on Lots of North Main (Requested by Councilperson Hampton 10-24-2005).

Councilperson Hampton advised he understood CARO Construction had the option to purchase the lots but felt the City should advertise those lots to try to generate interest. Hampton suggested a sign be placed in the area and allow Haysville Forward, Inc. to generate brochures. Councilperson Crum stated he agreed, however, felt the printing material should note that someone had rights to the property and it might help push CARO to do something. Councilperson Pierce said he also questioned CARO Construction's passive approach to improving the lots. Mayor Armstrong asked how far Council wished to go on the signs and the printing. Hampton suggested a sign with a contact number and brochures be sent. Mayor Armstrong stated there was a piece of ground behind Curves that the City owned and

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recommended it be included on the sign and brochures. Mayor Armstrong further recommended a sign be placed on the lot that was allotted for the Pizza Hut since his discussions with the company have shown they were no longer interested in building on that lot. Mayor Armstrong advised their plans at that time were to move into the vacant retail space in the CARO building to serve pizza and wings, with carry-out and delivery service and possibly only six tables in the front. Mayor Armstrong suggested Council and any citizens call Pizza Hut and let them know what they think of those plans. Councilperson Ewert asked how many lots were available. Mayor Armstrong stated there were three. Hampton asked when the brochures from Haysville Forward, Inc. would be completed. Mayor Armstrong advised there would be a meeting on November 18th and more would be known at that time. Pierce stated he also felt a sign should be placed on what would have been the Pizza Hut property.

Motion by Hampton – Second by Wilkerson

I'll make the motion that we put for sale signs on both the Pizza Hut lot, I mean the proposed Pizza Hut lot, and the one north of Prairie State.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong advised once the brochures and the letters were ready they would be coming to Council for support. Councilperson Crum asked if a letter could be sent to the Pizza Hut Corporate in regard to their plans with the Mayor's and Council's signatures. Mayor Armstrong advised that could be done if Council wanted to attempt to change their minds. Crum advised it would be something he would be happy to sign. Mayor Armstrong said something would be put together and brought back to Council.

Mayor Armstrong presented a Discussion on Informational Meeting at Haysville Activity Center (Requested by Councilperson Hampton 10-24-2005).

Councilperson Hampton stated his schedule at work had been changed but he had considered asking Council to hold an informational meeting such as those held in the past at the Activity Center. Mayor Armstrong stated it was something he and Council had been doing since his election and felt there was always a need for the public to be able to offer their opinions. Mayor Armstrong advised he would recommend Council wait until after the first of the year to get past the holidays and then conduct a meeting at that time.

Mayor Armstrong presented a Consideration of Memorandum from Haysville Planning Commission Re: Conditional Use Permit, Lot 18, Block 1, Pear Tree Addition to Haysville, Sedgwick County, Kansas (952 E. Grand Avenue).

Planning/Community Relations Coordinator Angela Millspaugh advised the property owners of Three R Construction had requested a conditional use permit for the lot commonly known as 952 E. Grand Avenue. Millspaugh stated the owners were interested in using the property as a plumbing, heating and air conditioning supply house. Millspaugh stated the Planning Commission had recommended approval of the "conditional use permit to allow construction trades with fabrication conducted wholly within a building with the conditions that there be no outside storage, lighting is to be directed away from residential properties and the screening along the adjacent residential properties is to be maintained." Millspaugh advised an area map

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and staff report was included in the information presented to Council. Councilperson Youngers asked if there were plans to make any alterations to the building. Millspaugh stated they would be relocating to the Industrial Park. Youngers asked what would happen with their current building. Millspaugh stated the building was on the market but the sellers had requested the conditional use permit for the building at that time so another business could use the building for a similar business since conditional use permits ran with the land. Millspaugh stated Three R Construction's current business had grown to be considered an illegal use at that location. Councilperson Crum asked if anyone had spoken against the conditional use permit at the Planning Commission Meeting. Millspaugh stated letters had been sent and no one had opposed. Crum asked about the overlay regarding the screening and lighting. Millspaugh stated the Planning Commission had included the requirements as one of the items in the conditional uses and the sellers did not have a problem with those requirements. Youngers asked about the limited parking and if the new owners would be obligated to landscaping or any other improvements. Millspaugh stated they would not be required to put in landscaping unless they improved more than 50% of their building.

Motion by Hampton – Second by Crum

I'll make the motion that we approve the conditional use permit for a plumbing, heating and air conditioning supply house for property legally described as Lot 18, Block 1, Pear Tree Addition to Sedgwick County, Kansas, commonly known as 952 East Grand.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Proposal for Vickers Building Re: Remodel and Furniture.

Mayor Armstrong advised that was something Council had previously approved and explained Public Works Director Randy Dorner had worked to get the price down in order to make it more affordable. Public Works Director Randy Dorner explained the proposed work on the building would include an interior office with a large conference table, two desks, storage cabinets and a coffee bar. Dorner said new windows would be put in on the southwest side and the other work would include bringing the building up to current building standards. Dorner stated both restrooms currently opened to the outside and one would be arranged to be accessible from the inside and would meet ADA standards while the other restroom would be opened to the park located adjacent to the Vickers property. Dorner said he had a full set of plans for Council to review. Mayor Armstrong explained the City had money in the economic development budget of the \$80,000 originally approved. Councilperson Crum asked if there would be a wall with a door to remain unlocked for access to information about the City. Dorner said it was considered, however, doing that would cut too much space from the office. Dorner said the office space consisted of approximately 540 square feet. Councilperson Youngers asked if there were estimates or plans for parking and landscaping. Dorner said it had been looked into and some items had changed due to the park going in. Youngers asked how the remodel would be funded. Mayor Armstrong explained there was \$80,000 in the capital improvement budget and would possibly have to come back depending on the dollar amount and the time frame. Councilperson Pierce asked how the total cost was arrived at. Dorner said he had sent out three sets of plans and two contractors had responded with appropriate bids. Dorner stated in order to save costs a few items had been eliminated such as a

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sky light and volunteers would do the demolition, the trash would be handled by a City dump truck and Dan's Heating and Cooling would donate the labor and materials with only a small cost. Dorner further advised the contractor had a need for some of the material left over from street projects and with those included they were able to come up with a dollar value per yard that was deducted from the \$57,000. Dorner stated there was also material sold to the Dollar General Store that was needed for the Vickers Building and the City was able to include their order to bring down the costs. Crum suggested Dorner request assistance from the Tree Board in regard to the landscaping as the Committee budgeted approximately \$2,000 a year and they had some left over. Councilperson Ewert stated she had not been in the building since it was a convenience store and requested a tour of the building as she did not understand how all the items presented would fit in the building. Dorner stated there was 535 square feet and he would open the door at any time for her to look around the building. Councilperson Hampton asked what the motion should include. Mayor Armstrong explained the total of \$52,013.51. Hampton asked if he should abstain from the vote since he was related to the contractor. The City Attorney recommended Hampton abstain after declaration of his brother being the contractor.

Motion by Pierce – Second by Crum

If there are no other questions or discussion I'll go ahead and make the motion that we approve the spending of \$52,013.51 for the purpose of remodeling the Vickers building.

Hampton abstain, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval the Electric for Downtown Addition Re: Lots 1 and 2.

Mayor Armstrong explained the electricity would be run to the Dollar General building, the Vickers Building and the lot next to the Dollar General building. Mayor Armstrong explained the proposal divided the total costs to each building and since the Vickers building was included the City would have some of the costs involved, however, most of the cost would go to the Dollar General building contractor. Mayor Armstrong further explained the funds would come from capital improvements and the costs would be recouped upon sale of the lot north of the Dollar General. Councilperson Hampton asked for an explanation in regard to the difference between running the electrical on the Pizza Hut lot versus running it simultaneously. Public Works Director Randy Dorner said running the electrical at the same time would call for a minimal amount of trenching and costs. Dorner advised the cost to the City would be \$6,515.00. Mayor Armstrong stated the check from the Dollar General had been received for their portion being \$8,485.00.

Motion by Hampton – Second by Pierce

I'll make a motion that we take on the bill of \$6,515.00 for the running electric lines to Lots 1 and 2.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Under Old Business Mayor Armstrong presented for approval a Consideration of Consent to Annexation of Suncrest 2nd Addition (Tabled from 10-11-05 and 10-24-05).

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Motion by Crum – Second by Pierce

Mr. Mayor, if there's no discussion I'd make a motion that we go ahead and agree to the consent of annexation for Suncrest 2nd Addition.

Councilperson Hampton advised he had driven by the area several times during rains and there were some minor issues that should be addressed but felt like one of the back yards in the Suncrest 2nd Addition would have problems with drainage in the future. Hampton said with the exception of a few minor issues it appeared to him the drainage would not continue to be a problem. Hampton stated he felt Suncrest 2nd should be annexed at that time in order to help with possible problems that might arise like those of the first addition.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Under Department Head Reports Mayor Armstrong asked for the City Clerk report.

City Clerk Carol McBeath was absent and Assistant City Clerk/Finance Director Beverly Rodgers advised there was nothing to report.

Director of Governmental Services Carol Neugent had nothing to report.

Police Chief Mike McElroy introduced the attending officer, Officer Jeremy Vogel. McElroy advised Vogel was awarded the Optimist Club Officer of the Year during the past Fall Festival in October.

Public Works Director Randy Dorner advised he had received a Council Action Request Form regarding 328 East Grand. Dorner stated a certified letter was mailed and signed for on November 10, 2005, the homeowners had removed most of the debris and staff felt it would be cleaned up by the deadline of November 20th. Dorner said he had distributed to Council a short brief description of the signs along with an evaluation for each Ward to be discussed at a later date.

Recreation Director Wendy Wilkinson had nothing to report.

There were no Appointments.

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

Howard Cook, 323 S. Twin Pines, thanked Public Works Director Randy Dorner and his staff for removing the bump in the roadway on Broadway and Grand and for leveling his neighbor's yard. Cook advised the filter needed changed on the Community Building.

There was no Executive Session.

