

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

Roll was taken by Recording Secretary Camille Tullis: Pierce here, Wilkerson here, Crum here, Bradshaw here, Kanaga here, Ewert here, Slocum here, and Conrady here.

Invocation was given by Reverend Paul Greene, River of Life Worship Center.

Brody from Boy Scout Troop #895 led everyone present in the Pledge of Allegiance.

Under Presentation and Approval of Minutes, Mayor Ken Hampton presented for approval the Minutes of February 22, 2010.

Motion by Crum – Second by Ewert

Mayor, if there is no discussion or corrections, I'll make a motion that we go ahead and approve the minutes from February 22, 2010.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

Under Citizens to be Heard Mayor Ken Hampton presented Mitch Clothier, 1508 Jubilee Re: Permission to Hold Bicycle Swap Meet.

Mitch Clothier introduced himself and thanked Council and Mayors past and present for the bicycle paths in Haysville. Clothier stated he was seeking permission to hold a bicycle swap meet at the Home Town Market. Clothier passed out an information packet to Council outlining the meet. Clothier stated the meet would be like a multi-family garage sale, except it would be related to bicycles, where participants could buy, sell, or trade. Clothier said the meet would be held on April 25th from 8:00 a.m. to after 12:00 p.m. at the Home Town Market. Clothier stated there had already been approval from the Historic Committee.

Mayor Ken Hampton asked Recreation Director Georgie Carter if there were any conflicts with the date April 25th. Carter stated it did not conflict with any City activities, adding that many members of the Historic Committee were in favor of the meet.

Councilperson Sandy Bradshaw asked if the vendors would be required to have insurance. Recreation Director Georgie Carter advised they were not required to have insurance. Carter stated she had told Mitch Clothier to research getting insurance in case it came up as an issue. Clothier said that if he had to provide his own insurance he was not sure what the level of coverage would be, but he could add a \$500,000 rider onto his homeowners insurance. Clothier stated if he had to provide his own insurance then he would ask to have the usage fees waived. Bradshaw asked if it would be necessary for Clothier to provide insurance if it was not required of the Home Town Market Vendors. Carter stated those events were covered because they were City sponsored and covered underneath the City's umbrella. Bradshaw asked if there was a usage fee for the Home

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Town Market. Carter stated there was not a set usage fee. Bradshaw asked Clothier if he would only be renting the Home Town Market and no other buildings. Clothier stated he would only be using the Home Town Market.

Councilperson Keith Pierce asked City Attorney Alison McKenney-Brown what the risk would be to rent out the Home Town Market with no insurance. Brown stated in any situation the City was always a possible target for a lawsuit. Brown advised the City was protected by the Tort Claims Act from most harms that could come up from this type of event. Brown stated the City always requires insurance because there could be an unknown unforeseeable act. Pierce asked if insurance had ever been required or if a precedent had ever been set. Recreation Director Georgie Carter advised previously all the functions had been sponsored by the City, and this was a unique case because the Home Town Market had never been rented out. Brown stated the City has required insurance of individual events. Pierce asked if the City had other facilities to rent out for a fee and no insurance. City Clerk Beverly Rodgers stated the City does not require insurance when renting out a facility unless there would be inflatable playground equipment.

Councilperson Sandy Bradshaw asked what was required when someone rented out Riggs Park for other events. City Clerk Beverly Rodgers stated the Lions Club Shelter was rented out for the Midwest Bicycle Fest but it did not include a sale. Bradshaw asked Mitch Clothier if he had ever needed insurance for that event. Clothier stated he had not.

Councilperson Steve Crum asked if this event was any different than renting out the band shell with no insurance required. City Attorney Alison McKenney-Brown stated if the City requires insurance for individual events then the City should require insurance for this event. Brown advised this would be a policy decision. Crum asked if insurance was required when bands rent out the band shell. City Clerk Beverly Rodgers advised it was not required.

Councilperson Keith Pierce stated he did not believe there was a set policy regarding insurance for individual events. Pierce felt the City should rent the Home Town Market at the standard rental fee now and have staff consider a policy regarding insurance.

Councilperson Steve Crum stated he agreed with Councilperson Keith Pierce but there was no standard fee for the Home Town Market. Recreation Director Georgie Carter stated the gazebo in the Historic District has a \$25 rental fee. City Clerk Beverly Rodgers stated the Community Building was \$75 a day with a \$50 deposit to rent. Carter stated the band shell was \$10 a day plus \$10 for electricity to rent.

