

The Special 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 taken by Recording Secretary Ginger Cullen: Benner here, Ewert here, Kessler here, Rardin here, Konkel here, Pierce here. Councilpersons Steve Crum and Mike Kanaga were not present.

Under Introduction of Ordinances and Resolutions, Mayor Bruce Armstrong presented AN ORDINANCE CONCERNING THE AMENDMENT OF CHAPTER 3, ARTICLE 1, AND CHAPTER 17 OF THE CITY CODE OF HAYSVILLE, KANSAS, IN CONNECTION WITH SPECIAL EVENT RETAILERS' PERMITS, ALL WITHIN THE CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS. Mayor Bruce Armstrong stated the ordinance had been updated with the words "AS APPROVED THROUGH THE SPECIAL EVENT PERMIT APPLICATION PROCESS" to reflect concerns raised during discussion at the September 8th, 2014 City Council meeting. Mayor Armstrong also advised the Special Event Permit Application was updated to include additional requirements, including submittal of a site map with proposed boundaries, ingress and egress, restriction of access to juveniles and security.

Motion by Konkel – Second by Rardin

I would move that we rearrange our agenda and add Item 2 to be hearing from citizens on this specific topic.

Benner yea, Ewert yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

Mayor asked for additional comment from Council and stated citizens in the audience would have the opportunity to speak afterward. No one from the audience indicated a desire to speak. Councilperson Bob Rardin asked if, in regards to the Haysville Fall Festival, the area east of Riggs Park would be utilized for the tractor pull. Mayor Bruce Armstrong answered in the affirmative. Rardin stated he does not object to having a beer garden at the Fall Festival, but he is uncomfortable with said garden being located within the park around children and families. Rardin stated his only other concern was regarding fencing requirements. Mayor Armstrong stated the proposed application process would allow for Council to deny a permit if Council was not satisfied with the proposed fencing or other elements of the proposed event application. Mayor Armstrong stated the ordinance is general in nature, while the application details specific requirements.

Councilperson Keith Pierce stated he did not think an ordinance could be written on this issue that would satisfy everyone involved but he was content with the ordinance as presented, except for typos he noticed. He stated fluidity and flexibility were necessary as every event would likely differ.

Councilperson Seth Konkel stated verbiage relating to listing the City as additional insured differed between the ordinance and the application. The application states applicants "shall" be required to list the City as additional insured, whereas the ordinance

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states the applicants “may” be required to list the City as additional insured. Konkel asked what exactly requires an applicant to carry additional insurance for the City. City Attorney Alison McKenney-Brown advised the insurance requirements would only be in effect if the proposed event were held on City property. Konkel stated the wording should be the same on both documents, for clarity and consistency’s sake. Mayor Armstrong advised making that change to the ordinance would be acceptable.

Councilperson Daniel Benner expressed concern over the potential appearance of discrimination by the City if one applicant were approved and another was denied. City Attorney Alison McKenney-Brown advised most decisions made by a governing body are discretionary, and Council is not required to approve a special event permit. McKenney-Brown stated the cereal malt beverage permit is separate from the special event permit and state statute allows Council to decide if they are going to approve a special event. She advised Council is protected under the Tort Claims Act to make discretionary decisions as a governing body.

Councilperson Bob Rardin clarified that if an ordinance is passed and turns out to not be in the best interest of the City, it could be repealed or amended. Mayor Bruce Armstrong agreed, stating the application could be changed, the process could be changed, or the permit could be done away with entirely. Councilperson Russ Kessler stated he agreed with Councilperson Pierce’s stance that flexibility was necessary.

Councilperson Seth Konkel asked if staff was charged with verifying applicant adherence to their approved site plan. Chief Administrative Officer Will Black stated their locations would be checked by staff. Mayor Bruce Armstrong stated the Inspection Officer would be responsible for ensuring compliance.

Motion by Konkel – Second by Kessler

I make a motion, for purposes of furthering our discussion, that we approve AN ORDINANCE CONCERNING THE AMENDMENT OF CHAPTER 3, ARTICLE 1, AND CHAPTER 17 OF THE CITY CODE OF HAYSVILLE, KANSAS, IN CONNECTION WITH SPECIAL EVENT RETAILERS’ PERMITS, ALL WITHIN THE CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS with changing the fourth word of section 3-109 (f)(5) to “shall” instead of “may”.

During discussion, Councilperson Keith Pierce requested an amendment to the motion to include the capitalization of the phrase “Governing Body” where it appears on page 315 in addition to changing Haysville Times to Haysville Sun Times where it appears in SECTION 5 of the proposed ordinance. Councilperson Seth Konkel accepted the proposed amendments to his motion. Councilperson Russ Kessler advised he maintained his second. Mayor Bruce Armstrong restated the motion and called for other discussion. Seeing no other discussion, the question was called.

Benner yea, Ewert yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.
Motion declared carried.

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Mayor Bruce Armstrong presented for approval Adjournment.

Motion by Pierce-Second by Rardin

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

Benner yea, Ewert yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

The Special Council Meeting adjourned at 7:19 p.m.

Janie Cox, City Clerk

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