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

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Councilperson Hampton asked about the status on hiring a Community Development Director. Mayor Armstrong advised he had received 12-18 resumes and out of those there were a few that were qualified. Mayor Armstrong further advised they would go through the resumes to start setting interviews at the next Haysville Forward Meeting. Hampton asked about the dues in the amount of \$4,100.00 paid to KGJ Research. Director of Governmental Services Carol Neugent advised the abbreviation stood for Kansas Government Journal and those dues were paid to the League. Councilperson Pierce advised he thought all officers carried semi-automatics and asked why a speed loader was purchased. Police Chief Mike McElroy advised it was for a special assignment.

Motion by Hampton – Second by Pierce

I'll make a motion that we pay the bills for the first half of November 2005.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There was nothing on the Consent Agenda.

Mayor Armstrong asked for Council Concerns.

Councilperson Hampton advised he was concerned about the handling of the nuisance abatement issues. Hampton stated in other cities the Code Enforcement Officer issued the citations and the matter was handled through the courts. Mayor Armstrong explained the City had that same requirement, however, there was a provision where citizens could request a hearing before the Council. Mayor Armstrong further explained there were also ones going through the court system that had not requested a hearing before the Governing Body. City Attorney Lee Parker reminded Council they had passed an ordinance 8-10 months prior that sped up the process.

Councilperson Crum thanked Commissioner Norton and the other volunteers for the work done on the corner of Main and Grand.

Councilperson Holub asked when the slurry seal process would take place again. Public Works Director Randy Dorner stated it would be done in the 2006 budget. Holub stated he had been questioned about building a tennis court that could be used by the public. Holub suggested contacting the School Board to see if they would agree to allowing the tennis court in front of the Middle School be used by the public. Mayor Armstrong reminded Council the City had torn out tennis courts near the pool for reasons of disrepair and no use. Holub stated the Middle School tennis courts needed lighting and some repair. Mayor Armstrong stated the court used to have coin operated lighting and the poles were still there.

Councilperson Youngers advised several new businesses had opened in Haysville and he encouraged citizens to patronize them.

Councilperson Ewert asked the Chief about the number of thefts on West Grand. Police Chief Mike McElroy advised if they were listed in the paper as the 200 block of West Grand it was due to citizens coming into the City Building to make the report and the address of the City Building was listed. Ewert asked if the crimes were happening during the evening hours when

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there were fewer officers on the street or if the reason was due to the officers being required to monitor their mileage. McElroy advised the officers were driving what was needed to patrol the City. Ewert stated she understood that but was trying to get the information out to the public.

Councilperson Crum stated he too had spoken with Recreation Director Wendy Wilkinson in regard to tennis courts since the Middle School and Campus had tennis teams. Crum said the Athletic Director at the high school had also asked whether the City would be interested in putting in tennis courts. Crum suggested the land to the east of the Activity Center owned by the City be used for that purpose where there would be enough room for 8-10 courts.

Councilperson Youngers advised tennis courts had been brought up at Park Board Meetings also. Youngers said the Park Board was also concerned tennis courts might not be used and that was the case with the horse shoes. Councilperson Holub advised he felt the Middle School was mentioned in order to keep the costs down since it was already usable.

Mayor Armstrong asked for adjournment.

Motion by Pierce – Second by Wilkerson

Mr. Mayor, I make a motion that we adjourn.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

The Regular Council Meeting adjourned at 9:05 p.m.

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Armstrong at 7:02 p.m.

Roll was called by Recording Secretary Carla Mann: Hampton here, Crum here, Wilkerson here, Pierce here, Holub here, Ewert here. Councilpersons Youngers and Streets were absent.

Invocation was given by Youth Minister Mike Russell, West Haysville Baptist Church.

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented a Public Hearing for 301 Summey, Travis and Jennifer Morgan Re: Nuisance Abatement Violation (Tabled from 10-24-05).

Code Enforcement Officer Cale Topinka advised the resolution presented pertained to the property located at Lot 26, Block 6, Ward's 4th Addition, Haysville, Kansas, commonly known as 301 W. Summey, belonging to Jennifer D. Nicks. Topinka told Council the resolution was tabled thirty days prior and there had been progress made on the property. Topinka stated an inoperable vehicle and debris remained on the premises.

Travis Morgan, 301 Summey, Nuisance Abatement, advised Council he was in the process of ordering a duplicate title for the inoperable vehicle from the State in order to have the vehicle tagged. Morgan advised the debris had been cleaned up and put into the garage. Morgan said he was having trouble getting the information from the State in regard to the title and he had planned to use one of the vehicles as a trade-in sometime in January 2006. Mayor Armstrong asked about the orange vehicle that was previously parked on the grass. Morgan advised the vehicle had been sold. Mayor Armstrong asked about the weeds and miscellaneous debris. Topinka stated the inoperable vehicle was the only violation at that time on the property. Morgan said that vehicle would be taken care of upon receipt of the title. Councilperson Pierce asked if the State had advised how long it would take before the titles could be sent. Morgan said he was not sure since he had received conflicting information from separate State employees. Morgan stated he would also attempt to contact the previous owner for assistance with the title.

Motion by Pierce – Second by Wilkerson

I'll make the motion that we go ahead and table this one additional time, for thirty days, to give him a chance to iron out this paperwork on his truck.

Travis Morgan requested Council allow him sixty days since he would be trading the vehicle in January. Pierce advised the matter would be handled thirty days at a time. Councilperson Crum requested Mr. Morgan ask the State for some type of verification that they were working toward finding a title for the vehicle. Morgan stated he would do that.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Ewert yea.

Motion declared carried.

Mayor Armstrong presented a Public Hearing for 416 Clinton, Larry D. and Wanda J. Evans Re: Nuisance Abatement Violation (Tabled from 10-24-05).

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Code Enforcement Officer Cale Topinka advised the resolution presented was for Lot 36, Block D, Hillcrest Addition, Haysville, Kansas, commonly known as 416 N. Clinton, belonging to Larry D. and Wanda J. Evans. Topinka stated this was tabled from the October 24, 2005 meeting. Topinka advised significant progress had been made over that previous week and they were ninety percent complete. Topinka said a few tires and parts remained in the rear of the property. Larry and Wanda Evans were not present. Councilperson Crum advised he could tell from the pictures they had made progress, however, since tires remained on the property he felt the resolution should be passed as he did not want tires laying around the City. Councilperson Ewert asked if the tires could be put into the shed. Topinka advised he had been unable to make contact with the homeowners and said he was not sure whether or not the shed was full. Ewert stated she agreed with Crum as she did not want tires laying around the City.

Motion by Crum – Second by Holub

I'd be inclined to make a motion that we go ahead and pass the resolution on 416 Clinton so that they can have about ten more days to just go ahead and finish that little stuff up but that we make sure it gets completely done.

Mayor Armstrong asked if anyone in the audience was present to represent Larry or Wanda Evans. There was no one. Councilperson Hampton asked that the residents be contacted and advised they had ten days to complete the requirements. Mayor Armstrong asked if they would receive a registered letter regarding the ten days. Code Enforcement Officer Cale Topinka advised they would.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Ewert yea.

Motion declared carried.

Mayor Armstrong presented a Public Hearing for 7550 S. Broadway, Joe Frick Re: Nuisance Abatement Violation (Tabled from 10-24-05).

Code Enforcement Officer Cale Topinka advised the resolution presented pertained to the property located at S 100 FT N 1100 FT W 434 FT S ½ NW ¼ EXC W 50 FT OF RD SEC 4-29-1E, Haysville, Kansas, commonly known as 7550 S. Broadway, belonging to Douglas M. Battershell. Topinka said the resolution was tabled on October 24, 2005. Topinka said there had been some progress made.

Joe Frick, 7550 S. Broadway, advised he had been working on the clean-up of the property. Councilperson Crum asked Mr. Frick how long he had been using the property. Mr. Frick said four years. Councilperson Holub asked Mr. Frick what his plans were for the old tires. Frick stated they were left from previous tenants and he would take care of them, as well as the other requirements within thirty days. Frick stated the property was used as a pallet business for ten years prior to his business. Councilperson Wilkerson asked how many tires were on the property. Frick stated he would have them removed. Frick requested another sixty days to complete the work. Crum stated Council had tried to get that property cleaned up for at least a year-and-a-half and he had a problem with extending another thirty days since he had received calls in reference to the condition of the property for over a year. Frick advised he was not aware

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that he would be required to clean up the other lot which he had done. Frick stated the property had really been cleaned up. Crum advised he agreed but it needed to be done. Councilperson Ewert asked what the fire department's position was in regard to the property. Mayor Armstrong explained Mr. Frick had been cleared of all fire codes, however, they would continue to monitor the situation on a bi-weekly basis. Topinka advised Mr. Frick had questioned whether the pallets must be stacked 18" off the ground. Mayor Armstrong said 18" off the ground was the storage requirement.

Motion by Wilkerson – Second by Pierce

I'd like to make a motion we will give him thirty more days but I'm telling you that after that thirty I'm probably not going to be inclined to go any further so I make a motion we give him thirty more days at 7550 S. Broadway, Frick's pallets.

Hampton nay, Crum nay, Wilkerson yea, Pierce yea, Holub yea, Ewert nay.

The vote was a tie. Mayor Armstrong voted no.

Motion denied.

Motion by Crum – Second by Hampton

Mr. Mayor, I'd like to make a motion that we go ahead and pass the resolution on 7550 S. Broadway, commonly known as Frick's Pallets.

Hampton yea, Crum yea, Wilkerson nay, Pierce nay, Holub yea, Ewert yea.

Motion declared carried.

Mayor Armstrong advised the resolution would be mailed to him and at that time he would have ten business days upon receipt.

Mayor Armstrong presented a Public Hearing for 523 E. 71st Street South, Arthur Pirner Re: Nuisance Abatement Violation (Tabled from 9-12-05 and 10-24-05).

Code Enforcement Officer Cale Topinka advised the resolution presented was for the property located at Lots 1, 2, 3, Block A, Grand Avenue Industrial Park 3rd Addition, Haysville, Kansas, commonly known as 523 E. 71st Street South, belonging to Arthur Pirner. Topinka further advised the resolution was tabled on September 12 and October 24, 2005. Topinka stated there had been significant progress made on the property as shown in the photos. Topinka advised Mr. Pirner was present.

Linda Geer, 13740 St. Andrews Place, Wichita, KS, spoke on behalf of her father, Arthur Pirner. Ms. Geer advised a woman from the Oaklawn Senior Center would be taking the telephone poles but she was having trouble arranging for a vehicle to transport them. Geer stated there was not much left to do and once the wood was gone it would be done. Geer stated there was a large piece of wood that her father was having a hard time cutting with chainsaws. Geer said they appreciated those who had cut firewood.