Councilperson Keith Pierce recommended a fee of \$25 and requested staff to prepare a fee recommendation for a rental fee for the Home Town Market.

Motion by Pierce – Second by Crum

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Mr. Mayor and Council, I move that we permit the rental of the Home Town Market structure for the purpose of the Mid-West Bicycle Festival at the established rate and arrangement, same as the gazebo.

Mayor Ken Hampton asked if the motion needed to include a time of April 25th from 8:00 a.m. to noon.

Councilperson Keith Pierce amended his motion to include the time of April 25th from 8:00 a.m. to roughly 2:00 p.m.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

There were no Licenses and Bonds.

There were no Ordinances and Resolutions.

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

Councilperson Pat Ewert announced the Senior Center would be giving out Panera Bread on March 10 at 9:00 a.m. and March 17 at 9:00 a.m. Ewert advised the Senior Breakfast would also be held on March 27 at the Senior Center encouraging citizens to sign up. Ewert advised school would be out Friday, March 12 for Spring Break urging citizens to be aware of children on the streets.

Mayor Ken Hampton presented a letter from Cox Communications Re: Pricing Changes.

Mayor Ken Hampton presented a letter from Cox Communications Re: Channel Lineup Changes.

Under Other Business Mayor Ken Hampton presented to Establish Joint Workshop Between the City Council and School Board for 7:00 p.m., Monday, March 29, 2010 at the Learning Center. Mayor Hampton advised there would be a Town Hall meeting immediately preceding sponsored by Haysville Healthy Habits Community Coalition. The Mayor stated he would like comments or suggestions for things to be put on the agenda.

Motion by Crum – Second by Ewert

I will just go ahead and initially make a motion that we go ahead and establish this Joint Workshop with the School Board for 7:00 p.m. on Monday, March 29th at the Learning Center.

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Mayor Ken Hampton asked Council if there was anything they wanted listed on the agenda before a vote was made.

Councilperson Mike Kanaga stated he would like all day kindergarten on the agenda. Kanaga stated he did not understand why this issue keeps coming up when it gets voted down.

Councilperson Sandy Bradshaw wanted to discuss perusing grants for safe school routes, so children could walk to school safely in our community. Bradshaw added she would also like to discuss any potential collaboration the City and School District might have for expanding the recreation program to benefit the citizens and community.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

Mayor Ken Hampton presented the Consideration of Contract Agreement with USD 261 (Campus Baseball Team).

Recreation Director Georgie Carter stated that due to the holiday in February, the School Board did not meet until the same night that Council approved the previous contract. Carter advised the School Board requested changes in the contract highlighted in blue. Carter explained the School Board wanted in writing that the Campus team could practice on the new fields #5 and #6. Carter stated the School Board also wanted the phrase "District Booster Club" changed to "Campus Booster Club".

Motion by Bradshaw – Second Ewert

I'd make a motion that we approve this contract with USD 261 for use of Campus Baseball Team on our fields with the changes as noted.

Councilperson Keith Pierce asked Recreation Director Georgie Carter if she had any issue with the contract changes. Carter stated she had spoken to the School Board about the use of the fields verbally; they just wanted it in writing.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

Mayor Ken Hampton presented the Acceptance of Proposals to Repair the Hitch on the Sludge Tank.

Director of Public Works Randy Dorner explained the hitch on the sludge tank is original to the machine and is about twelve years old. Dorner stated they had thought the hitch only needed a minor repair, but after it was taken apart they discovered that it needed to

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be totally rebuilt. Dorner advised they had received three bids and was asking for approval for \$3,120.00 for a bid from US Machinery.

Councilperson Michael Conrady asked if this was the only machine that hauls back and forth from the fields, and how long it would be in repair. Director of Public Works Randy Dorner stated that this was the only machine and it would be out for about a week. Conrady asked if Public Works would be able to operate without the sludge truck. Dorner stated that they would.

Councilperson Steve Crum asked what funds would be used for the repair. Director of Public Works Randy Dorner stated the funds would come out of the Wastewater Budget.

Motion by Kanaga – Second by Bradshaw

Mr. Mayor I would make a motion that we allow Public Works to have this sludge tank hitch repaired for the price of \$3,120.00.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

Mayor Ken Hampton presented Authorization to Purchase Tillage Equipment for the Wastewater Plant.

