

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 taken by Recording Secretary Ginger Cullen: Crum here, Benner here, Ewert here, Kanaga here, Kessler here, Rardin here, Konkel here, Pierce here.

Invocation was given by Pastor Elizabeth Cummings of Resurrection Letheran Church.

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

Under Presentation and Approval of Minutes, Mayor Bruce Armstrong presented for approval the Minutes of December 29th, 2014.

Motion by Konkel – Second by Rardin

I move that we approve the minutes for the December 29th, 2014 meeting.

Crum yea, Benner yea, Ewert abstain, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

There were no Citizens to be Heard.

Under Approval of Licenses and Bonds, Mayor Bruce Armstrong presented Cereal Malt Beverage License for KC’s Too Bar & Grill, 7504 S. Broadway.

Motion by Konkel – Second by Pierce

I move that we approve the Cereal Malt Beverage License for KC’s Too Bar & Grill at 7504 S. Broadway.

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

Motion declared carried.

Under Ordinances and Resolutions Mayor Bruce Armstrong presented AN ORDINANCE CONCERNING ADOPTION OF THE HAYSVILLE MUNICIPAL ZONING AND PLANNING CODE, JANUARY, 2015 EDITION, WITHIN THE CORPORATE LIMITS OF THE CITY OF HAYSVILLE, KANSAS; INCORPORATING IN ITS ENTIRETY BY REFERENCE THE “HAYSVILLE MUNICIPAL ZONING AND PLANNING CODE, JANUARY, 2015 EDITION’ , IN CONFORMANCE WITH K.S.A. 12-3001 ET SEQ; REPEALING THE ADOPTION OF THE PREVIOUS EDITION OF THE “HAYSVILLE MUNICIPAL ZONING AND PLANNING CODE” , ESTABLISHING OFFICIAL PUBLICATION OF THE HAYSVILLE MUNICIPAL ZONING AND PLANNING CODE IN LOOSE-LEAF BOOK FORM, INCORPORATED BY CHAPTER 16A, OF THE CITY CODE OF HAYSVILLE, KANSAS, ALL WITHIN THE CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS. Planning Coordinator Zach McHatton presented a Powerpoint regarding the Zoning Code and its purpose and providing additional information about items Council raised concerns with previously. McHatton advised that an all-weather

Regular Council Meeting

January 12, 2015

Page 2

surface in Haysville is currently defined as “sand, gravel, chat or other similar surface free of vegetation, properly drained and capable of supporting vehicles, equipment, and/or traffic for the designated use.” He stated PEC does not have residential standards, nor does the unified building code, so the definition in the Zoning Code is what is followed. McHatton gave examples of scenarios that are allowed under the current code. McHatton stated that in regards to all-weather surface requirements and accessibility by the fire department, Sedgwick County passed a resolution requiring non-incorporated areas to have a bare minimum of four inches of compacted rock the width of the service drive, which is defined as a drive that enters the lot. McHatton advised this requirement is in place to bear the weight of the fire trucks, up to 46,000 pounds. McHatton stated the proposed standards for the Haysville Zoning Code’s definition of an all-weather surface are minimal. He advised they are less stringent than those of Valley Center and Park City, cities which are demographically similar to Haysville. McHatton stated Park City has restricted RV parking in front yards altogether, except for grandfathered vehicles who register and pay a \$50 annual fee. In addition, Park City limits the parking of recreational vehicles in side and rear yards to two vehicles, while proposed changes in Haysville’s Zoning Code would allow for four vehicles to be parked in side and rear yards. McHatton stated Park City’s requirements for all-weather surfaces is four inches of compacted rock with a border required where necessary. McHatton advised the Planning Commission thought off-street parking in the three types of easements (access, drainage, and utility easements) were covered under subdivision regulations. McHatton advised that of the three types of easements, access easements and drainage easements were covered under subdivision regulations, which supersede the Zoning Code. The use of utility easements for off-street parking is prohibited by the franchise agreements between the City and said utility companies. McHatton stated the franchise agreement with Westar Energy states that the building of permanent structures or installation of concrete on a utility easement is prohibited. McHatton stated Westar representative Lee Salisbury advised all-weather surfaces such as crushed rock are acceptable although keeping the utility easement clear of any impediments is preferred. McHatton advised that approximately 10 to 20 per cent of Haysville residences have properties with double easements. McHatton doubted many of those properties would need to utilize side yard parking. Regarding off street parking in street right of way or easements, McHatton advised the proposed change would read “no off-street parking would be permitted in front yards, other than in established hard surface driveways. Off-street parking in back and side yards shall be permitted on an all-weather surface. Off-street parking access path shall be an all-weather surface the width of the vehicle and shall extend from the accessory off-street parking to the hard surface driveway or easement. All off street parking shall not infringe on any road, road right of way, or easement.” McHatton reviewed off-street parking screening requirements and limits to off-street parking. McHatton advised an exception to the limit of off-street parking would be made on passenger vehicles where property owners prove operation and use. He stated garage parking, front driveway, and on-street parking would not count toward the two passenger vehicle limit. Regarding recreational vehicles, McHatton advised the Zoning Code would allow for property owners to have one of each of the following: boat, camper, RV,