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Motion by Hampton – Second by Wilkerson

I'd like to make a motion that we go ahead and table this until December 29th on the resolution concerning 523 E. 71st Street.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Ewert yea.

Motion declared carried.

Under Presentation and Approval of Minutes Mayor Armstrong presented for approval the Minutes of November 14, 2005.

Motion by Hampton – Second by Pierce

If there's no discussion or corrections I'll make a motion that we approve the minutes for November 14, 2005.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Ewert yea.

Motion declared carried.

Mayor Armstrong asked for Citizens to be Heard.

Brad Burns, 1506 Southbrooke Re: Waive Fee for use of the Haysville Activity Center on August 5, 2006, for Team Haysville Wrestling Club Car Show, advised they would like to advertise their next car show set for August 5, 2006, in a car show publication and the deadline for that advertising was December 1, 2005. Burns requested Council waive the fee charged by the Haysville Activity Center for their car show. Recreation Director Wendy Wilkinson advised she had them scheduled for that date.

Motion by Pierce – Second by Wilkerson

If there's no discussion I'll go ahead and make a motion that we waive the fee for use of the Haysville Activity Center on August 5, 2006, for Team Haysville Wrestling Club Car Show.

Councilperson Hampton asked what time the car show would be held. Brad Burns advised it would run from 9:00 a.m. to 4:00 p.m. Burns further advised they would set up earlier and cleanup after 4:00 p.m. and should be out of the building by 4:30.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Ewert yea.

Motion declared carried.

Gary White, 6410 S. Osage Re: City Ordinances, was not present.

There were no Licenses or Bonds on the Agenda.

There were no Ordinances or Resolutions on the Agenda.

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

Mayor Armstrong presented the Governmental Services Activity Report for October.

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Director of Governmental Services Carol Neugent was absent.

Mayor Armstrong presented the Police Department Activity Report for October.

Councilperson Pierce asked about the investigative backlog. Police Chief Mike McElroy advised it was within the window they had planned, which was two weeks or less. Pierce asked if that was a result of the extra help. McElroy advised it was.

Mayor Armstrong asked for Governing Body Announcements.

Mayor Armstrong advised Police Chief Mike McElroy had requested two volunteers to serve on a Police Committee to review awards nominations. Councilpersons Pierce and Wilkerson volunteered.

Councilperson Holub advised Public Works Director Randy Dorner he would like to present him with a token of appreciation for the work he and his staff had done on the sealing and striping of the streets. Holub presented Dorner with a Christmas ornament on behalf of Mayor Armstrong and Council.

Councilperson Wilkerson advised Mr. White was not present at that meeting and he had heard from other citizens in regard to inoperable vehicles and such. Wilkerson stated Council had to go by the law as it was written and he had visited with his constituents in regard to code violations. Wilkerson said citizens should attempt to show Code Enforcement Officer Cale Topinka more respect as he was only doing his job and if they were not per code they should try to get their properties cleaned up. Wilkerson thanked Topinka for the good job he was doing.

Councilperson Crum advised the trees were planted in the two islands on North Ward Parkway. Crum stated neighbors had thanked the Tree Board for planting them. Crum stated he agreed with Councilperson Wilkerson in that Code Enforcement Officer Cale Topinka was doing a good job and citizens should contact their Councilmembers for their Ward if they had a problem rather than taking it out on the Code Enforcement Officer.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Animal Control Officer Brady Simmons – End of Training Period.

Mayor Armstrong presented the League of Kansas Municipalities Re: Municipal Leadership Academy – Ethics Program.

Under Other Business Mayor Armstrong presented for approval a Memorandum from Police Chief Mike McElroy Re: Authorization to Purchase a New Animal Control Vehicle.

Police Chief Mike McElroy advised he had been questioned as to why they were replacing the ½ ton truck with a ¾ ton truck and the reason was the manufacturer of the newer boxes recommended the ¾ ton chassis. McElroy stated the beds would have to be removed and the ¾ ton would eliminate warranty questions in regard to removing the bed. McElroy said the bid was

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the state price. Mayor Armstrong advised the purchase of the truck would be coming from the police budget and not from capital improvements. Councilperson Hampton asked if the old box would be transferred to the new truck. McElroy advised that was correct. Hampton asked if the truck the box was on at that time was a $\frac{3}{4}$ or $\frac{1}{2}$ ton. McElroy advised it was a $\frac{1}{2}$ ton. Hampton said he felt McElroy should look at prices for a 2005 $\frac{1}{2}$ ton rather than a 2006 $\frac{3}{4}$ ton to save money since there were 2005 models on the car lots. Councilperson Crum asked how old the box and cages were. McElroy stated the box came with the vehicle and the vehicle was three to four years old when it was purchased. Crum asked why the police department did not purchase a $\frac{3}{4}$ ton at that time. McElroy advised the vehicle was serviceable. Crum asked if there were rear end problems with the truck that was being used. McElroy advised they were looking at rear end problems due to the age and mileage and that was the reason they were attempting to replace it. Crum asked if he had priced 2005 models. McElroy stated they had called and asked for the state bid price for the vehicles they were dealing and the state bid price was the amount set for the state to purchase vehicles. Mayor Armstrong asked if that varied from $\frac{1}{2}$ ton to $\frac{3}{4}$ ton vehicles. McElroy advised the $\frac{3}{4}$ ton would come with cab and chassis and there would not be warranty issues in taking the bed off and replacing the bed with something heavier than they would rate. McElroy advised the $\frac{1}{2}$ tons were priced with the bed attached and the bed would have to be removed which could affect the warranty. McElroy stated the 2006 models were cheaper than the 2005 in that instance. Councilperson Pierce advised he felt the $\frac{1}{2}$ ton might be a risk when the condition of the underside of the bed was unknown and possibly having to replace the box in the future. Crum asked if it could be tabled for 2-3 more weeks to allow time for bids to be received for a 2005 $\frac{1}{2}$ ton rather than 2006 $\frac{3}{4}$ ton. McElroy advised he could call and see if they had one in stock, however, it was his understanding the main reason they were looking at the 2006 was they did not have 2005s in stock. Crum asked if the truck was still usable. McElroy stated they were trying to head off any future problems but they could certainly check on pricing again. Councilperson Holub asked about the condition of the box on the existing truck. McElroy advised it appeared to be in good condition but that would not be known until it was completely removed and it could be inspected. McElroy stated it was a \$10,000 box new without options and they did want to do what could be done to use the current box. Hampton asked if the manufacturer specs gave the weight of the box. McElroy advised he did not have that information. Hampton stated he did not have a problem with a $\frac{1}{2}$ ton since it was driven slow and was not involved in high speed chases and felt the Chief should look into pricing of 2005 models.

Motion by Holub – Second by Hampton

I'll make a motion that we look at the bids as presented for the 2006 $\frac{3}{4}$ ton, so I think we should make that motion to vote on what was presented for the 2006 Ford 250 $\frac{3}{4}$ ton truck chassis, to accept the existing bid that we have.

Hampton nay, Crum nay, Wilkerson yea, Pierce nay, Holub yea, Ewert nay.

Motion denied.

Mayor Armstrong advised the Review of the Financial Statement for Year Ending December 31, 2004 Re: Gary George from George, Bowerman and Noel, P.A. should be tabled as Gary George was unable to attend the meeting.

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Motion by Hampton – Second by Pierce

I'll make a motion that we table the review of financial statements for the year ending December 31, 2004, until December 12th.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Ewert yea.

Motion declared carried.

There was nothing under Old Business.

Mayor Armstrong asked for Department Head Reports.

City Clerk Carol McBeath had nothing to report.

Director of Governmental Services Carol Neugent was not present and left no report.

Police Chief Mike McElroy introduced Sgt. Kevin Sexton as the attending officer.

Public Works Director Randy Dorner reported on the Council Action Request Form for the residence in the 400 block of East Grand. Dorner advised the fire wood issue remained the only violation on the property. Councilperson Hampton asked for an update in regard to the meeting Councilperson Crum and he had with Public Works Director Randy Dorner. Dorner advised he did not have information for the full Council and stated he felt they should meet one more time prior to the information being distributed. Councilperson Crum asked about the salt and sand for icy roads. Dorner advised Public Works was ready and they were working on a better place for storage of the salt.

Recreation Director Wendy Wilkinson had nothing to report.

Under Appointments Mayor Armstrong presented for approval Claire Shipe to the Tree Board.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we allow you to appoint Claire Shipe to the Tree Board.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Ewert yea.

Motion declared carried.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

Howard Cook, 323 S. Twin Pines, stated he felt Mr. Frick of 7550 S. Broadway should have been allowed an additional ninety days since the property had been in poor condition for 23 ½ years. Cook advised the gentleman had done a good job in the cleanup to that point.

There was no Executive Session.

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

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Councilperson Hampton asked about the Sedgwick County Treasurer Solid Waste Fee for various parks and properties. Mayor Armstrong explained it was for taxes on special assessments for properties that were not exempt from the tax rolls. Hampton asked about the ink cartridges for \$1,400.00. Hampton asked if the City had checked into refilling them rather than buying new ones. City Clerk Carol McBeath explained staff had not checked on that particular printer but they had tried refilling cartridges in the past and the quality was poor with refilled cartridges. Hampton asked if the sprinkler system at the City Building was on well or City water. Public Works Director Randy Dorner explained it was on City water since well water was not favorable for watering lawns. Dorner advised the charge was for a repair of some of the lines in front of the building along the roadway. Hampton asked about canceling the phone at the Economic Development Director's office. Mayor Armstrong explained there would be a fee charged for starting and stopping the service and he hoped to have someone hired by January but if that was not the case it would be cancelled.

Motion by Hampton – Second by Pierce

If there are no other questions, I'll make a motion that we pass the bills for the last half of November, 2005.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Ewert yea.

Motion declared carried.

Mayor Armstrong asked for Council Concerns.

Councilperson Crum advised the Holiday Lighting would be held on December 3, 2005 and the City's website was confusing on the time of the Lighting. Mayor Armstrong explained the actual lighting would at 6:00 p.m. and the activities began in the Historic District at 3:00. Crum requested Multimedia Specialist Sean Conley clarify the information on the website.