Director of Public Works Randy Dorner stated that currently Public Works has a 12 foot disk made in the 1950s. Dorner advised that with the existing disk there was less than 50 pounds of pressure per disk. Dorner stated the disk they wanted to purchase would have 1,000 pounds of pressure per leg; making four times as much weight on the disk. Dorner stated the new disk would be easier to maneuver and would cut the work time to 1/3. Dorner advised that Public Works had never owned a field cultivator and by having one they could groom the fields outside the city. Dorner stated, by having a field cultivator, it would take less fuel and time to groom weeds. Dorner advised Public Works had looked into researching new machinery but determined it was too expensive. Dorner said the disk at Howards Inc has all new disks and bearings and the field cultivator would have all of the sweeps replaced. Dorner stated that although the disk was in fair condition it would take care of the City's needs for now.

Councilperson Steve Crum asked if the machinery came with any warranty or guarantee. Director of Public Works Randy Dorner stated the used equipment would have none but added it was field ready. Dorner advised they have physically looked at the machinery; the disk is in excellent shape and the field cultivator is in fair condition.

Motion by Bradshaw – Second by Kanaga

I'll make a motion that we permit Public Works to purchase this Bush Hog and field cultivator tillage equipment as requested according to their proposal for \$10,300.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

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Motion declared carried.

Mayor Ken Hampton presented Authorization for Replacement of 690D Backhoe.

Director of Public Works Randy Dorner stated the backhoe Public Works currently owned would be too pricey to repair. Dorner advised that according to the John Deere dealer, only two 690D Backhoes were in service in Kansas, making parts difficult to find. Dorner advised the pump that needed to be replaced blew apart putting metal shavings into the hydraulic system, which meant a complete tear down and rebuild of the machine. Dorner stated the machine running in good condition was worth about \$20,000 and the repairs would be \$35,000. Dorner added that because it would cost more to repair the machine than what it was worth, they decided to replace it. Dorner said they looked at purchasing a new machine briefly but determined it would be too expensive. Dorner advised Public Works had several buckets that would fit on the new machine. Dorner stated they would trade in the existing backhoe for iron price and parts but would keep the bucket. Dorner advised they had looked at several other machines but this particular machine had the features similar to the existing one.

Mayor Ken Hampton sighted a typo in the memorandum, stating if the old machine was traded the purchase price would not exceed \$70,000, not \$80,000. Director of Public Works Randy Dorner advised he is requesting authorization not to exceed \$70,000 because of the trade in, but the total cost of the backhoe is \$80,000.

Councilperson Michael Conrady asked if a warranty would come with the backhoe. Director of Public Works Randy Dorner stated the backhoe would only have a sixty day warranty through the dealer. Conrady asked if the backhoe was at a John Deere dealer in Nebraska. Dorner advised the backhoe is in Nebraska and would be brought down to Howards Inc to have its pressures checked. Dorner stated the City was not obligated to buy it after inspection; the backhoe would be upon the City's acceptance.

Councilperson Steve Crum asked why they were keeping the old bucket. Director of Public Works Randy Dorner stated the bucket would be different than ones the City had.

Motion by Kanaga - Second by Pierce

Mr. Mayor I'll make a motion that we allow Public Works to purchase from John Deere Murphy Tractor a used 2002 model 200C LC backhoe for a price, a final price not to exceed \$70,000.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

Mayor Ken Hampton presented Discussion of Pedestrian Crosswalk on North Main. Mayor Hampton stated this was previously discussed about two years ago. The Mayor advised the crosswalk might take some special approvals before it could be done. Director of Public Works Randy Dorner stated the traffic might not warrant the crosswalk

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but because of the age of the populace using it, that might warrant it. Dorner advised a small engineering study would have to be done. Mayor Hampton asked Dorner if the ideal location was next to the substation and Dairy Queen. Dorner stated it was, because it was far enough away from an intersection and it was close to the Senior Center on North Main.

Mayor Ken Hampton asked Comptroller Will Black if the price of the crosswalk would impede any of the street projects. Black stated that it would not; the crosswalk price has been in the street projects estimate. The Mayor asked Council for members who were in favor of the crosswalk, and where Council would like it as a priority.

Councilperson Mike Kanaga wanted to know why the City had to do an engineering study every time they wanted to put in traffic improvements. Kanaga asked if it was because the City was trying to get State funding. Director of Governmental Services Carol Neugent stated there are strict warrants that have to be followed when considering traffic improvements to show that they are warranted. Neugent advised that this particular crosswalk would probably not meet State funding because it does not meet the typical warrant standards. Neugent stated the crosswalk would be warranted because of the senior population it would be serving, but there are requirements for traffic improvements.