Regular Council Meeting

January 12, 2015

Page 3

cargo trailer, and registered trailer. McHatton showed photographs of RV parking which would be disallowed under the proposed Zoning Code.

Councilperson Keith Pierce asked how safety is compromised by inadequate development standards. McHatton gave the example of a fire truck needing to access an accessory structure behind your home. If your pathway was not of at least four inches of crushed rock, the fire truck may not be able to access the structure. McHatton also gave the example of a car pulling into a side drive that was improperly screened from its neighbor's yard and a child being hit in consequence. Pierce asked how many places in Haysville would have the need of a fire truck in their back yard rather than just using a hydrant and hose. McHatton was unsure. Pierce stated the thought process behind the Sedgwick County resolution should be considered. Pierce stated he did not disagree with the changes being considered which would require the installation of an all-weather surface path from a residents' front yard to rear parking. He stated he could not agree with changing the long standing definition of what qualifies as an all-weather surface though. Pierce stated it had been this way for years, there is no recommended federal or state standard and although municipalities have created their own standards, he feels the problem would be with enforcement and the application of an all-weather surface and or screening. He stated the cost impact for some citizens is too much to ask for.

Councilperson Steve Crum asked if any type of grandfathering-in of properties has been discussed. Planning Coordinator Zach McHatton stated if a property is compliant with current standards they would be grandfathered in and not be required to adhere to the new all-weather surface standards. McHatton stated if a resident had rear parking but had no all-weather surface path to the rear parking area, they would not be grandfathered in. He stated as an example if a property's all-weather surface was to weather away so as to be non-conforming, the property owner would then be non-compliant and be required to come to current standards. Crum asked, regarding the first photo of McHatton's presentation, what screening would be required. McHatton advised from the front of the home backward to the side and rear yard, which would serve to screen the rear or side outdoor parking from view. Crum stated with respect to double easements he was concerned that the home owners which would be affected may not know they have options. McHatton advised the easement access issue is addressed in subdivision regulations, which state that drainage easements shall remain at established grades, or as modified with the approval of the City and/or County Engineer.

Councilperson Mike Kanaga stated his problem was with the additional burden of the new requirements on homeowners. Kanaga stated he doesn't feel that the solution to the previous lack of enforcement is to make stiffer regulations. He stated he would like to see the current standards enforced rather than making new standards. Mayor Bruce Armstrong stated the City is enforcing current standards, but the current standards are such that they require a lot of time from code enforcement. The stricter standards would need less follow-up from code enforcement as it would be more permanent.

Regular Council Meeting

January 12, 2015

Page 4

Councilperson Bob Rardin asked City Attorney Alison McKenney-Brown if the wording of the codes would stand up in court. McKenney-Brown stated McHatton made sure to clarify wording so it will be understandable to the layperson.

Councilperson Steve Crum asked, when considering a rental property, whether the homeowner or resident would be responsible for a violation. Public Works Director Randy Dorner advised the policy is to first hang a door hanger to notify the resident, then, if the violation is not corrected a registered letter is sent to the address and to the address of the owner of record. Crum asked if the code passed tonight when it would take effect. City Attorney Alison McKenney-Brown stated the ordinance goes into effect the day after publication, so if it were published Thursday, it would be effective Friday. Regarding grandfathering, Crum asked if someone had a sand path with grass growing out of it, would they be grandfathered or not. Planning Coordinator Zach McHatton stated they would technically be in violation of the current code until the vegetation was removed, but would be grandfathered until the sand were to wear away and expose the ground beneath, which is the current standard. He stated they would have to come into compliance with the new regulations at that time.

Councilperson Russ Kessler asked for clarification on the off-street parking limits.