Councilperson Pierce asked if a replacement for the Recreation Director had been found. Mayor Armstrong advised two interviews had been held with two more to be conducted over the following days. Pierce asked about the progress of the Senior Residences. Public Works Director Randy Dorner explained the contractor was ahead of schedule. Pierce thanked the PRIDE Committee for the decorations in the park.

Councilperson Holub asked when the street sweeper would be out. Public Works Director Randy Dorner advised it would be done after the Christmas lights were hung. Dorner advised the streets that were slurry sealed were swept prior to the sealing. Holub advised Council had approved an additional \$39,000 for a concrete street in a residential area that was not completely necessary but denied the Chief's request for an animal control truck. Holub stated the Chief would have to go back through the process for a vehicle that undoubtedly would not be up to par compared to what Council had already been presented with. Holub stated Council should reconsider what was being used for judgment since they questioned small money but approved bigger spending. Holub stated he agreed with Howard Cook in that 7550 S. Broadway should have been extended extra time to come into compliance on his property.

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Mayor Armstrong stated he would answer to the concerns about 7550 S. Broadway. Mayor Armstrong explained there was more that was done than what that Council had seen in the past with Mr. Frick prior to him coming to that Council. Mayor Armstrong further explained there were records in what the City and the Fire Department had to do in order to force him to come to the Council. Mayor Armstrong stated Mr. Frick did not start cleaning up his property until he was taken to district court and it was taken quite a ways just to get him to come to Council. Mayor Armstrong advised the City's money was spent on attorneys, court and that type of thing and said it was a different level than just Mr. Frick showing up to request more time. Mayor Armstrong stated there were numerous residents in attendance at the last Town Hall Meeting held at the Activity Center complaining about the property and wanting it cleaned up and that was one year ago. Mayor Armstrong advised he understood what Mr. Frick had started to do, however, it was his opinion it was time the property was cleaned up.

Mayor Armstrong asked for Adjournment.

Motion by Pierce – Second by Ewert

Mr. Mayor, I'll make the motion that we adjourn tonight's meeting.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Ewert yea.

Motion declared carried.

The Regular Council Meeting adjourned at 8:03 p.m.

Carol McBeath, City Clerk

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

Roll was called by Recording Secretary Pam Robbins: Hampton here, Crum here, Wilkerson here, Pierce here, Holub here, Youngers here, Ewert here, and Streets here.

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

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

Under Special Order of Business Mayor Bruce Armstrong presented the Presentation of Haysville Police Department Civilian Employee of the Year Award.

Mayor Bruce Armstrong gave a summary of Communications Officer Guy Mitchell's employment with the City of Haysville. Armstrong presented Mitchell with the Haysville Police Department Civilian Employee of the Year Award.

Mayor Bruce Armstrong presented the Public Hearing for Proposed Special Assessments (Charles M. Bouilly of George K. Baum & Company).

Senior Vice President Charles Bouilly of George K. Baum & Company explained the Public Hearing would be held to hear any comments or answer any questions of the property owners for the Country Lakes Phase II Addition for the Special Assessments for Water, Sewer, Streets, Storm Drainage, and Storm Water Sewer. Bouilly advised the property owners were all mailed notices and it had been published in the newspaper. Bouilly suggested the Public Hearing be opened at that time.

Motion by Hampton – Second by Crum

Mr. Mayor, I make a motion that we open the Public Hearing for the proposed Special Assessments. Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong called the Public Hearing opened and asked if anyone had questions or comments they would like to make. There was nobody that wanted to speak before the Council at the Public Hearing. Armstrong asked if Council had any questions. There were none.

Mayor Bruce Armstrong asked for a motion to close the Public Hearing.

Motion by Hampton – Second by Crum

Mr. Mayor, I make a motion that we close the Public Hearing for proposed Special Assessments. Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

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Mayor Bruce Armstrong presented the Public Hearing for Overflow Storage, 936 E. Grand Avenue, Jack Harris Re: Nuisance Abatement Violations.

Code Enforcement Officer Cale Topinka addressed Council and gave a summary of the property at 936 E. Grand Avenue. Topinka advised that nothing had been done since the notice had been sent out about the nuisance abatement. Topinka told the Council the Resolution was before them for their consideration. Councilperson Steven Crum asked if Topinka had any discussions with Jack Harris about his property in question. Topinka said he had not spoken to Harris. Planning and Community Relations Coordinator Angela Millsbaugh explained to Council that Harris had asked for a hearing around October 6, 2005 but due to the schedule of other hearings and health problems with Harris, the Public Hearing had been delayed. Councilperson Joe Holub asked if anything had been done to the property. Topinka advised that nothing had been done to the property.

Jack Harris, 5240 Sullivan addressed Council and said he was the owner/operator of the Overflow Mini Storage and he agreed there were several things that needed to be taken care of on the property. Harris advised that if someone had looked at his property before he had gotten the notice they would have seen that several things had been picked up. Harris said he had an opportunity in the last month to go to China and he went. Harris said he did not think that anybody would have passed up that opportunity. Harris told Council he had been fighting a head cold also and he did not need to be outside at that time. Harris explained his vehicle was inoperable since he had hit a deer with his vehicle and did not have parts to fix it at that time. Harris said that he and the City had gotten along for over twenty years and now he wondered what had gone wrong. Harris said he had worked for the City and had done everything he could to help promote the City. Harris asked if the City could let him have the time he needed to clean up the property because he could not afford to hire someone to clean it up. Harris advised that when he got back on his feet health wise and his truck was operable, he would start to clean up the property. Harris said he had painted the overhead doors on the storage units and had removed things from the property. Mayor Bruce Armstrong asked if Harris had been collecting rent from the storage units. Harris advised he had been collecting rent. Mayor Armstrong stated there were some inoperable vehicles that were being stored from people who rented some of the storage units. Harris told Council that all the vehicles being stored by clients were inoperable. Harris explained about the cars and said he would be talking to some of the owners of the vehicles and would have the owners remove the vehicles. Mayor Armstrong advised there was some clean up that Harris needed to do but he was caught in the Nuisance Ordinance pertaining to outside storage. Mayor Armstrong stated the City was looking into redoing the inoperable vehicle storage section of the Ordinance and Harris needed to visit with them about it. Harris said he would like to get a better understanding of the nuisance abatement laws. Harris said he knew the Sign Ordinance was going back to the Planning Commission and he thought the Inoperable Vehicle Ordinance should also. Armstrong advised the Council was trying to make some changes on that also. Harris said the laws now were causing a lot of animosity between neighbors and he did not think that was what the City wanted to happen. Harris said that when the bank loaned him the money over twenty five years ago for his business, if he had been told he could not do the things he had done with his business, he would not have bought it.

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Motion by Youngers – Second by Pierce

I make a motion we table this matter for thirty days and bring it back to Council January 9, 2006.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Status Report for 410 East 71st Street South, William & Adrial E. Barger Re: Nuisance Abatement Violations (Tabled from 9-26-05 & 11-14-05).

Code Enforcement Officer Cale Topinka reported to Council that he felt the abatement was 99% complete.

Motion by Crum – Second by Hampton

I make a motion we pass the Resolution allowing ten days to complete the nuisance abatement.

Hampton yea, Crum yea, Wilkerson yea, Pierce nay, Holub yea, Youngers yea, Ewert nay, and Streets yea.

Motion declared carried.

Councilmember Steven Crum asked Mr. Harris for a doctor's note if he was required to remain at home and was unable to work on the abatement.

Mayor Bruce Armstrong presented for approval the Minutes of November 28, 2005.

Motion by Hampton – Second by Pierce

Mr. Mayor, if there is no discussion, I make a motion that we approve the Minutes as written.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers abstain, Ewert yea, and Streets yea.

Motion declared carried.

There were no Citizens to be Heard.

There were no Licenses and Bonds to be approved.

Under Introduction of Ordinances and Resolutions Mayor Bruce Armstrong presented for approval AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF HAYSVILLE, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NOS. 03-29; 03-30; 03-31; 03-32 AND 03-33 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

Motion by Crum - Second by Hampton

I make a motion we pass the ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF HAYSVILLE, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NOS. 03-29; 03-30; 03-31; 03-32 AND 03-33 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

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Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented for approval A RESOLUTION AUTHORIZING AND APPROVING THE EXTENSION OF MATURITY AND INCREASING THE INTEREST RATE OF \$1,965,000 PRINCIPAL AMOUNT OF TEMPORARY NOTES, SERIES A, 2004, OF THE CITY OF HAYSVILLE, KANSAS; AND MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH.

Motion by Hampton – Second by Pierce

I make a motion we pass the RESOLUTION AUTHORIZING AND APPROVING THE EXTENSION OF MATURITY AND INCREASING THE INTEREST RATE OF \$1,965,000 PRINCIPAL AMOUNT OF TEMPORARY NOTES, SERIES A, 2004, OF THE CITY OF HAYSVILLE, KANSAS; AND MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Under Notices and Communications Mayor Bruce Armstrong presented the Sedgwick County Fire Department Station #34 Activity Report for November.

Brad Burdick made the presentation for the Sedgwick County Fire Department.

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

Mayor Bruce Armstrong presented the Recreation Department Activity Report for November.

Mayor Bruce Armstrong asked for Governing Body Announcements.

Councilmember Bill Youngers reported that the Park Board needed a representative from Ward II.

Councilmember Steven Crum reported the Tree Board would be putting together tips for spring that will be aired on the City's Cable Channel 7.

Mayor Bruce Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Full Time Police Officer Mark A. Mullin – New Hire.

Under Other Business Mayor Bruce Armstrong presented Consideration of Memorandum from Haysville Planning Commission Re: Sign Regulations.

Mayor Bruce Armstrong reported the Planning Commission had extended the hearing on Sign Regulations to January 12 and the matter would probably be back on the Council Agenda in February. There were questions from the audience and Mayor Armstrong told the audience they needed to take their concerns to the hearing before the Planning Commission on January 12. The

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Mayor informed the audience they could continue with whatever they were doing then until the hearing.

Motion by Crum – Second by Hampton

I make a motion we approve a moratorium on enforcement of the Sign Regulations referred to in 16-1011b of the City Code, until a recommendation is forwarded from the Planning Commission.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented the Review of Financial Statements for Year Ending December 31, 2004, Re: Gary George – George, Bowerman & Noel, P.A.