Councilperson Steve Crum stated he is also frustrated that an engineering study has to be done. Crum advised he would like the crosswalk to be done soon.

Councilperson Rob Wilkerson stated that he also feels the crosswalk should be top priority.

Councilperson Keith Pierce stated he also feels the crosswalk should move forward, and a study should be initiated now. Pierce advised, even if the study shows the crosswalk is not warranted, Council should be able to make the decision.

Director of Governmental Services Carol Neugent stated the City engineers had already taken a look at the crosswalk not too long ago so it should be an easy thing to take care of.

Motion by Crum – Second by Wilkerson

I'll go ahead and make a motion that we go ahead with the study for the crosswalk for the Senior Center.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

Mayor Ken Hampton presented Consideration of Parking Lot Improvements for Remodel.

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Director of Governmental Services Carol Neugent distributed revised street schedule handouts to Council. Neugent advised they renegotiated some items with the contractor and were able to do a deduction to the Phase 1 and 1A construction. Neugent stated that by staying under the \$1.5 million budget the City would only be able to build a portion of the parking lot. Neugent said staff felt that was not a good solution, so Director of Public Works Randy Dorner prepared a cost sheet showing the cost to build the entire parking lot. Neugent referred to the cost sheet in the Council packet stating it would be \$155,235 for the entire parking lot to have concrete, and it would be \$90,318 for asphalt. Neugent advised the totals on the sheet would be all for asphalt because concrete got too expensive. Neugent stated there was some money left in the \$1.5 million budget but not enough for the entire parking lot. Neugent requested authorization for the remaining money to come out of Capital Improvements to finish the parking lot. Neugent reported there were four options to choose from but the staff preference would be "Lot plus Flowable Fill". Neugent stated Comptroller Will Black had shown on the handout how the amount that would be taken out of Capital Improvements would affect the street schedule.

Public Works Director Randy Dorner advised that the flowable fill is made of one sack of cement per yard where as concrete is made of six sacks of cement per yard. Dorner stated the contractors would build a twelve foot deep hole to put the pillars in for the awning. Dorner advised they would then put flowable fill around the pillars so it would compact and seal the pillars. Dorner explained that the use of flowable fill instead of dirt reduces settling in the sidewalk because after four days it sets up and doesn't shrink. Dorner stated Public Works had been using flowable fill for the last ten years for roads with deep sewers. Dorner stated on the parking lot prices presented to Council he used current pricing and pricing on previous jobs for a good comparison. Dorner explained the lighting would also be the same as in the Historic District.

Councilperson Steve Crum asked Comptroller Will Black if the adjustment in the street schedule would only be a few months difference if Council approved the parking lot improvements. Black advised it would, and it would still be in the same calendar year.

Councilperson Michael Conrady asked if the figures were based off the \$100,000 sales tax. Comptroller Will Black stated it was, with \$50,000 going to Capital Improvements every month. Conrady asked Black if the system was working well now. Black stated this month the City received \$122,000, which if it were to be split in half the City would still be meeting the estimates. Conrady asked if the parking lot was not part of the original \$1.5 million budget. Director of Governmental Services Carol Neugent advised it was but it had become more expensive than the City had hoped.

Director of Public Works Randy Dorner advised of a correction on the proposed cost sheet in the Council packet. Dorner stated the sheet had sod listed when in fact they would be planting grass. Dorner said sod would have been too expensive and the time of year was right to plant grass.

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Councilperson Steve Crum asked if the parking lot remodel would be following the City's landscaping plan. Director of Public Works Randy Dornier stated it would.

Motion by Crum – Second by Slocum

I'll go ahead and make a motion that we go ahead, so we can finish the parking lot on the new building, with the lot flowable fill for \$142,993 with \$78,593 to be paid from Capital Improvements.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

There was no old business.

Mayor Ken Hampton asked for Department Reports.

City Clerk Beverly Rodgers had nothing to report.

Director of Governmental Services Carol Neugent had nothing to report.

Police Chief Mike McElroy had nothing to report.

The Public Works Activity Report for February was presented. Director of Public Works Randy Dornier stated earlier in the day he had received a call from Westar Energy regarding a tree trimming project they would be starting as early as the following week. Dornier explained Westar would be contracting Asplundh out to do the trimming. Dornier distributed maps and handouts to Council from Westar explaining the map indicated where they would be trimming trees. Dornier advised the handouts would be given to each resident who would be getting their trees trimmed. Dornier stated if any residents were to have questions or concerns they could call and speak to an Arborist at 316-216-6581. Dornier advised the last trimming project Westar did was about five years ago. Dornier stated Westar would be starting the project because they received several complaints about trees causing power outages.