Councilperson Seth Konkel asked for the definition of screening. Planning Coordinator Zach McHatton stated screening was something which obscures from sight that which is behind it. He stated the only chain link fencing which would qualify is that which has slats. McHatton stated screening is “fencing, evergreen vegetation, or landscaped earth berms maintained for the purpose of concealing from view the area behind.” Konkel asked if the City was satisfied with that definition, as trees trunks do not offer much screening from view. McHatton clarified the acceptable trees are evergreen, meaning they would obscure from the ground up all year around.

Councilperson Russ Kessler asked if there was something in the ordinance about grandfathering properties. Planning Coordinator Zach McHatton stated there are clauses in the ordinance which address legal non-conforming properties. City Attorney Alison McKenney-Brown suggested for the best enforcement purposes that the ability to grandfather be spelled out in the motion.

Councilperson Keith Pierce, after reading the Planning Commission notes, asked if Planning Commission specifically discussed grandfathering. He also asked if an all-weather surface pathway to the backyard using the current standard was discussed, or if the only pathway discussed used the proposed definition of an all-weather surface. McHatton advised grandfathering was discussed at earlier meetings and a pathway using the current definition of an all-weather surface, rather than the new definition, was not discussed as they were already considered inadequate.

Regular Council Meeting

January 12, 2015

Page 5

Councilperson Steve Crum asked if people would have to register to have their properties grandfathered. Mayor Bruce Armstrong stated people would have to be given the benefit of the doubt when reporting that a condition was pre-existing.

Councilperson Seth Konkel stated his support for grandfathering in pre-existing conditions, although he was unsure what conditions were being grandfathered in. Mayor Bruce Armstrong stated anything that meets present codes would be grandfathered.

Motion by Konkel – Second by Kessler

So for the purpose of moving forward with this discussion I am going to move that we approve AN ORDINANCE CONCERNING ADOPTION OF THE HAYSVILLE MUNICIPAL ZONING AND PLANNING CODE, JANUARY, 2015 EDITION, WITHIN THE CORPORATE LIMITS OF THE CITY OF HAYSVILLE, KANSAS; INCORPORATING IN ITS ENTIRETY BY REFERENCE THE “HAYSVILLE MUNICIPAL ZONING AND PLANNING CODE, JANUARY, 2015 EDITION” , IN CONFORMANCE WITH K.S.A. 12-3001 ET SEQ; REPEALING THE ADOPTION OF THE PREVIOUS EDITION OF THE “HAYSVILLE MUNICIPAL ZONING AND PLANNING CODE” , ESTABLISHING OFFICIAL PUBLICATION OF THE HAYSVILLE MUNICIPAL ZONING AND PLANNING CODE IN LOOSE-LEAF BOOK FORM, INCORPORATED BY CHAPTER 16A, OF THE CITY CODE OF HAYSVILLE, KANSAS, ALL WITHIN THE CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS. Properties with conditions in existence on January 15, 2015, in compliance with the regulations in existence on January 1, 2015, shall continue to be deemed lawful if maintained in conformance with such regulations.

Crum yea, Benner yea, Ewert yea, Kanaga nay, Kessler yea, Rardin yea, Konkel yea, Pierce nay. City Attorney Alison McKenney-Brown advised that Mayor Bruce Armstrong had a vote as well. Armstrong yea.

Motion declared carried.

Under Notices and Communications, Mayor Bruce Armstrong asked for Governing Body Announcements. Councilperson Pat Ewert advised of upcoming events at the senior center. Councilperson Steve Crum advised of upcoming events at the library. In addition, Crum gave details of a trial program at the library called mifi, where citizens can check out a wireless hot-spot for 5 days.

Under Notices and Communications, Mayor Bruce Armstrong presented a Memo to Council Regarding New Businesses, a Letter from Cox Communications Regarding Rate Changes and a Letter from Cox Communications Regarding KAKE Channels.

There was no Old Business.

There was no Other Business.

Mayor Bruce Armstrong asked for Department Reports.

Regular Council Meeting

January 12, 2015

Page 6

Chief Administrative Officer Will Black had nothing to report.

City Clerk Janie Cox stated City offices would be closed on January 19th for Martin Luther King Jr. Day.

Police Chief Jeff Whitfield stated the visiting officer was Officer Darren Robertson.

Public Works Director Randy Dorner advised Christmas trees could be dropped off in the parking lot north of Public Works for recycling until January 24th.

Recreation Director Georgie Carter advised of multiple upcoming events at the Haysville Activity Center.

Under Appointments, Mayor Bruce Armstrong presented for appointment Municipal Judge Greg Keith.

Motion by Konkel – Second by Pierce

I move that we allow you to appoint as Municipal Judge Greg Keith

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

Motion declared carried.