Gary George, of George, Bowerman & Noel, P. A. presented an overview of the 2004 financial audit and reviewed the reports, notes and answered questions from Council. There was discussion regarding GASB 34 and Council was told it was not of any benefit to the City to provide financial statements and the annual audit in accordance with GASB 34. A Resolution would be required annually to opt out from that requirement.

Mayor Bruce Armstrong presented Authorization to Sell Haysville Activity Center Van Online.

There was a brief discussion by Council about the costs of repairs, and placing the bid on the City's web site.

Motion by Hampton – Second by Wilkerson

I make a motion we allow the Activity Center to sell the van online.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented Consideration of Memorandum from City Clerk Carol McBeath Re: Red Cross Good Neighbor Nutrition Agreement.

City Clerk Carol McBeath addressed Council and reviewed the contract and the memorandum.

Motion by Crum – Second by Wilkerson

I make a motion to go ahead and allow the Mayor to sign the contract.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented Consideration of Memorandum from City Clerk Carol McBeath Re: 2006 Sedgwick County Department on Aging Contract.

City Clerk Carol McBeath addressed Council and reviewed the changes Sedgwick County was making to the structure of Senior Clubs, Senior Centers and Multipurpose Senior Centers. McBeath

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reported that the new structure would provide a little more funding for the Haysville Senior Center and the number of baseline activities would actually be fewer.

Motion by Crum – Second by Hampton

I make a motion we allow the Mayor to sign the 2006 Sedgwick County Department on Aging contract.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented Consideration of Approval of Pepsi Contract for Recreation Department.

There was a brief discussion of the current Coca Cola contract and the fact that the company had never executed the agreement.

Motion by Hampton – Second by Pierce

I make a motion we approve the contract with Pepsi.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented Consideration of Authorization to Purchase Public Works Vehicles.

Randy Dorner Public Works Director presented bids on three vehicles for Public Works:

2006 Chevrolet Colorado/GMC Canyon (100% Water)	Donovan Truck Center	\$16,302.93
	Don Hattan Chevrolet	\$13,214.00
	Davis Moore Chevrolet	Non-Response
2006 Chevy/GMC 2500 HD (75% Water / 25% Wastewater)	Donovan Truck Center	\$25,041.18
	Don Hattan Chevrolet	\$21,858.00
	Davis Moore Chevrolet	Non-Response
2006 Chevy/GMC 2500 HD w/Utility Bed (100% Wastewater)	Donovan Truck Center	\$31,549.38
	Don Hattan Chevrolet	\$28,425.00
	Davis Moore Chevrolet	Non-Response

Public Works Director Randy Dorner further reported that there were five vehicles that had been disposed of and the above were replacements for them. There were questions about the use of the vehicles, where they would each be paid from, and the ages of the vehicles being replaced.

Motion by Hampton – Second by Pierce

I make a motion we allow the purchase of a 2006 Chevrolet Colorado from Don Hattan Chevrolet for \$13,214.00.

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Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Motion by Hampton – Second by Pierce

I make a motion we allow the purchase of a 2006 Chevy 2500 from Don Hattan Chevrolet for \$21,858.00.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Motion by Hampton – Second by Pierce

I make a motion we allow the purchase of a 2006 Chevy with Utility Bed from Don Hattan for \$28,425.00.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented Consideration of Authorization to Trade Up for a Skid Steer Loader.

Public Works Director Randy Dorner answered questions from Council about the bid including a mower deck, other attachments currently used by the City that can be used on the skid steer, and warranty. Councilmember Hampton said he would like to see comparisons of other brands, not just John Deere.

Motion by Hampton – Second by Pierce

I make a motion we accept the bid from Murphy Tractor for \$22,395 which includes the mower deck and additional warranty.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented Consideration of Pay Request No. 1 from Bryant & Bryant Re: Nelson Old Oak Hike & Bike Trails (PEC Project No. 35-04058-1263).

There was a brief discussion about the project, lights, concrete cure time, and completion date.

Motion by Hampton – Second by Wilkerson

I make a motion we pay the amount of \$46,935.45 to Bryant & Bryant Construction for Nelson and Old Oak Hike and Bike Trails.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

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Mayor Bruce Armstrong presented Recommendation to Rescind 2004 Contract for Professional Engineering Services.

Mayor Bruce Armstrong explained the contract to be rescinded was a contract that had been superseded by a subsequent contract but the original contract was also still active.

Motion by Pierce – Second by Wilkerson

I make a motion we rescind the 2004 contract with PEC.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Under Old Business Mayor Bruce Armstrong presented Memorandum from Police Chief Mike McElroy Re: Authorization to Purchase New Animal Control Vehicle (11/28/05).

Police Chief Mike McElroy provided further information regarding the requested purchase of a new Animal Control vehicle and explained the cost of a used vehicle or even a new 2005 vehicle was more than the cost of the 2006 vehicle that had been proposed. Chief McElroy recommended the purchase of a 2006 Ford F-250 XL model cab and chassis to be purchased from Shawnee Mission Ford at a price of \$15,175.00.

Motion by Crum – Second by Hampton

I make a motion we allow the Chief to purchase the 2006 F-250 from Shawnee Mission Ford at a price of \$15,175.00.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented Department Reports.

City Clerk Carol McBeath and nothing to report.

Director of Governmental Services Carol Neugent had nothing to report.

Police Chief Mike McElroy introduced the visiting officer, Rene LaMarche. Chief McElroy also encouraged citizens to be observant of neighborhood activity and reported that there had been outdoor Christmas decorations stolen.

Public Works Director Randy Dorner reported that after sanding and salting the streets after the last storm, they would be running the street sweeper to clean up the streets. Dorner reported on nuisance abatements and Council Action Requests and informed Council they were working a complaint for 420 E. Grand; a door hanger had been hung at 352 Delos for an inoperable vehicle; a door hanger had been hung at 726 Freeman for an inoperable vehicle; there was a mattress at property at the northwest corner of 5th; there were appliances at 428 7th; there was an inoperable vehicle at Freeman and Jane.

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Recreation Director Wendy Wilkinson reported on a Middle School dance and Winter Break activities.

Mayor Bruce Armstrong presented the Reappointment of Bob Wethington, 309 W. 6th Re: Planning Commission Ward III.

Motion by Crum – Second by Pierce

I make a motion we allow the Mayor to reappoint Bob Wethington to the Planning Commission from Ward III.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented the reappointment of Mike Kanaga, 1308 W. 4th Street Re: Planning Commission Ward IV.

Motion by Crum – Second by Pierce

I make a motion we allow the Mayor to reappoint Mike Kanaga to the Planning Commission from Ward IV.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented the reappointment of Clem Dickerson, 8815 S. Hydraulic Re: Planning Commission Area of Influence.

Motion by Crum – Second by Pierce

I make a motion we allow the Mayor to reappoint Clem Dickerson to the Planning Commission from the Area of Influence.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

Mayor Bruce Armstrong presented the reappointment of Vern Lippoldt, 230 S. Wayne Re: Planning Commission At Large.

Motion by Crum – Second by Pierce

I make a motion we allow the Mayor to reappoint Vern Lippoldt to the Planning Commission At Large.

Mayor Bruce Armstrong presented the appointment of Recreation Director – Georgie Root (Effective 1-1-06).

Councilmember Steven Crum commended Wendy Wilkinson on an incredible job, stating that she had worked very hard to bring the recreation department to where it was, and that Georgie had been by her side most of that time.

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Motion by Crum – Second by Wilkerson

I make a motion we allow the Mayor to appoint Georgie Root as Recreation Director effective January 1, 2006.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

There were no Off Agenda Citizens to be Heard.

There was no Executive Session.

Mayor Bruce Armstrong presented the Bills To Be Paid for the First Half of December.

Motion by Hampton – Second by Crum

I make a motion we pay the bills for the first half of December.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

There was nothing on the Consent Agenda.

Mayor Bruce Armstrong presented Council Concerns.

Councilmember Ken Hampton said he would like more information on GASB 34 and was told he would have it at the next meeting. Hampton also asked about the sewage dump at Public Works and asked Public Works Director Randy Dorner to obtain cost estimates to concrete the area and supply water to wash out recreational vehicles. Hampton asked about licenses and was told businesses having an office within the City were required to obtain a business license, and there were other specific types of businesses that were also required by City Code to obtain licenses.

Councilmember Steven Crum thanked staff for the accurate information provided as reported in the audit report. He asked citizens to keep their eyes open for theft and vandalism and to report anything they might see.

Mayor Bruce Armstrong reminded everyone that the next meeting would be December 29, 2005.

Mayor Bruce Armstrong called for adjournment of the meeting.

Motion by Pierce – Second by Ewert

I make a motion we adjourn.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, and Streets yea.

Motion declared carried.

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

Carol McBeath, City Clerk

The Regular Council Meeting was called to order by Mayor Armstrong at 7:02 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was called by Recording Secretary Carla Mann: Hampton here, Crum here, Wilkerson here, Pierce here, Holub here, Youngers here, Ewert here, Streets here.

The Invocation was given by Dr. George Lespagnard, First Christian Church.

Mayor Armstrong led everyone present in the Pledge of Allegiance.

Under Special Order of Business Mayor Armstrong presented the Status Report for 523 E. 71st Street South, Arthur Pirner Re: Nuisance Abatement Violation (Tabled from September 12, 2005, October 24, 2005 and November 28, 2005).

Code Enforcement Officer Cale Topinka advised Council the resolution pertaining to Lots 1, 2, and 3, of Block A, Grand Avenue Industrial Park, 3rd Addition, commonly known as 523 East 71st Street South, belonging to Arthur Pirner was tabled on October 24, 2005. Topinka stated considerable progress had been made on the property. Topinka said the property owners were having a problem disposing of the utility poles. Mayor Armstrong asked what was left besides the poles. Topinka advised the only other violation was the wood which Mr. Pirner was splitting for his own use.

Linda Gehrer, 13740 St. Andrews Place, Wichita, KS, advised the utility poles were supposed to go to the Oaklawn Senior Center and they had been unable to pick up the trailer at that time. Geer stated she had a farmer interested in some of the long poles and a landscaper interested in the shorter ones. Geer advised the Boy Scouts had helped with the clean-up on December 17, 2005, and thanked the troop for their help. Geer stated hopefully in the next thirty days all violations would be taken care of.