Councilperson Steve Crum asked Director of Public Works Randy Dornier if Westar had the right to trim anyone's trees. Dornier stated if the trees were in conflict with their line then Westar had the right according to a certain statute. Dornier stated the representative from Westar would be giving him a copy of the statute but he did not have it then. Crum asked if a citizen had a concern could they speak to the Utilities Commission or someone else besides Westar. Dornier advised he would get the statute to distribute to Council. Crum stated he felt that when they trim trees it doesn't look good and they don't know what they're doing. Crum asked if a citizen had a legal right to tell them not to trim their trees. City Attorney Alison McKenny-Brown advised they did not, unless they went beyond their scope of authority; state law gives utility companies the right to protect their lines. Brown stated when the greater good is considered, power wins over trees.

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Councilperson Keith Pierce asked Director of Public Works Randy Dorner what the fit test for the safety apparatus was on the Public Works Activity Report for February. Dorner stated they were masks to protect them if they entered a manhole. Pierce asked if the equipment was good and everything was okay on the test. Dorner advised it was.

The Recreation Activity Report for February was presented. Recreation Director Georgie Carter advised there would be no school on Friday, March 12, and the Haysville Activity Center would be holding an SOS Day. Carter stated the following week schools would be closed too and Spring Break Camp would be held. Carter advised pre registration was required for both events. Carter said on Sunday, March 28, the annual Easter Egg Hunt would be held in the Historic District at 3:00 p.m. which is free for children ten years old and younger.

There were no Appointments.

There were no Off Agenda Citizens To Be Heard.

Under Executive Session Mayor Ken Hampton asked for a motion to enter into an Executive Session for Attorney Client Privilege/Land Acquisition (Not to Exceed 30 Minutes).

Motion by Bradshaw – Second by Crum

Mr. Mayor I'd make a motion that we go into Executive Session for a time not to exceed 30 minutes for Client Privilege/Land Acquisition; persons to be included Council, Mayor, Attorney, Governmental Services, Public Works, and our Engineer.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

Council went into an Executive Session at 7:59 p.m. and reconvened the meeting at 8:29 p.m. Mayor Ken Hampton stated there would be no binding action to vote on.

Mayor Ken Hampton presented Bills to be Paid for the First Half of March.

Motion by Kanaga – Second by Ewert

Mr. Mayor I move that we pay bills for the first half of March.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

Mayor Ken Hampton presented the Council Items and asked for comments or new Council concerns. The Mayor stated he saw Councilperson Pat Ewert had a concern earlier in the week concerning a pot hole at East Grand and Baughman. The Mayor asked if the problem had been taken care of; Ewert advised it had.

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Councilperson Keith Pierce asked if Council would need to make a motion to specify charges and insurance for renting Home Town Market. Mayor Ken Hampton advised staff would look into it and bring it back to the next Council Meeting.

Councilperson Steve Crum asked Chief of Police Mike McElroy if officers would watch for a truck blocking an intersection at Alice and Baughman. McElroy advised they would. Crum advised he had seen on the news that the State was releasing \$3 million in stimulus money for energy efficient public buildings. Crum asked if the City would qualify for this with the remodel. Director of Governmental Services Carol Neugent stated the buildings would not be energy efficient certified, and the community does not qualify as a low income area. Neugent stated they would look again.

Councilperson Derrick Slocum suggested the City should pick up the Red Boxes and bring them to City Hall. Slocum stated when the company came to pick up items from the boxes we could hand them their letter. City Attorney Alison McKenny-Brown stated the City had been looking into charging the company with a nuisance violation. Brown stated if the company did not respond to the nuisance violation then the City would have the right to modify or rectify the situation. Brown stated they would still be looking into a wide variety of responses to the problem.

Mayor Ken Hampton presented for approval Adjournment.

Motion by Pierce – Second by Ewert

Mr. Mayor and Council I make the motion that adjourn tonight's meeting.

Pierce yea, Wilkerson yea, Crum yea, Bradshaw yea, Kanaga yea, Ewert yea, Slocum yea, Conrady yea.

Motion declared carried.

Meeting Adjourned at 8:35 p.m.

Beverly Rodgers, City Clerk