Under Appointments, Mayor Bruce Armstrong presented for appointment City Attorney Alison McKenney-Brown.

Motion by Konkel – Second by Pierce

Mr. Mayor, I move that we allow you to appoint Alison McKenney-Brown as City Attorney.

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

Motion declared carried.

Under Appointments, Mayor Bruce Armstrong presented for appointment Chief Administrative Officer Will Black.

Motion by Konkel – Second by Pierce

Mr. Mayor, I move that we allow you to appoint as Chief Administrative Officer Will Black.

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

Motion declared carried.

Under Appointments, Mayor Bruce Armstrong presented for appointment City Clerk/Treasurer Janie Cox.

Regular Council Meeting

January 12, 2015

Page 7

Motion by Konkel – Second by Pierce

Mr. Mayor, I move that we allow you to appoint the City Clerk/Treasurer as Janie Cox.

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

Motion declared carried.

Under Appointments, Mayor Bruce Armstrong presented for appointment Chief of Police Jeff Whitfield.

Motion by Crum – Second by Ewert

Mr. Mayor, I'll make a motion that we allow you to appoint Jeff Whitfield as Police Chief.

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

Motion declared carried.

Under Appointments, Mayor Bruce Armstrong presented for appointment Public Works Director Randy Dorner.

Motion by Crum – Second by Ewert

Mr. Mayor, I'll make a motion that we allow you to appoint Randy Dorner as Public Works Director.

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

Motion declared carried.

Under Appointments, Mayor Bruce Armstrong presented for appointment Recreation Director Georgie Carter.

Motion by Crum – Second by Ewert

Mr. Mayor, I'll make a motion that we allow you to appoint Georgie Carter as the Recreation Director.

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

Motion declared carried.

Under Appointments, Mayor Bruce Armstrong presented Nancy Harris, 302 S. Ranger for Reappointment to the Historic Committee for a three year term.

Motion by Crum – Second by Ewert

Mr. Mayor, I'll make a motion that we allow you to appoint Nancy Harris, 302 South Ranger for a Reappointment to the Historic Committee for a three year term.

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

Motion declared carried.

Regular Council Meeting

January 12, 2015

Page 8

Mayor Bruce Armstrong advised there is a vacancy on the Historic Committee. Councilperson Steve Crum asked if a candidate has to live in the city limits or if they can be from the area of influence. Mayor Armstrong advised that currently they have to live in the city limits, but that may be changing in the future. Councilperson Keith Pierce asked when the Historic Committee meets. Recreation Director Georgie Carter advised they meet on the third Tuesday of the month at 5:30 at City Hall.

There were no Off Agenda Citizens to be Heard.

There was no Executive Session.

Under Bills to be Paid, Mayor Bruce Armstrong presented the Bills to be Paid for the First Half of January.

Motion by Ewert-Second by Pierce

I make a motion that we pay the first half of January bills.

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

Motion declared carried.

There was nothing under the Consent Agenda.

Under Council Items, Mayor Bruce Armstrong asked for Council Concerns. Councilperson Russ Kessler advised there is a section of new antique lighting on East Grand that are on during the day and another section that is off at night. Public Works Director Randy Dorner stated they were aware of the problem and the city electrician was working on correcting it.

Councilperson Steve Crum stated the green telephone boxes at Sarah Lane and Main St. and in front of Intrust Bank are in disrepair. Public Works Director Randy Dorner advised they are the responsibility of Southwestern Bell, who has been notified about their condition. Mayor Bruce Armstrong stated he will escalate the issue if it is not rectified. Crum asked when the sidewalk on Sarah Lane would be constructed. Mayor Armstrong advised in 2015. Crum encouraged his fellow councilmembers to participate in the Haysville Healthy Habits Community Coalition.

Councilperson Crum stated Public Works Director Randy Dorner took him on a tour of projects over Christmas break. Crum encouraged other councilmembers to do so as well in order to see for themselves the progress that is being made.

Councilperson Pat Ewert reported the fire hydrant at Hale and Hollywood was skewed as though someone crashed into it and it has been that way for about a year. Public Works Director Randy Dorner stated hydrants are City responsibility and he would have the water department check on it.

Regular Council Meeting

January 12, 2015

Page 9

There were no Council Action Request Updates.

Mayor Bruce Armstrong presented for approval Adjournment.

Motion by Pierce-Second by Rardin

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

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

Motion declared carried.

The Regular Council Meeting adjourned at 8:22 p.m.

Janie Cox, City Clerk

[Click to
Return to
Agenda](#)