Motion by Hampton – Second by Crum

Since there has been major progress made on it other than the utility poles and they are working on getting those done, I don't have any problem with going another thirty days to get those out of the way, to table until our last meeting in January.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented the Status Report for 301 Summey, Travis and Jennifer Morgan Re: Nuisance Abatement Violation (Tabled from October 24, 2005 and November 28, 2005).

Code Enforcement Officer Cale Topinka advised the resolution had been tabled on October 24, 2005 and November 28, 2005, pertaining to Lot 26, Block 6, Ward's 4th Addition, commonly known as 301 W. Summey, belonging to Jennifer D. Nicks. Topinka reminded Council Mr. Morgan had problems getting the title from the State. Topinka advised he had been by the property and had called but had not been able to make contact with anyone at the address. Topinka said the only violation that remained on the property was the inoperable vehicle.

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Motion by Crum – Second by Pierce

I guess I'd like to make a motion that we table this until the first meeting in January and see if we can get a hold of him and then I would probably be inclined to pass the resolution but I'd like to be able to give him one more chance since this is the holiday season but I'm not going to give him thirty days. I would just like table to the first meeting in January.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Under Presentation and Approval of Minutes Mayor Armstrong advised the minutes of December 12, 2005, were not available since there were problems with the recording of that meeting.

Mayor Armstrong presented Citizens to be Heard.

Joe Edwards, 256 Van Arsdale, Re: Adopting a Law to Ban Smoking in Public Places, advised he had been hospitalized eleven times over the past year with respiratory problems. Edwards stated he would have to take a respiratory treatment after being 15-20 minutes in a restaurant or some businesses in the community that allowed smoking. Edwards requested Council pass an ordinance banning smoking in public places due to his condition with the exception of businesses that serve alcohol. Edwards explained he had received information from someone in Salina where the same ordinances were in effect. Councilperson Holub asked Mr. Edwards what his profession was and Edwards explained he had been a tow truck driver and a pastor. Holub asked if he had ever been exposed to hazardous substances. Edwards advised the most he had been exposed to was a cleaning solvent. Councilperson Crum stated he agreed with Mr. Edwards, however, Council needed time to speak to others in the community before making a decision one way or another. Crum advised input was needed from businesses and legal counsel also before making a decision. Edwards explained it was not his intention to request Council make a decision that evening but would like Council to consider the request. Mayor Armstrong suggested Council discuss the matter again in thirty days to give time for the attorney to research it and come back with information. Mayor Armstrong requested the City Attorney come back with information at the last Council Meeting in January and Council use that time to hear from businesses and other citizens. Mayor Armstrong advised at that last meeting in January Council could have an open discussion regarding the matter. Mayor Armstrong thanked Mr. Edwards for coming to Council.

Director of Governmental Services Carol Neugent advised Travis Morgan had arrived at the meeting to address Council in regard to the nuisance abatement violation on his property.

Travis Morgan, 301 Summey, advised he had received the paperwork showing he had applied for the title to the inoperable vehicle on his property and further advised he had applied for the title on October 23, 2005. Morgan stated the paperwork he had received from the State advised they were unable to complete the title work process due to the current owner's registration being required. Morgan said he had found the Kansas title of the vehicle and also found the previous owner. Mayor Armstrong asked if he had pursued any other avenues to get the title since

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November 28, 2005. Morgan advised he had not since he had been working sixty hours a week. Mayor Armstrong asked if he had contacted any of the title services in the area. Morgan advised he did not know there was such a business but he would contact them. Mayor Armstrong advised Mr. Morgan Council had tabled the matter until January 9, 2006, and the title company could have a title back by that time.

Under Approval of Licenses and Bonds Mayor Armstrong presented for approval Lies Trash Service, 4631 S. Palisade, Wichita, KS Re: Refuse Hauler License - Renewal.

Motion by Crum – Second by Pierce

Mr. Mayor, I make a motion that we approve the license for Lies Trash Service at 4631 S. Palisade, to Refuse Hauler license renewal.

Councilperson Hampton asked if the truck had been inspected and the license fees paid. City Clerk Carol McBeath advised those items had been done.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong advised Item B, Homeland was a typo and a repeat of Item F. Director of Governmental Services Carol Neugent advised Item B, should be Waste Management.

Mayor Armstrong presented for approval Waste Management, 4330 W. 31st Street, Wichita, Kansas Re: Refuse Haulers License Renewal.

Motion by Crum – Second by Ewert

Mr. Mayor, I'd make a motion that we approve the license for Waste Management, 4330 W. 31st Street in Wichita, for a refuse hauler license renewal.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Pizza Hut, 111 N. Main, Haysville, KS Re: License to Retail Cereal Malt Beverages – Renewal.

Councilperson Holub asked how long Pizza Hut planned on staying at 111 N. Main. Mayor Armstrong advised he was not aware of the time frame but they would have to renew at their new address upon moving.

Motion by Pierce – Second by Ewert

I'll make the motion that we renew the cereal malt beverage license for Pizza Hut located at 111 North Main in Haysville.

Hampton yea, Crum nay, Wilkerson nay, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

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Motion declared carried.

Mayor Armstrong presented for approval Peachwood Manor, 6895 S. Broadway, Haysville, KS
Re: Manufactured Home Park License Renewal.

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we approve the license for Peachwood Manor, 6895 South Broadway, for the manufactured home park license.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Bingo Royale, 124 Stewart, Haysville, KS Re: License Renewal for Bingo Establishment.

Mayor Armstrong explained this would need to be approved contingent upon a satisfactory fire department inspection.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I make a motion that we accept the license for Bingo Royale at 124 Stewart for a Bingo Establishment license contingent on an inspection by the fire department.

Councilperson Pierce asked that the motion include the word satisfactory. Councilperson Crum amended his motion to include “passed inspection.” Councilperson Wilkerson amended his second.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Homeland, 201 N. Main, Haysville, KS Re: License to Retail Cereal Malt Beverage.

Mayor Armstrong explained this one should also be approved contingent upon a satisfactory fire department inspection.

Mayor Armstrong asked if the application was for a new license or a renewal. City Clerk Carol McBeath explained it was a new license.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I make a motion that we allow a license for Homeland, 201 North Main, it’s a license to retail cereal malt beverages, and this would be contingent upon a satisfactory inspection by the fire department.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

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Motion declared carried.

Mayor Armstrong presented for approval Mini-Stop, 7200 South Broadway, Haysville, KS Re: License Renewal to Retail Cereal Malt Beverage.

Mayor Armstrong explained this also should be approved contingent upon a satisfactory fire department inspection.

Motion by Crum – Second by Hampton

I'd make a motion that we allow a license for Mini-Stop at 7200 South Broadway, for license to retail cereal malt beverages, a renewal, contingent upon a satisfactory inspection by the fire department.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Diamond Shamrock, 115 West Grand, Haysville, KS Re: License Renewal to Retail Cereal Malt Beverages – Renewal.

Mayor Armstrong explained this should be approved contingent upon a satisfactory fire department inspection.

Motion by Crum – Second by Hampton

I make a motion that we allow license for Diamond Shamrock at 115 West Grand, for a license to retail cereal malt beverages as a renewal contingent upon a satisfactory inspection by the fire department.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Kwik Shop, 424 West Grand, Haysville, KS Re: License Renewal to Retail Cereal Malt Beverages – Renewal.

Mayor Armstrong advised this should be contingent upon a satisfactory fire department inspection.

Motion by Crum – Second by Hampton

I make a motion that we accept the license for Kwik Shop at 424 West Grand, regarding a license to retail cereal malt beverages as a renewal contingent on a satisfactory inspection by the fire department.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

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Under Introduction of Ordinances and Resolutions Mayor Armstrong presented for approval AN ORDINANCE ANNEXING LAND TO THE CITY OF HAYSVILLE, KANSAS. (**Ord. #895**)

Councilperson Hampton advised he felt it was unusual to annex an area with dirt streets since the City had an ordinance requiring paved roads within the City limits and when the property is annexed it would be taken as is. Hampton stated Council should consider putting in an ordinance that required paved roads for any future annexations. Mayor Armstrong explained the roads would be paved roads to county standards, the same as Suncrest.

Motion by Hampton – Second by Crum

I'll make a motion that we pass an ordinance annexing land into the City of Haysville, Suncrest 2nd, as presented before us.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval A RESOLUTION DEFINING THE CITY LIMITS AND BOUNDARIES OF THE CITY OF HAYSVILLE, KANSAS. (**Res. #05-22**)

Motion by Crum – Second by Hampton

Mr. Mayor, I make a motion that we accept the resolution defining the City limits and boundaries of the City of Haysville, Kansas, as presented to us on our sheets today.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval A RESOLUTION WAIVING THE GAAP REQUIREMENTS OF K.S.A. 75-1120a(a) FOR THE CITY OF HAYSVILLE, KANSAS. (**Res. #05-23**)

Mayor Armstrong reminded Council the City was not having their financial statements done according to GAAP since the City did not amortize the utilities, streets, etc., as required by GAAP. Mayor Armstrong stated this resolution would take the City out of that requirement and must be done each year. Mayor Armstrong further explained there would be too much time and cost involved in order to meet GAAP requirements.

Motion by Hampton – Second by Pierce

If there's no further discussion, I'll make a motion that we pass the resolution waiving the General Accepted Accounting Procedures requirements of K.S.A. 75-1120a(a) for the City of Haysville, Kansas.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

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

Mayor Armstrong presented the Governmental Services Activity Report for November.

Mayor Armstrong presented the Police Department Activity Report for November.

Councilperson Hampton asked Police Chief Mike McElroy if the monthly reports from the Police Department could include the two week time frame in responding to complaints from citizens. McElroy advised he would see what could be done.

Mayor Armstrong asked for Governing Body Announcements.

Councilperson Crum thanked the PRIDE Committee, Optimist Club, the Lion's Club and others for their involvement in improving the City.

Councilperson Pierce advised the Street Committee would be completing their presentation on the condition of the streets and the candidates for 2006. Pierce further advised it was the intent of the committee to present it the first meeting in January.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Police Officer Jeremy Vogel – Resignation.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: Full Time Police Officer William B. Daily – New Hire.

Mayor Armstrong presented a Memorandum from Police Chief Mike McElroy Re: End of Training – Master Communications Officer Misti Elliott.

Mayor Armstrong presented a Memorandum from Public Works Director Randy Dorner Re: Full Time Administrative Secretary Debbi Wahl – New Hire.

Mayor Armstrong presented a Letter from Cox Communications Sarah Kauffman Re: M HD High Definition Music Programming Added to Digital Channel 625.

Mayor Armstrong presented a Memorandum from City Clerk Carol McBeath Re: Drive Up Window Speakers.

Councilperson Crum asked about the applications for the assistant for the Senior Center. City Clerk Carol McBeath advised she had stopped accepting applications on December 27, 2006, and had approximately fifty applications, half of which were for full-time. McBeath advised since the position was part-time at least half of those applicants had been eliminated. McBeath said she would be going through the applications with Senior Center Director Cindy Taylor to set up interviews the first week in January.

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Councilperson Pierce asked if the Police Department continued to be three employees short. Police Chief Mike McElroy advised in February, after the hiring processes were complete, he would be one employee short.

Councilperson Streets advised the cost of \$1,500.00 for the speakers at the drive-up window was too high. City Clerk Carol McBeath advised she agreed, however, there was no other alternative since the unit was put in when the building was built in 1979 and the company was unable to take the unit apart to get to the speakers. McBeath said the company had advised her it would also be costly to take the unit apart. McBeath advised the company recommended placing a speaker on the outside and connecting it to a new speaker on the inside. McBeath advised she had been unable to find another alternative. McBeath said staff had worked with the speakers over the years to keep them operating but had been unable to fix the current problem. Councilperson Crum asked about the warranty with the new speakers. McBeath advised she had not asked that question and had not received the written estimate. Public Works Director Randy Dorner advised the City's electrician had worked on the unit several times over the years and they were unable to find the parts needed for the current system. Mayor Armstrong advised it could be discussed further to see if a cheaper alternative could be found.

Under Other Business Mayor Armstrong presented a Consideration of Approval for Consent for Annexation.

Mayor Armstrong explained this property was owned by the school district. Mayor Armstrong asked the City Attorney Alison McKenney Brown if the consent would be valid due to Perry McCabe signing as an agent. McKenney Brown explained if he was an authorized agent for the school district then he could sign on their behalf, however, Council could request the resolution passed by the School Board be attached to the consent for annexation. Director of Governmental Services Carol Neugent explained the school district did not have proper zoning for what they were wanting to do with the property and deadlines were crucial. Mayor Armstrong suggested Council approve the consent with the contingency that they furnish to the City, with the attorney's approval, the requirements of proof of ownership. McKenney Brown advised that would be acceptable.

Motion by Crum – Second by Ewert

Mr. Mayor, I'd make a motion that we offer consent for annexation for a tract of land in the South Half of the SE Quarter of Section 36, Township 28, South, Range 1, West of the 6th Principal Meridian, Sedgwick County, Kansas, described as what is listed on our paper before us and I'd ask that we pass that contingent on the fact that the City Attorney has a chance to look at it and make sure that everything is in line and Mr. McCabe is an appropriate signer on the owner line.

Councilperson Crum asked if the City limits attached to this property. Director of Governmental Services Carol Neugent explained their consent excludes the right-of-way but upon actual annexation the right-of-way would need to be included. Mayor Armstrong stated it would about the City.

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Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Authorization to Approve Bids for Certain Internal Improvements for South Brooke Second Addition – Water and Sanitary Sewer.

Public Works Director Randy Dorner explained bids were opened and the low bid went to Nowak Construction Company, Inc. Dorner said that would be for South Brooke 2nd Addition, Phase 4, and would complete the addition. Dorner further explained water and sewer had been combined for a total of \$70,565.00.

Motion by Hampton – Second by Pierce

I will make a motion that we accept the Nowak Construction Company's bid of \$70,565.00 for the sewer and water bid for South Brooke, 2nd Addition, Phase 4.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Authorization to Approve Bids for Certain Internal Improvements for South Brooke 2nd Addition – Streets.

Public Works Director Randy Dorner explained bids were opened from Cornejo & Sons, Inc., APAC – Kansas, Inc., LeFarge North America and Kansas Paving, with Kansas Paving being the low bidder at \$357,046.91.

Motion by Hampton – Second by Wilkerson

I'll make a motion that we accept the bid from Kansas Paving for paving and drainage in South Brooke, 2nd Addition, Phase 4, for the amount of \$357,046.91.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Approval for Request for Reimbursement, UPRR/Grand Avenue Grade Separation Project.

Mayor Armstrong explained the amount was for \$165.00. Councilperson Crum asked if there was money set aside for the native grass to be planted. Director of Governmental Services Carol Neugent explained that portion would be the City's final share and the project had not been accepted by the City nor the County. Neugent explained the \$165.00 was for something the County had already paid. Neugent stated that would not show acceptance of the project.

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Motion by Crum – Second by Hampton

If there is no other discussion, I would go ahead and make a motion that we approve the pay request for reimbursement on UPRR/Grand Avenue Grade Separation project for \$165.00.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Paving Petition – Phase I Re: Lots 1 through 13, Block A, and Lots 1 through 23, Block B, Timber Creek Estates Addition.

Mayor Armstrong explained this was 100% developer with nothing being paid for by City at large.

Motion by Hampton – Second by Pierce

I'll go ahead and make a motion that we grant the paving petition for Phase I, for Lots 1-13, Block A and Lots 1-23, Block B, on Timber Creek Estates Addition to Haysville, Kansas.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Consideration of Paving Petition – Phase II, Lots 14 through 41, Block A and Lots 24 through 38, Block B, Timber Creek Estates Addition.

Motion by Hampton – Second by Pierce

I'll make a motion that we accept the petition for sanitary sewer petition, Phase II, on Lots 14-41, Block A and Lots 24-38, Block B, of the Timber Creek Estates Addition.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Consideration of Sanitary Sewer Petition – Phase I Re: Lots 1 through 14, Block A and Lots 1 through 23, Block B, Timber Creek Estates Addition.

Motion by Hampton – Second by Wilkerson

I'll make the motion to pass the petition for sanitary sewer, Phase I, Lots 1-14, Block A, and Lots 1-23, Block B, of Timber Creek Estates Addition.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Consideration of Sanitary Sewer Petition – Phase II Re: Lots 15 through 41, Block A and Lots 24 through 38, Block B, Timber Creek Estates Addition.

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Motion by Hampton – Second by Pierce

I'll make the motion that we pass the sanitary sewer petition for Phase II, Lots 15-41, Block A and Lots 24-38, Block B, of the Timber Creek Estates Addition.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Consideration of Water Petition – Phase I, Lots 1 through 13, Block A and Lots 1 through 23, Block B, Timber Creek Estates Addition.

Motion by Hampton – Second by Pierce

Mr. Mayor, I'll make the motion that we pass the water petition for Phase I, Lots 1-13, Block A, and Lots 1-23, Block B, Timber Creek Estates Addition.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented a Consideration of Water Petition – Phase II Re: Lots 14 through 41, Block A and Lots 24 through 38, Block B, Timber Creek Estates Addition.

Motion by Hampton – Second by Pierce

I'll make a motion that we pass the water petition for Phase II, Lots 14-41, Block A and Lots 24-38, Block B, Timber Creek Estates Addition.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval Consideration of Storm Water Drain Petition Re: Lots 1 through 41, Block A and Lots 1 through 38, Block B, Timber Creek Estates Addition.

Motion by Hampton – Second by Wilkerson

Mr. Mayor, I'll make the motion that we pass the petition for the storm water drain petition for Lots 1-41, Block A and Lots 1-38, Block B, Timber Creek Estates Addition.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Water Supply Line Petition Re: Lots 1 through 41, Block A and Lots 1 through 38, Block B, Timber Creek Estates Addition.

Motion by Hampton – Second by Pierce

I'll make the motion that we accept the petition for water supply line for Lots 1-41, Block A and Lots 1-38, Block B, of the Timber Creek Estates Addition.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

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Motion declared carried.

Mayor Armstrong presented for approval Consideration of Bids to Purchase HAC Van.
City Clerk Carol McBeath advised the van was advertised online and one bid was received from Jeremy Rardin in the amount of \$300.00.

Motion by Crum – Second by Wilkerson

I make a motion that we accept the \$300.00 bid from Jeremy Rardin for the HAC van that we are selling.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented Consideration of Code Updates and Changes.

Mayor Armstrong explained the code update was done on a yearly basis. City Clerk Carol McBeath advised the memo explained all the ordinances that were passed throughout the year and Council could make changes to the code at that time. Councilperson Hampton asked about the proposed change to the code regarding storing or placing recreational structures on streets and sidewalks. McBeath advised that was an amendment that the police department would like to add to the Standard Traffic Ordinance. Hampton asked what the background was on the topic of recreational structures on streets and sidewalks. Police Chief Mike McElroy advised the police department had received numerous complaints of people in the streets with skateboard ramps, basketball goals and kids not moving out of the street for traffic. McElroy further advised there was nothing the police department could use on record to address those issues. Councilperson Pierce asked if there had been any injuries or mishaps. McElroy advised to his knowledge there had been no injuries and did not believe the roadway was an appropriate place for children to play basketball and such. Pierce advised he was sympathetic toward the children who did not have much of a yard and no sidewalks. City Attorney Alison McKenney Brown advised there had been two neighborhood disputes arising out of those issues that had ended up in court with batteries and property damage. McKenney Brown advised those disputes were over children not getting out of the street and moving for traffic. Councilperson Youngers reminded Council the City had provided nice basketball courts in every Ward, a skate board park and an almost completed bike path with easy access. Youngers advised he had seen the basketball goals and the ramps and the streets were not an appropriate place for children to play. Councilperson Holub advised he agreed that the street was for public conveyance of vehicles. Holub stated he did not feel this needed much discussion. Councilperson Crum advised he also agreed, however, it was something he wanted to think about since there were different types of streets, such as cul-de-sacs and dead end streets. Crum stated he had a basketball goal that he sets in the street for kids to play with and he lives at the end of the cul-de-sac. Mayor Armstrong suggested Council pass the codification with ordinances already passed in order to have more time to consider the other changes.

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Motion by Crum – Second by Wilkerson

Mr. Mayor, I make a motion that we accept the code updates and changes that have already been previously approved by Council, not to include the things that are just for our consideration at this time, for this past year.

City Attorney Alison McKenney Brown asked if the motion intended to pick up, in addition to the ordinances already passed, the Standard Traffic Ordinance and the Public Offense Code as updated, debit/credit card technology fee deletion, dog adoption deletion, temporary water tax removal, the word “auction” to be added to section 5-501, the sign permit fees, fees schedule and typo corrections. Councilperson Crum advised he meant to include in his motion everything except the items presented for consideration.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval a Consideration of Option Contract for Purchase of Real Estate.

Mayor Armstrong explained the contract was from Ozark Property Management, who was the same group that was building the Dollar General Store. Mayor Armstrong stated the company was attempting to bring in another national business to that lot, however, it did give the City the ability to continue marketing the lot. Mayor Armstrong advised the lot would come to approximately \$1.85 a square foot. Councilperson Hampton advised he understood the contract to read that the buyer would get their earnest money back if they failed to build or close on the property. Mayor Armstrong stated that should be changed and clarified that once it was closed they would have the 180 days to build or the City would purchase it back and not that they get it back by not building. Councilperson Ewert asked how long the City would be giving the company. Mayor Armstrong explained the first time was 180 days to close. Councilperson Holub asked if Council would have a say into what type of business that would brought in. Mayor Armstrong stated that was correct as the City would maintain approval of all plans to be submitted in writing.

Motion by Hampton – Second by Wilkerson

If there’s no other questions, I’ll make the motion that we give the Mayor approval to enter into a contract with Ozark Property and Management Company, LLC, whose address is 6301 Cliff Drive, Fort Smith, Arkansas, as the buyer, with the North 159.28 feet (Parcel 1) of Lot 2, Block A, Haysville Downtown Addition, Haysville, Kansas, with the clarification that was mentioned by the attorney and the City has the option to purchase the property back for no more than the original price and deleting number sixteen on that reverter interest from where it starts “title to the property shall revert back to the seller and this contract shall be null and void and any right of interest of buyer in the property shall cease and terminate, without any liabilities to the seller and buyer shall be entitled to a return of the earnest money.”

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

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Motion declared carried.

There was nothing under Old Business.

Mayor Armstrong asked for Department Head Reports.

City Clerk Carol McBeath had nothing to report.

Director of Governmental Services Carol Neugent advised Multimedia Specialist Sean Conley and Planning/Community Relations Coordinator Angela Millspaugh had made it possible for people to view Channel 7 through the website. Neugent advised once on the website people could access and view the council meetings live or in rebroadcast.

Police Chief Mike McElroy introduced the attending officer, M.P.O. Aaron Tabing.

Public Works Director Randy Dorner advised he had received Council Action Request Forms and one was for junk cars located at 352 N. Delos where staff had placed a courtesy hanger on the residence on December 9, 2005. Dorner further advised the property was re-inspected and at that time one of the vehicles was removed but a trailer remained. Dorner advised a violation notice was mailed the beginning of that week. Dorner stated if the violation continued to exist it would go into the court system. Dorner said 428 W. 7th had a car parked in the street at the time the Council Action Request Form was turned in and they moved the vehicle into the yard. Dorner advised they were also given a door hanger notifying them they had five days to have the vehicle tagged or removed from the premises. Dorner stated the third Council Action Request Form he had received was on the skate park in regard to the wear and tear on the equipment. Dorner said some fasteners had come loose and there was peeling paint and he had contacted the manufacturer who was sending a representative down to determine if the problems were normal wear and tear or a manufacturer's problem. Dorner stated he had checked into an R.V. dump and he said he needed to do more research on the environmental issues. Dorner advised he had a price on the concrete but not a total package price at that time. Dorner stated Christmas trees could be dropped off for recycling at the Senior Center and asked that the lights and decorations be removed prior to dropping them off. Dorner said the Christmas lights would be removed from various locations throughout the City after January 3, 2006, and asked citizens to be cautious of the employees when they were out in their heavy equipment working to remove them.

Assistant Recreation Director Georgie Root advised S.O.S. Days would be held on January 3rd and 4th and the Winter/Spring brochures were available listing all the upcoming programs. Mayor Armstrong reminded Council Georgie Root would be taking over for Recreation Director Wendy Wilkinson after the first of the year. Mayor Armstrong presented Wilkinson with a plaque and thanked her for her work and time with the City.

There were no Appointments on the Agenda.

Mayor Armstrong asked for Off Agenda Citizens to be Heard.

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Kathy Helmers, 215 Wire, Re: Bingo Establishment License Fees, advised she felt the fees being charged to the bingo establishment were too high and her business should not be singled out from other businesses in the City. Helmers stated she felt her business was like any other business and they should all be charged the same. Helmers said she was open only fifteen hours a week compared to other businesses. Helmers also said her business was affected by the railroad crossing being closed and they had decreased their hours to two nights a week for some time and also to one night a week for approximately one month. Helmers stated she was now open for three nights a week but for only fifteen hours a week. Councilperson Streets asked how it was decided to charge the fee. City Clerk Carol McBeath advised it was at the request of Council several years prior. Councilperson Wilkerson asked how the fee was arrived at. McBeath explained it was recommended and established by Council. Mayor Armstrong advised part of the income derived from the State from bingo establishments was given to the City and the State discontinued that and kept all funds from bingo establishments. Mayor Armstrong further advised the City no longer received any funding from the State and the fee was set to make up for that lost revenue. Mayor Armstrong advised it was understood by charging the fee that bingo establishments would possibly require more enforcement and such by the City. Mayor Armstrong stated all ordinances could be looked at to change and Council could consider making that change after some consideration. Mayor Armstrong said it was not a question that could be debated at that meeting but was something that could come back on the agenda at a later date. Mayor Armstrong advised Ms. Helmers the ordinance was in effect and she would be required to pay the fee and if it was changed a refund might be made if Council decided to issue refunds.

Howard Cook, 323 S. Twin Pines, advised he had spoken against the bingo establishment license fee prior to the passing of the fee requirement. Cook stated Council, at that time, considered bingo establishments to be the same as fireworks. Cook said the State had researched the bingo fee to find out where the tax was being used and it was found the cities were not policing the establishments and cancelled the tax. Cook stated bingo establishments do not make the same amount of money as fireworks and said he felt that was what the Council had looked at.

There was no Executive Session.

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

Mayor Armstrong advised Council needed to approve end of the year transfers along with the bills to be paid. Councilperson Holub asked about the motor vehicle excise tax. Assistant City Clerk/Finance Director Beverly Rodgers explained the tax went to the library. Mayor Armstrong explained it was the portion of the taxes given to the City that was then given to the library. Holub asked what the police officers learned by attending the Kansas Highway Patrol Training Seminar. Police Chief Mike McElroy explained officers were required to take a minimum of forty hours of continuing education training and this particular charge was for \$21.00, which covered four officers for training at the academy. Councilperson Hampton asked about the \$32,310.00 for light poles. Mayor Armstrong explained they were for the landscaping of Main Street. Holub asked about the purchase order for the 2006 Chevy Silverado showing \$5,464.50,

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and advised he remembered the cost to be around \$15,000. Mayor Armstrong explained the cost was split between two departments.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I make a motion that we approve the bills to be paid for the last half of December which includes the transfers.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval the Year End Encumbrances.

Councilperson Hampton asked about the carry-over of \$50,000 for water materials and encumbering \$15,000 for fire hydrants. Public Works Director Randy Dorner explained the funds would cover water materials needed for new home water service. Dorner said the City put in about eighty new water meters each year and that totaled about \$40,000 and the other \$10,000 was for water main break materials, which they were almost out of. Dorner further explained the fire department delivered a status report of the fire hydrants and it showed twenty hydrants needing replaced and they cost \$750.00 each, which totaled \$15,000. Dorner advised other expenses such as sand, fuel, etc., were not included and would come from the next year's budget. Hampton advised encumbrances were budgeted each year and asked about the \$60,000 unanticipated carry-over. Mayor Armstrong explained the extra funds can be used for budgeting purposes for 2007.

Motion by Hampton – Second by Pierce

I'll make a motion that we approve the encumbrances for 2005.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

Mayor Armstrong presented for approval an Authorization to Reimburse Petty Cash on December 30, 2005.

Mayor Armstrong explained Assistant City Clerk/Finance Director Beverly Rodgers might also need authorization to pay any bills that may come in that were not anticipated.

Motion by Crum – Second by Wilkerson

Mr. Mayor, I make a motion that we authorize the City to go ahead and reimburse petty cash on December 30th, and also to pay any unanticipated bills that may come in for the end of the year.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

There was nothing on the Consent Agenda.

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Mayor Armstrong asked for Council Concerns.

Councilperson Ewert advised kids would be returning to school on January 5, 2006.

Councilperson Crum thanked Recreation Director Wendy Wilkinson for the job she had done. Crum asked that citizens make sure their Christmas trash is picked up and secure. Crum asked Police Chief Mike McElroy to remind people of the fireworks law for New Year's Eve. McElroy advised detonation of fireworks would be permitted on December 31, 2005, between the hours of 6:00 p.m. and 1:00 a.m. of January 1st, according to the City ordinance.

Councilperson Hampton advised the north end of Baughman had a problem with water drainage and asked when the project would be completed. Public Works Director Randy Dorner explained the drainage problem needed to be addressed concerning a lot of tree removal. Dorner advised he had spoken with the developer and the City might have to go in and make a temporary ditch in order to get it to drain. Dorner advised it was being discussed. Hampton asked that Council discuss at some point the monies deposited into Prairie State Bank and Intrust Bank. Hampton suggested some of the money be transferred into certificates of deposit rather than the money market fund since the interest accumulated might be higher. Mayor Armstrong advised it could be looked at.

Mayor Armstrong asked for a motion to adjourn.

Motion by Pierce – Second by Wilkerson

Mr. Mayor, I make a motion that we adjourn tonight's meeting.

Hampton yea, Crum yea, Wilkerson yea, Pierce yea, Holub yea, Youngers yea, Ewert yea, Streets yea.

Motion declared carried.

The Regular Council Meeting adjourned at 9:07 p.m.

Carol McBeath, City Clerk